

Perry Township Board of Trustees

Regular Meeting

March 2, 2021 6:00 pm

Call to Order/ Pledge of Allegiance:

Public Speaks: Scheduled Speakers:

Excused absence:

Additions/Deletions to Agenda:

Executive Session(s):

ORC 121.22 (G) (3) Conference with Legal Counsel Concerning Imminent or Pending Court Action to Include the Board, Law Director Hall and Attorney Beck

Trustee Haines made a motion that the Board adjourn into Executive Session pursuant to ORC 121.22 (G) (1) to conference with legal counsel concerning imminent or pending court action to include the Board, Law Director Hall and Attorney Beck; Seconded by Trustee Shreffler.

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

The Board adjourned into Executive Session at: 6:01 pm

The Board adjourned from Executive Session at: 6:29 pm

Public Hearings/Invited Guests:

Zoning Case: PE-02-20 - Hearing at 6:30 pm

Owner: Robert Berryhill/Empirita Development

Location and Legal Description: 5887 Navarre Rd. SW – Parcel #10-011514

Current Zoning: R-2

Proposed: B-2 -- 4.067 acres on 11.48 acres tract of land on North side of Navarre Rd. SW in the NW ¼ Section 26, Perry Township, Stark County

Stark County Regional Planning Denied 12/09/20

Perry Township Zone Commission Denied 02/25/21

Trustee Haines indicated that at this time, a public hearing for Zoning Case PE-02-20, owner, Robert Berryhill, Empirita Development, will be heard before the Board of Trustees, Doug Haines, Dr. Mike Shreffler, and Ralph DeChiara. Trustee Haines stated that this meeting is being live-streamed to the public for the convenience of those who cannot attend. Trustee Haines stated that he would swear in everybody that was present (thereupon, all potential witnesses were sworn).

Trustee Haines stated that Case #PE-02-20, was presented to the Stark County Regional Planning Commission on November 20, 2020; it was denied by Regional Planning on December 8, 2020; Trustee

Haines read aloud the Stark County Regional Planning recommendations, numbers 1-7 and indicated their recommendation of denial of the proposed rezoning.

Trustee Haines stated that he would invite those who would like to speak For the proposed zone change to the podium at this time to give their testimony, and to please state your name, address and reason for being here.

Robert Berryhill, 345 E. Pioneer Trail, Aurora, Ohio – Mr. Berryhill stated that he is with Empirita Development Company and was here tonight to seek rezoning of the 4.1-acre tract of land. Mr. Berryhill gave a lengthy discussion regarding this rezoning request.

Trustee Haines thanked Mr. Berryhill and invited those that were present to speak Against the proposed zone change forward to the podium.

Lee Campbell, 5980 Benjamin St. – Ms. Campbell stated that she has lived on Benjamin St. for almost 24 years and gave explanation as to why she was Against the proposed zone change.

Jack Sutherland, 5790 Navarre Rd. – Mr. Sutherland gave explanation as to why he was against the proposed zone change.

Becky Libster, 5770 Navarre Rd. SW – Ms. Libster gave explanation as to why she was against the proposed zone change.

Greg Farmer, 5880 Benjamin St. – Mr. Sutherland gave explanation as to why he was against the proposed zone change.

Trustee Haines read aloud a notarized letter from resident Christine Powell regarding the property she owns at 5796 Benjamin St. SW that gave explanation as to why she was against the proposed zone change.

Trustee Haines asked Zoning Inspector Cugini if he would please give further explanation regarding an R-2 and B-2 zone designation; Zoning Inspector Cugini gave a brief explanation.

Trustee Haines confirmed that at this time, the Board of Trustees would make a motion to adopt or deny the recommendation of the zoning commission and inquired if there was any discussion before bringing a motion before the Board. Trustee Shreffler and Trustee DeChiara each gave a brief explanation regarding their recommendation of denial of the proposed zone change.

Trustee Haines thanked everyone for their testimony and made the motion that the Board affirm the recommendation of the Zoning Commission; Seconded by Trustee Shreffler.

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

Trustee Haines stated that this hearing was adjourned at this time.

