

**Perry Township Board of Trustees**

**Regular Meeting**

**July 9, 2019 6:00 pm**

**Call to Order/ Pledge of Allegiance:**

**Excused absence:** Zoning Inspector, Tim Cugini

**Additions/Deletions to Agenda:**

Trustee DeChiara indicated that he would like to add an Executive Session to the Agenda this evening to discuss the Doctors Hospital property.

Trustee DeChiara made a motion to add an Executive Session to discuss the Doctors Hospital property under the allowable ORC; Seconded by Trustee Chessler.

ROLL CALL: Mr. Chessler, yes. Mr. DeChiara, yes. Mr. Haines, yes.

**Public Hearings/Invited Guests:**

**Communications:**

**Public Speaks on items up for Board Approval:** None.

**Township Business requiring Board Action:** None.

**Unfinished Business:**

**New Business:**

Trustee Chessler made a motion to approve bills and payroll in the amount of \$355,296.27 for the week ending June 25, 2019 and bills in the amount of \$59,707.62 for the week ending July 2, 2019 and bills and payroll in the amount of \$325,416.18 for a combined total of \$740,420.25; Seconded by Trustee Haines.

ROLL CALL: Mr. Chessler, yes. Mr. DeChiara, yes. Mr. Haines, yes.

**Fiscal Officer:**

**Administration:**

**Consider Annual OTARMA Renewal**

Trustee Chessler indicated that the Administrator has provided the Board with a written memo of July 3, 2019 and it outlines the terms for renewal of our Township liability coverage with OTARMA.

Trustee Chessler indicated that the premium quoted is \$166,457.00; there is an additional \$1,052.00 because of the recommendation of our township lawyer to increase our liability to 7 million which totals an amount due of \$167,609.00; Trustee Chessler made a motion that the Board renew our total coverage under the terms that have been outlined and presented and authorize the payment premium in that amount of \$167,609.00; Seconded by Trustee Haines.

ROLL CALL: Mr. Chessler, yes. Mr. DeChiara, yes. Mr. Haines, yes.

### **Consider Electric Aggregation Contract with Dynegy Energy Services**

Trustee Chessler indicated that another matter that the Board is under a time restraint to consider is our electric aggregation program as it effects customers of Ohio Energy or First Energy and we have hired Independent Energy Consultants (IEC) to guide us through the process.

Trustee Chessler stated that he had the opportunity to meet with Andrew Burns of IEC a few weeks ago and he provided detailed information regarding this matter. Mr. Burns indicated they have chosen Dynegy Energy as the energy supplier for the Township residents in the FirstEnergy/Ohio Edison service territory. More discussion took place regarding this matter.

Trustee Chessler made a motion that the Board adopt the Resolution that will authorize the Board to enter into an agreement with Dynegy Energy as the energy supplier, it will be a three-year term at fixed pricing as outlined in the information provided and further authorize the Law Director to renew and recommend approval of the contract and to enter into the contract; Seconded by Trustee DeChiara.

Trustee Chessler verified of Administrator Fetzer that Mr. Burns receive our confirmation information; Administrator Fetzer confirmed that she would relay that information.

ROLL CALL: Mr. Chessler, yes. Mr. DeChiara, yes. Mr. Haines, yes.

### **Consider Emergency Replacement of Air Conditioning Units**

Administrator Fetzer forwarded the Board an email dated July 4, 2019 regarding the consideration for emergency replacement of two (2) air conditioning units at the Township Administration building.

Administrator Fetzer indicated that Shanklin Heating & Air Conditioning installed two (2) Rheem Classic Series units; a 5-ton Rheem unit in the amount of \$5,117.55 and a 3-ton Rheem unit in the amount of \$3,806.10; Shanklin also removed the 1989 and the 2015 units which had three leaks in the coiling units. The quote to repair the coils was only \$300.00 less than replacing with new units; the warranty for these Rheem units is ten (10) years, parts and labor.

Trustee Chessler made a motion that based on the information that we have; the Board authorize the purchase and payment to Shanklin Heating and Air Conditioning for the two (2) Rheem air conditioning units at a cost not to exceed \$8,923.65; Seconded by Trustee Haines.

ROLL CALL: Mr. Chessler, yes. Mr. DeChiara, yes. Mr. Haines, yes.

### **Fire Department:**

#### **Consider Disposal of Self Contained Breathing Apparatus**

Fire Chief Martin stated that the Fire Department is requesting that the Board of Trustees authorize the disposal/donation of obsolete/damaged/expired self-contained breathing apparatus (SCBA) that is unable to be used for the purposes of combat structural firefighting. Disposal/donation of SCBA is acceptable under Ohio Revised Code 505.10 (7). Chief Martin indicated that the items will be donated to Stark State College Fire Science program. Stark State will be able to use the items for training of new firefighters. Activities in the fire science program are not considered structural firefighting.

