

**Perry Township Board of Trustees**

**Regular Meeting**

**November 19, 2019 6:00 pm**

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

**Excused absence:** Joyce Fetzer – Township Administrator DFWP and HITWP Training

**Additions/Deletions to Agenda:**

**Public Hearings/Invited Guests:**

**Zoning Hearing: Case # PE 01-19**

**Applicant: William W. Caldwell, 127 Bordner Ave. SW; request to rezone an adjacent vacant lot**

**Currently Zoned: R-2 Single and Two-Family Residential**

**Requesting Zone Change To: B-2 Commercial**

**Stark County Regional Planning Recommended Denial**

**Perry Township Zone Commission Voted Unanimously to Approve**

**Zoning Hearing: Case # PE 02-19**

**Applicant: Alyssa Fabynick/ADCP LP, 5052 15<sup>th</sup> St. SW;**

**Currently Zoned: B-1 Office and Retail**

**Requesting Zone Change To: B-2 Commercial**

**Stark County Regional Planning Recommended Denial**

**Perry Township Zone Commission Voted Unanimously to Deny**

Trustee Chessler indicated that we had previously scheduled and provided notice of two zoning matters to come before the Board of Trustees tonight; Trustee Chessler gave a brief overview of the process by which a zoning commission case comes before the Board.

Trustee Chessler confirmed this first case, # PE 01-19, Applicant William Caldwell, and gave a brief review and history of this case; Trustee Chessler inquired of Mr. Caldwell if he would like to address the Board and make any comments in favor of the zone change.

William Caldwell, 127 Bordner Ave. SW – Mr. Caldwell stated that he has been parking his tractor trailer at his home since 1996 and has had no issues in doing so until recently. Mr. Caldwell gave a brief explanation regarding his application request and stated that he has made application for a zone change for his property that is currently zoned R-2 Single and Two-Family Residential to B-2 Commercial so that he can continue parking his truck at his home as he has been doing since the mid 1990's.

Trustee Chessler referenced the size of Mr. Caldwell's lot and the building requirements and indicated that even though this zone change request would make use of the property for parking, it probably would not support a structure; Zoning Inspector Cugini verified that was correct and added the minimum square footage is 20,000 square feet whereby Mr. Caldwell's lot is only 5,000 square feet. Mr. Caldwell indicated that his only intention was to be able to legally park his truck on his property as he has been doing for the last 20 years. More discussion took place regarding this zone change request.

Trustee Chessler asked if there was anyone in the audience that would like to speak in favor of the proposed zone change; seeing none, Trustee Chessler asked if there was anyone in the audience that would like to speak against the proposed zone change. Seeing none, Trustee Chessler asked if there were any additional comments by the Board.

Trustee Haines made a motion that the board approve and grant the approval for the zoning change; Seconded by Trustee Chessler.

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

Trustee Chessler stated that the recommendation of the Zoning Commission to approve this zone change has been approved. Mr. Caldwell stated his thanks.

Trustee Chessler indicated the second case # PE 02-19, Applicant Alyssa Faby Nick, and also gave a brief review and history of this case. Trustee Chessler inquired of Ms. Faby Nick if she would like to address the Board and make any comments in favor of the zone change.

Alyssa Faby Nick, 5052 15<sup>th</sup> St. SW – Ms. Faby Nick stated she is asking for the zone change because she owns the property adjacent to the above-stated property and gave a brief explanation; Ms. Faby Nick indicated that she has found documents that lead her to assume that the above-stated property was not zoned B-1 initially and when the building was constructed, it was built against what was approved. Ms. Faby Nick indicated that this property is currently being rented but would like to ultimately move her current warehouse to this location.

Trustee Chessler verified that this current B-1 Office and Retail is not outlined for storage and equipment; Zoning Inspector Cugini confirmed that was correct but relayed that it has been used for this since it was built in 1991. Law Director Hall also verified that was correct and gave additional explanation regarding this matter. More discussion took place regarding this zone change request.

Trustee Chessler asked if there was anyone in the audience that would like to speak in favor of the proposed zone change; seeing none, Trustee Chessler asked if there was anyone in the audience that would like to speak against the proposed zone change.

Marla King, 5044 15<sup>th</sup> St. SW – Ms. King indicated that she lives next door to the above-stated property and gave a detailed explanation regarding the noise issues that arise on a regular basis.