Communications:

Public Speaks on items up for Board Approval:

Township Business requiring Board Action:

Unfinished Business:

New Business:

Trustee Haines made a motion to approve bills in the amount of \$60,761.68 for the week ending February 16, 2021 and bills and payroll in the amount of \$345,908.40 for the week ending February 23, 2021 for a combined total of \$406,670.08; Seconded by Trustee Shreffler.

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

Fiscal Officer:

Consider 02/16/21 Meeting Minutes

Trustee Haines made a motion that the Board approve the Board meeting from February 16, 2021; Seconded by Trustee Shreffler.

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

Consider Authorization to Hire Christy Bresson as a Consultant During the UAN Transition at a Fee of \$30 per Hour at a Maximum of 25 Hours

Trustee Haines stated that this next Agenda item for the Board's consideration is for authorization to hire Christy Bresson as a consultant during the UAN transition at a fee of \$30 per hour at a maximum of 25 hours; Fiscal Officer Chessler gave a brief explanation regarding this hiring request.

Trustee Haines stated that based on this information, made a motion that the Board authorize and approve to hire Christy Bresson as a consultant during the UAN transition at a fee of \$30 per hour, not to exceed 25 hours; Seconded by Trustee Shreffler.

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

Fiscal Officer Chessler stated that he would ask Law Director Hall to put together a one-page letter of understanding regarding this hiring request; Mr. Hall stated his confirmation.

Discussion of Paychex

Trustee Haines confirmed that this Agenda item would be for discussion purposes only in regard to the new payroll system with Paychex. Trustee Haines stated that per Chief Pomesky, the police department is conveying issues regarding payroll and the police officers' rates of compensation concerning the computation of overtime rates, specifically, the computation of overtime for accumulated sick leave. Fiscal Officer Chessler and Chief Pomesky each gave explanation concerning this particular issue.

Law Director Hall indicated that he felt this issue could easily be resolved internally; by way of discussion during the upcoming labor management contracts with the police union; Trustee Haines confirmed this and stated that we would work through this matter and continue discussion at that time.

Administration:

**Consider Designating Stark Council of Government Representatives
Consider Designating Stark County Health District Representative**

RESOLUTION 2021 - 007

Administrator Fetzer relayed that SCOG (Stark County of Governments) had reached out to the Board of Trustees to ask who the Township's designated Stark County Health District representative would be for the upcoming year.

Fiscal Officer Chessler gave brief explanation regarding the Board representations to be made each year and gave recommendation that these be made during the first meeting in January. Mr. Chessler asked Administrator Fetzer if she could please make note of this for our reorganizational meeting in January; Administrator Fetzer gave confirmation to this request. Further discussion took place regarding these Board representations.

Trustee Haines stated that based on that information, made a motion that Craig Chessler continue to be our SCOG representative, Seconded by Trustee Shreffler.

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

Trustee Haines made a motion that Ralph DeChiara is our Stark County Health District representative; Seconded by Trustee DeChiara.

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

Trustee Haines made a motion that the Board designate Ralph DeChiara as our Stark County, Ohio Public Works Commission representative; Seconded by Trustee Shreffler.

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

Trustee DeChiara made a motion that for 2021, he nominates Doug Haines as our Township representative to the JEDD board; Seconded by Trustee Shreffler.

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

Consider MOU for Massillon Amateur Radio Club

RESOLUTION 2021 - 008

Administrator Fetzer relayed that Mr. Perry Ballinger, President of the Massillon Amateur Radio Club is approaching the Board again this year to ask the Board for permission to utilize the Hartwick Park Pavilion during Saturday, June 26, 2021 at 7:00 am until Sunday, June 27th at 4 pm to participate in the National America Radio Relay League, portable emergency radio communication readiness "Field Day". Administrator Fetzer indicated that Mr. Ballinger has prepared a list of outlines that states their awareness of the COVID-19 social distancing protocols.

Trustee Haines stated that based on that information, made a motion that the Board approve the Memo of Understanding with the Massillon Amateur Radio Club to use Hartwick Park on June 26th, 2021

starting at 7 am until June 27, 2021 at 4 pm to participate in the National America Radio Relay League, portable emergency radio communication readiness "Field Day"; Seconded by Trustee Shreffler.