Trustee Chessler made a motion that the Board, based on the information provided by the Fire Chief, determine that certain obsolete and expired self-contained breathing apparatus that are unable to be used for our Township purposes and are no longer needed for public use, be discarded or salvaged pursuant to Revised Code Section 505.10 and that the Chief take the steps necessary to donate these items to Stark State College Fire Science Program; Seconded by Trustee DeChiara.

ROLL CALL: Mr. Chessler, yes. Mr. DeChiara, yes. Mr. Haines, yes.

### **Police Department:**

#### **Consider 3.9 mills Police Levy Renewal for November Ballot**

Trustee Chessler referenced Board discussions regarding the funds from our 3.9 mill police levy due to expire this year. Fiscal Officer Schlegel indicated that tonight's Police Levy consideration should be listed as 3.49 mills. Trustee Chessler stated that the corrected version will have 3.49 mills on there. Trustee Chessler stated that he would also note that we ask, as we have to, the Auditor to estimate the revenue that we generate; this is based on the total Township inauguration of \$586,947,160.00, the revenue generated by this 3.49 mill levy would be \$1,767,721.00 and we will be asking the voters to renew that for a five (5) year period; Seconded by Trustee Haines.

An audience member asked a question regarding the police levy; Trustee Chessler stated that normally we would address this question in public speaks but indicated to please go ahead since the question was in regard to the police levy matter.

The audience member verified that this levy was asking for more money; Trustee Chessler replied no and explained that the money runs out at the end of the year and relayed that we are asking for a renewal for another five (5) years. Trustee Chessler stated that we are asking the Auditor to certify this now and upon approval, this will be a ballot measure for this upcoming November ballot.

ROLL CALL: Mr. Chessler, yes. Mr. DeChiara, yes. Mr. Haines, yes.

### **Road and Park Department:**

#### **Consider 1.0 mill Road Levy Renewal for November Ballot**

Trustee Chessler stated that similarly, we have asked the Auditor to calculate for us the approximate amount of tax revenue generated by renewing a one (1.0) mill road levy that would be for the November ballot; this is based on approximately the same amount of total valuations; one (1.0) mill would generate \$509,085.00 in continued funding for the Road Department for a five (5) year period; we have a similar resolution prepared by the Law Director.

Trustee Chessler made a motion that the Board approve that renewal for a five (5) year period to be placed on the ballot in November; Seconded by Trustee DeChiara.

ROLL CALL: Mr. Chessler, yes. Mr. DeChiara, yes. Mr. Haines, yes.

#### **Consider Purchase of 2019 Ford F250 4x4 Pickup**

Trustee Chessler stated that the Board received a request from the Road Superintendent for the Board to consider quotes for a new park truck. Trustee Chessler indicated that there are two (2) quotes, one from Waikem Ford and the other one from Liberty Ford. Trustee Chessler confirmed that Mr. Masalko has reviewed this with the Law Director and their recommendation is the Waikem Ford quote in the amount of \$27,949.00. Law Director Hall indicated that this complies with the State Purchasing Bid.

Trustee Chessler made a motion that based on the information presented and the review of the Law Director and the recommendation of the Road Superintendent that the Board authorize the purchase for the Road Department, for park use, a 2019 Ford F-250 4x4 Regular Cab with Waikem Auto Family at a cost not to exceed \$27,949.00; Seconded by Trustee Haines.

ROLL CALL: Mr. Chessler, yes. Mr. DeChiara, yes. Mr. Haines, yes.

#### **Law Director:**

#### **Consider Police/Fire Union Mechanics Resolution**

Trustee Chessler stated that he would defer to Law Director Hall regarding this next Agenda item.

Law Director Hall indicated that back in March, with the recommendation of the Police Chief and Fire Chief, the Board made a joint petition with the AFL-CIO to add the two (2) police and fire mechanic employees into the current union contract; this was approved by SERB on April 1, 2019. Mr. Hall stated that the Board received a request from union representative, Steve Pickard to move this matter forward. Law Director Hall relayed that it was agreed that these two men would go under the mechanics pay as set forth in the contract and their new pay rate will go into effect commencing July 5, 2019. Mr. Hall stated that this Resolution, attached before the Board, is this recommendation and authorizes Fiscal Officer Schlegel to increase the pay rate to comply with the contract.