Trustee Chessler made a motion that the Board allow the zone change from B-1 to B-2. Trustee Haines stated that he did not feel right seconding the vote and relayed that this would then indicate that the motion not be approved. Law Director Hall stated that the motion would have to be withdrawn. Trustee Chessler stated that he would note that there is a motion made that dies from lack of second.

Trustee Haines made a motion to follow the Regional Planning and the Zoning Commission; Seconded by Trustee DeChiara.

ROLL CALL: Mr. Chessler, no. Mr. DeChiara, yes. Mr. Haines, yes.

Trustee Chessler stated that the recommendation of the Zoning Commission is passed; that means the zoning will remain as B-1.

**Communications:**

**Correspondence from Matt Takacs Concern of Semi-Trucks on Kemary**

Trustee Haines read aloud a letter dated 11-13-19 from Matt Takacs, a resident on Kemary Ave. SW regarding commercial vehicles (tow, cement and dumpster trucks) speeding and using Kemary as a cut-through. Mr. Takacs indicated that he had contacted the Perry Police and the Ohio State Patrol to no avail.

Trustee Chessler inquired of Law Director Hall what authority we would have on Township roads to regulate the size of vehicles and their weight; Mr. Hall relayed only weight limits during the fall and winter frost seasons.

Trustee Haines inquired of Chief Pomesky if there was a way to direct these trucks in question to a portable scale area. Chief Pomesky confirmed yes and gave a brief explanation regarding this and previous documented patrols in this area.

Trustee Haines indicated that Mr. Takacs did not relay any time periods when these issues were taking place but asked if we could possibly get in touch with Officer Robinson from the Stark County Sheriff's office, in charge of motor vehicle enforcement, to help us with this; Chief Pomesky confirmed yes. Trustee Haines asked if Chief Pomesky would be willing to contact Mr. Takacs to get more details of when he's seeing these trucks pass through and then we could follow up with Deputy Robinson regarding this matter. Chief Pomesky confirmed yes.

Trustee Chessler confirmed that Chief Pomesky would please try to get in touch with Mr. Takacs and asked Road Superintendent Masalko if there was anything else he could provide regarding this matter and then put this matter on the upcoming Agenda for the December 10<sup>th</sup> meeting; we will revisit this with a game plan of what we can do and advise of what we cannot do.

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

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

**Unfinished Business:** None.

**New Business:**

Trustee Chessler made a motion to approve bills and payroll in the amount of \$185,852.43 for the week ending November 12, 2019 and bills in the amount of \$23,661.10 for the week ending November 19, 2019 for a combined total of \$209,513.53; Seconded by Trustee Haines.

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

**Fiscal Officer:**

**Consider Accepting the Meeting Minutes from 11/05/19**

Trustee Chessler made a motion to approve the minutes as they have been submitted for our meeting on November 5, 2019; Seconded by Trustee Haines.

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

**Consider Scheduling 2020 Department Head Budget Hearings 12/10/19 in 15 Minute Intervals Beginning at 4:30 pm**

Trustee Chessler indicated that this next Agenda item is under the Fiscal Officer and relayed that this is notification that we will schedule the 2020 Department Head Budget Hearings at the next regular meeting of December 10, 2019 in fifteen (15) minute intervals beginning at 4:30 pm.

**Administration:**

**Consider ODOT Approval of Closing S.R. 172**

Trustee Chessler stated that the Board has received a memo dated November 18, 2019 from the Administrator asking the Board to consider the request of the Perry Township Rotary to have the traditional closure of State Route 172 from Saratoga to Delverne for the 2019 Turkey Trot; ODOT has provided the road closure approval letter signed by the District Four Officer. Trustee Chessler indicated that the ODOT approval letter states that this requires the concurrence of the Trustees as well as lists the nine (9) conditions that the permit is conditioned upon.

Trustee Chessler made a motion that the Board acknowledge that permit and approve the road closure for the 2019 Turkey Trot event on November 28, 2019; Seconded by Trustee Haines.

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

**Consider Earth 'n Wood – Yard Waste Service Agreement For a 3-Year Term**

Trustee Chessler indicated that this matter is one that has some time sensitivity to it regarding a recent receipt of the Yard Waste Service Agreement that we have from the successor who is still known as Earth 'n Wood. Trustee Chessler stated that as the Board is aware, Earth 'n Wood, as it existed for a long time, was subject to a sale, the new owners have come in and provided assurance that they will, at least for the foreseeable future, keep providing service and they have outlined that in the term of a 3-year agreement with the Board. Trustee Chessler indicated that we have forwarded that to Law Director Hall for his review and approval.