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

Consider Accepting OTARMA Fire and Police Grant Checks in the Amount of \$2,000

Administrator Fetzer made request for the Board's consideration to accept the OTARMA check in the amount of \$2,000.00; these grant benefits are reimbursement funds for dollars which have already been spent on Police and Fire Lexipol services in 2020.

Trustee Haines stated that based on that recommendation, made a motion that the Board accept the OTARMA Fire and Police grant checks in the amount of \$2,000.00 with \$1,000.00 going to each department for the grants for police and fire services in 2020; Seconded by Trustee Shreffler.

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

Consider OTARMA – MORE Grant Check in the Amount of \$495

Administrator Fetzer made request for the Board's consideration to accept the OTARMA - MORE grant check in the amount of \$495.00; the grant has been assisting Ohio Townships in eliminating or preventing risk exposures that potentially lead to liability claims and property losses.

Trustee Haines stated that based on that information, made a motion that the Board accept the OTARMA - MORE grant check in the amount of \$495.00; Seconded by Trustee DeChiara

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

Consider Stark Tusc Wayne Compost Host Community Grant Check - \$2,500

Consider Stark Tusc Wayne 4th Quarter Yard Waste Block Grant Check - \$5,940

Administrator Fetzer made request for the Board's consideration to accept the attached checks from the Stark Tusc Wayne Solid Waste District totaling \$8,440.00; the Board has been awarded an annual check in the amount of \$2,500.00 for hosting the Yard Waste site and has also received a check in the amount of \$5,940.00 for the 4th quarter of 2020 Yard Waste services rendered.

Trustee Haines stated that based on that information, made a motion that the Board accept the annual check in the amount of \$2,500.00 for hosting the Yard Waste site and also a check for \$5,940.00 for the 4th quarter of 2020 for a combined total of \$8,440.00; Seconded by Trustee Shreffler.

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

Fire Department:

Consider Resignation of Dale Nelson

Consider Resignation of Nathaniel Devis

Chief Martin stated that the Fire Department is requesting that the Board of Trustees accept the designation of part-time firefighter/paramedic, Dale Nelson, effective Tuesday, February 23, 2021.

Trustee Haines made a motion that the Board approve the resignation of Dale Nelson, firefighter/paramedic, effective Tuesday, February 23, 2021; Seconded by Mr. Shreffler.

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

Chief Martin stated that the Fire Department is requesting a second resignation of probationary part-time firefighter/EMT, Nathaniel Devis effective Tuesday, March 2, 2021.

Trustee Haines made the motion to accept the resignation of Nathaniel Devis, effective Tuesday, March 2, 2021; Seconded by Trustee Shreffler.

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

Consider Donation of Obsolete Property to Stark State College

Chief Martin stated that the Fire Department is requesting that the Board of Trustees authorize the disposal/donation of obsolete/damaged/expired miscellaneous personal protective equipment (PPE) that are unable to be used for the purposes of combat structural firefighting; list of PPE items attached before the Board. If authorized by the Board, these items will be donated to the Stark State College Fire Science program.

Trustee Haines stated that based on that information and the list given to us by the Fire Chief, made a motion that we donate the personal protective clothing equipment, as outlined in the memo, to the Stark State College Fire Science program; Seconded by Trustee Shreffler.

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

Consider Dispatch Service Contract

RESOLUTION 2021 - 009

Chief Martin stated that the Fire Department requests that the Board of Trustees authorize the Fire Department to enter into a one (1) year Fire/EMS Dispatching Service Agreement with Cen Com for the year 2021. The Fire/EMS service fee is based on the 2020 incident totals of 3,522 incidents at \$36.00 per incident; the monthly fee will be \$10,566.00. Chief Martin indicated that they also obtained a price from the Red Center at \$42.00 per incident and indicated the price difference in the amount of \$21,132.00 that would be saved versus going to the Red Center.

Trustee Haines referenced a letter in receipt today and relayed to Chief Martin about clarifying with the Firefighter union concerning any issues in regard to dispatch; Chief Martin confirmed that he would prepare something in regard to this matter.

Trustee Haines made a motion that the Board approve this contract with Cen Com Dispatching Service for the year 2021 based on the 2020 incident totals of 3,522 incidents at \$36.00 per incident; the monthly fee will be \$10,566.00 and we're documenting that there's a 60 day out clause in there and we will review both dispatching centers at a soon to be date; Seconded by Trustee Shreffler.