Trustee DeChiara inquired of Road Superintendent Masalko if the Road Department mechanics did any plowing during emergency snow situations; Mr. Masalko confirmed that they did. Trustee DeChiara indicated that he felt that since the police and fire mechanics would be receiving the same pay rate as the road mechanics, they should all be trained the same, as well as being able to be utilized for snow removal when needed. Trustee Haines indicated that the police and fire mechanics already do snow and ice control with their utility truck at the Administration, Fire and Police Department parking lots. More discussion took place regarding the police and fire mechanics requirement of CDL licensure; Law Director Hall gave a brief explanation regarding the CDL license requirement and indicated that this would not apply to these two gentlemen.

Trustee Chessler made a motion that the Board adopt the resolution to establish that the employees currently employed in the job classification of police mechanic and fire mechanic shall receive compensation and benefits as previously negotiated in the current Collective Bargaining Agreement with

the Ohio Council 8 of ASHME in the Perry Township organized workers, effective with the start of the July 5, 2019 pay period; Seconded by Trustee Haines.

ROLL CALL: Mr. Chessler, yes. Mr. DeChiara, yes. Mr. Haines, yes.

**Department Matters Not Requiring Board Action:**

**Administration:** None.

**Fire Department:** None.

**Police Department:** None.

**Road Department:** None.

**Parks/Recycling:** None.

**Zoning:** None.

**Law Director:** None.

**Announcements:**

~Notice from Ohio Division of Liquor Control request for transfer of liquor license to LA Abejita Michocana, Paleteria Y Nev Ltd A Partnership DbA Abejita & Patio 3242 Lincoln Way E., Perry Twp., Massillon, Ohio 44646 from Media Luna LLC DbA La Media Luna & Patio 3242 Lincoln Way E., Perry Twp., Massillon, Ohio 44646 – Responses must be postmarked no later than 07/18/19 – Reference Code: BTRFO 4957231

**Public Speaks-Open Forum:**

Richard Morrison, 1449 Fairlane Avenue – Mr. Morrison stated that he had a few matters he would like to address; the first one in regard to when Fairlane would be repaved. Trustee Chessler gave a brief explanation regarding the process of paving each year in establishing a list of the roads in most need of being repaved within the Township. Trustee Haines stated that the Board has already approved all the road paving for this year but would certainly review this street when they start looking at that in March and April of next year.

Mr. Morrison had a question regarding warrants. Chief Pomesky gave explanation and also indicated that he could meet with Mr. Morrison after the meeting.

Mr. Morrison also inquired about a parking problem on 15<sup>th</sup> Street; Trustee Haines indicated that Chief Pomesky would have somebody review this to determine if they were parking legally or if they were too close to the intersection.

Dennis Curry, 3408 Roanoke St. – Mr. Curry stated that he had a concern regarding the recent flooding that took place and referenced a tree blocking the culvert near his home. Mr. Curry indicated that the Road Department took care of the tree removal this afternoon and wanted to find out what the proper process would be in reporting similar future emergencies such as this. Chief Pomesky stated that the

Police Department would respond to any such emergencies and they would then make contact with the proper departments for further response.

Mr. Curry also stated his concern regarding the homes being built in Jackson Township near his neighborhood and the tank that was built for sewer capabilities. Trustee Chessler indicated that Administrator Fetzer had compiled an information sheet that specified the management and other details regarding this tank and gave Mr. Curry a copy.

Mr. Curry also gave an update on the home improvements regarding a home next door, 3350 Roanoke, that caught fire several years ago.

**Executive Session(s):**

Trustee Haines made a motion that the Board adjourn into Executive Session under imminent litigation; Seconded by Trustee Chessler.

ROLL CALL: Mr. Chessler, yes. Mr. DeChiara, yes. Mr. Haines, yes.

The Board adjourned into Executive Session at: 6:48 pm

The Board adjourned from Executive Session at: 7:03 pm

**Zoning:**

**Consider Complaint for Injunction Perry Township vs. Canton Access, LLC**

Trustee Chessler indicated that the Law Director has prepared, for the Board's review, a draft complaint that will seek an injunction against not only Canton Access, LLC, the listed owner of the property where the former Doctors Hospital is, but also against Dr. Johnson, the sole member and real identity behind that. Trustee Chessler stated that we are going to file suit against these individuals to enforce our property maintenance code and zoning resolution/violations to try and get an order for this property to be demolished.

Trustee Chessler made a motion to authorize the Law Director to take all steps necessary to file an action on behalf of the Township; Seconded by Trustee DeChiara.

ROLL CALL: Mr. Chessler, yes. Mr. DeChiara, yes. Mr. Haines, yes.

**Adjournment:**

With nothing further to come before the Board, Trustee Chessler made a motion to adjourn the meeting at 7:05 pm; Seconded by Trustee DeChiara.

ROLL CALL: Mr. Chessler, yes. Mr. DeChiara, yes. Mr. Haines, yes.

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Craig Chessler, President

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Joe Schlegel, Fiscal Officer