Additionally, Trustee Chessler indicated that this Agreement goes from January 1<sup>st</sup> of this year through December 31<sup>st</sup> of 2022; the charges are listed at \$180.00 per container exchange; \$335.00 for open container truck, top trailer and there are other contractual terms that the Board can review.

Trustee Chessler stated for discussion purposes, made a motion that the Board approve and enter into that agreement with Earth 'n Wood; Seconded by Trustee Haines.

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

**Consider CLOUT Renewal – Coalition of Large Ohio Urban Townships**

Trustee Chessler stated that the Board has received a memo dated November 15, 2019 from the Township Association of Risk Management concerning the opportunity to review the CLOUT membership; this is the Coalition of Large Urban Townships for the annual subscription amount of \$200.00.

Trustee Chessler made a motion that the Board continue our participation with the organization known as CLOUT and authorize the payment of the dues for the upcoming year in the amount of \$200.00; Seconded by Trustee DeChiara.

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

### **Fire Department:**

#### **Consider Purchase of Smoke Alarms**

Chief Martin stated that the Fire Department is requesting that the Board of Trustees authorize the Fire Department to purchase 110 cases of smoke alarms from the Home Depot in Massillon at a cost not to exceed \$4,828.50.

Chief Martin indicated that the Fire Department has experienced an increase in smoke alarm installations as a result of a direct mail marketing program to promote the installation of reflective address signs and the Nixle Communication System.

Trustee Haines made a motion that the Board approve the purchase of 110 cases of smoke alarms (333 alarms) from Home Depot at an amount not to exceed \$4,828.50; Seconded by Trustee Chessler.

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

#### **Consider Renewal Fire Department Levies**

Fiscal Officer Schlegel indicated that the Fire Department has two levies that need to be renewed this coming year; one is 2.90 mills and the other one is 2 mills; the total is \$2,524,461.00. More discussion took place regarding these levies.

Trustee Chessler stated that based on the information the Board has before it tonight, made a motion that the Board request the Law Director to take the steps necessary to request the Auditor to certify the amount of funds necessary to, or that would be generated through, the renewal of our two existing fire levies; one for 2.90 mills and 2.00 mills to be renewed for a period of five (5) years commencing upon the expiration of the current two levies; Seconded by Trustee Haines.

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

### **Police Department:**

#### **Consider EmergiTech Annual Maintenance Agreement**

Trustee Chessler stated that the Police Department has provided the Board a request to approve the annual EmergiTech Maintenance & Support Agreement; that cost is \$6,239.85; the invoice or the cost proposal is attached for the Board's review.

Trustee Chessler made a motion that based on the Chief's request, the Board approve our renewal of the EmergiTech Maintenance & Support Agreement at a cost not to exceed \$6,239.85 for the upcoming year; Seconded by Trustee Haines.

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

**McKinley Eagles Donation of \$500 Trick or Treat Candy  
McKinley Eagles Donation of \$5,400 for Rifle Purchases**

Trustee Chessler stated that the Police Department is requesting the Board to accept a donation from the McKinley Eagles for trick or treat candy in the amount of \$500.00 and also accept the donation from the McKinley Eagles for the purchase of rifles in the amount of \$5,400.00.

Trustee Chessler made a motion that the Board accept those and ask the Chief to write up a note of appreciation for that Department; Seconded by Trustee Haines.

Trustee Haines inquired how many rifles that amount of money would buy; Chief Pomesky indicated nine (9) rifles and relayed that would completely outfit all staff.

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

**Road and Park Department:**

**Consider Approval of Payment to American Roadway Logistics for Road Striping and Pavement Markings in the Amount of \$16,393.10**

Trustee Chessler stated that this next Agenda item comes from an October 28, 2019 memo from the Road Superintendent; the Road Superintendent and the Law Director have reviewed the bids for the striping project; they have recommended to award the bid to American Roadway Logistics; the amount of the bid is \$16,393.10 and inquired of Road Superintendent Masalko if there was anything else to add to this.

Road Superintendent Masalko indicated that this matter was tabled back in September. Trustee Chessler verified that this was then a payment at this time; Mr. Masalko confirmed yes. Trustee Haines asked if the work was satisfactorily completed; Mr. Masalko confirmed that it was.

Trustee Chessler made a motion that the Board approve payment to American Roadway Logistics for road striping and paper markings in the amount of \$16,393.10; Seconded by Trustee DeChiara.