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

Consider EMS Billing Contract

RESOLUTION 2021 - 010

Chief Martin stated that the Fire Department is recommending that the Board of Trustees contract with Life Force Management billing to provide EMS billing services. Chief Martin relayed that Law Director Hall has reviewed the initial contract.

Law Director Hall referenced the copies of the Life Force Management agreement, attached before the Board, and stated that he would recommend that the Board approve this contract with an effective date of March 1. Mr. Hall indicated that the start date will continue on a month-to-month basis; this is a one-year contract; there is an out clause and additionally, at the end of one-year, will be on a month-to-month basis. Trustee DeChiara inquired about the out clause, Law Director Hall indicated if any changes were to be made, the Board would have to give a 30-day notice.

Trustee Haines stated that based on that discussion, made a motion that the Board approve the contract that Law Director Hall negotiated and put together with Life Force Management as the billing provider, effective March 1st for a one-year term and Life Force Management will bill us 7% of collections to us; seconded by Trustee Shreffler.

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

Police Department:

Trustee Haines referenced the transient vendor procedures and inquired what the police department's policy would be concerning this matter; Chief Pomesky stated that he had a scheduled meeting with the sergeants the next day to discuss training for these procedures; Trustee Haines indicated that the Do Not Knock Registry information would be posted on the township website.

Road and Park Department:

Law Director:

Consider Stark County Board of Elections Ballot Language – Issue 9 Perry Township Roads

Law Director Hall indicated that the Board has placed the renewal of the road levy on the primary; the Board of Elections has sent a reply affirming the ballot language and issued number as reviewed by both the County Prosecutor and the Ohio Secretary of State; the Board's resolution accepting the final ballot language as proposed by the Secretary of the State needed.

Trustee Haines stated that based on that information, made a motion that the Board approve the Stark County Board of Elections that they have certified our request to place an issue on the ballot and the ballot language which is: *A renewal of a tax for the benefit of Perry Township for the purpose of general construction, reconstruction, resurfacing, and repair of streets, roads, and bridges at a rate not exceeding 2 mills for each one dollar of valuation, which amounts to 20 cents for each one hundred dollars of valuation, for 5 years, commencing in 2021, first due in calendar year 2022. FOR THE TAX LEVY/AGAINST THE TAX LEVY;* Seconded by Trustee Shreffler.

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

Zoning:

Cell Tower Discussion

Zoning Inspector Cugini stated that at the direction of Law Director Hall, wanted to relay the information regarding the request for placement of a cell tower on tonight's Agenda; the Zoning Department received a letter from J & R Consultants, Inc., consultant for ATC, American Tower Corporation. Mr. Cugini relayed that pursuant to Ohio Revised Code, when a company has interest in placing a cell tower in an unincorporated area; they have to notify the township, they want to place this cell tower at the site of Parcel #10-009345 at the corner of Brunnerdale and 12th Street NW; they are proposing a telecommunications tower there; the Zoning Department sent a certified letter back to them that telecommunication wireless towers are prohibited on this land; this land is situated in an R-2 residential district and our zoning resolution prohibits telecommunication towers in a residential area; Mr. Cugini stated that he had received an email response back from the consultant requesting a meeting and is concluding they will want to talk about a zone change.

Other Problem Properties:

Executive Session(s):

ORC 121.22 (G) (1) Personnel Discipline to Include the Board and Law Director Hall

Trustee Haines made a motion that the Board adjourn into Executive Session pursuant to ORC 121.22 (G) (1) concerning personnel discipline to include the Board and Law Director with no action to be taken; Seconded by Trustee Shreffler.

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

The Board adjourned into Executive Session at: 8:09 pm

The Board adjourned from Executive Session at: 8:38 pm

Department Matters Not Requiring Board Action:

Administration:

Fire Department:

Police Department:

Road Department:

Parks/Recycling:

Zoning:

Law Director:

Announcements:

Public Speaks-Open Forum:

Adjournment:

With nothing further to come before the Board, Trustee Haines made a motion to adjourn the meeting at 8:38 pm; Seconded by Trustee DeChiara.

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

Doug Haines, President

Craig Chessler, Fiscal Officer