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

**Law Director:**

**Zoning:**

**Problem Properties:**

**Department Matters Not Requiring Board Action:**

**Administration:** None.

**Fire Department:** None.

**Police Department:**

Stats

**Road Department:** None.

**Parks/Recycling:** None.

**Zoning:** None.

**Law Director:** None.

**Announcements:**

~Trustee Chessler indicated that the regularly scheduled meeting of the Board of Trustees for the first Tuesday, December 3, 2019, will be moved to Tuesday, December 10, 2019. Trustee Chessler stated that this will be the only Board meeting scheduled in December unless there is a need for a special or other meeting in the month of December.

~Fall Leaf Drop Off – Collected at Perry Road Dept., 1500 Jackson Ave. SW, Massillon, 44646: October 21<sup>st</sup> through November 19<sup>th</sup> – Weekdays: 7 am to 2:30 pm; Saturday & Sunday: 8 am to 3:30 pm – Leaves only. No bags, boxes, garbage or commercial dumping. Closed Veteran’s Day, November 11<sup>th</sup>. Details at [www.perrytp.com](http://www.perrytp.com)

**Public Speaks-Open Forum:**

Christian Walton, 2944 12<sup>th</sup> St. – Mr. Walton had numerous issues that he brought before the Board; one being the property next to his wherein the swimming pool was finally taken out but indicated that the yard now needs addressed with the weeds and high grass. The property on the other side of his wherein the neighbor’s leaves are clogging the ditch in the front and this leads to the catch basins being clogged as well. Mr. Walton also referenced the neighbor three doors down to the left of him with dogs that bark throughout the night and has left their property go. Zoning Inspector Cugini indicated that if Mr. Walton would supply the addresses for these properties, the zoning department would go out to view and assess them.

Mr. Walton also indicated that there is still a bad speeding problem on 12<sup>th</sup> Street; Chief Pomesky indicated that they would send officers to additionally patrol 12<sup>th</sup> Street.

Dave Deroy, 3000 12<sup>th</sup> Street, Canton, Ohio – Mr. Deroy stated that he also had a problem with the speeders on 12<sup>th</sup> Street and gave a brief explanation regarding this; Chief Pomesky again indicated that they would put officers in the area to patrol more frequently.

John Blouir, 5865 Longbrook SW, Lot 63 – Mr. Blouir stated that a couple of years ago, Dominion Energy told him they were going to put a gas line through his property and gave a brief explanation regarding this.

Trustee Haines inquired if this was in regard to the work that was currently being done at Genoa and Southway; Mr. Blouir confirmed yes.

Trustee Chessler stated that he would strongly encourage Mr. Blouir to get his deed and a copy of the plat of his allotment and go talk with a lawyer to see what rights he would have regarding this matter. Mr. Blouir stated that he could not afford a lawyer but wanted the Township to say something to Dominion on his behalf. Trustee Chessler indicated that the Township does not know what their

(Dominion's) rights are or Mr. Blouir's rights regarding this piece of land. Trustee Haines also indicated that without knowing all the details of what easements or what's there, it would be pretty tough for the Township to get involved with this.

Trustee Chessler indicated that the Bar Association has a lawyer referral service that was reasonably priced and suggested Mr. Blouir contact them; Trustee Chessler stated the importance of Mr. Blouir to seek representation on his behalf to find out what the gas company can and cannot do.

Mr. Walton also indicated that there was cracking where the gas company installed a gas line across the street from him on 12<sup>th</sup> Street and wondered if that would be the road department or the gas company's responsibility to fix this. Road Superintendent Masalko indicated that 12<sup>th</sup> Street was considered a county road and suggested Mr. Walton contact Don Bendetta, utilities coordinator at the Stark County Engineer's Office. Mr. Masalko indicated to Mr. Walton that he could give him their contact number, if needed.

**Executive Session(s):**

**ORC 121.22 (G) (1) Personnel to Include Board, Fiscal Officer, Fire Chief, Law Director**

Trustee Chessler made a motion that the Board adjourn into Executive Session pursuant to ORC 121.22 (G) (1) to discuss matters involving Township Fire Personnel; Seconded by Trustee Haines.

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

The Board adjourned into Executive Session at: 7:23 pm

The Board adjourned from Executive Session at: 7:36 pm

**Adjournment:**

With nothing further to come before the Board, Trustee Chessler made a motion to adjourn the meeting at 7:36 pm; Seconded by Trustee Haines.

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