

**Perry Township Board of Trustees**

**Regular Meeting**

**September 21, 2021 6:00 pm**

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

**Public Speaks: Scheduled Speakers:** None

**Excused Absence:** None

**Additions/Deletions to Agenda:** None

**Public Hearings/Invited Guests:** None

**Communications:**

**Public Speaks on items up for Board Approval:**

**Township Business requiring Board Action:**

**Unfinished Business:**

**New Business:**

Trustee Doug Haines made a motion to approve bills and payroll in the amount of \$202,950.27 for the week ending 9-7-21 and approval of bills in the amount of \$7,540.06 for the week ending 9-14-21 for a combined total of \$210,490.33;

Seconded by Trustee Ralph DeChiara.

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

**Fiscal Officer:**

**Consider 6-15-21, 7-13-21 and 7-27-21 Meeting Minutes**

Trustee Haines made a motion that we approve the meeting minutes from June 15, 2021, July 13, 2021 and July 27, 2021.

Seconded by Trustee Mike Shreffler

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

**Consider Bank Reconciliation from August 2021**

Trustee Haines stated that based on this information from the Fiscal Officer, he made a motion that the Board approve the bank reconciliation of August 21, 2021.

Seconded by Trustee Mike Shreffler

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

## **Consider American Rescue Plan Funds Resolution**

### **Resolution 2021-28**

Attorney Charlie Hall stated the Federal Government has created the American Rescue Plan Fund. This is a resolution authorizing the Trustee's to accept those funds and are received in two separate payments, one this year and one in 2022 and expend them by separate resolution as authorized within that program.

Trustee Haines stated that based on this information, he made a motion in the matter of fulfilling the requirements to receive and expend federal funds in the American Rescue Plan Fund H.R. 1319 American Rescue Plan Act 2021 and comply with the established Federal guidelines for the use of the same.

Seconded by Trustee Mike Shreffler

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

### **Administration:**

#### **Introduction of the ODOT Township Stimulus Program**

Administrator Joyce Martin referenced to the one-time money opportunity for townships being provided through the Ohio Department of Transportation (ODOT). The total funding for this project is 8 million dollars and the money limit is \$250,000 per project which is established by ODOT. The project fund will be prepaid to the township and must be spent by December 31, 2024. Providing federal funds to the township would be along the line of sidewalks, roadway and culverts less than 10 feet in span. Road Superintendent and the Administrator are scheduled for a meeting for the educational session and will keep the Board specifics of all the details mentioned.

Trustee Haines indicated at this time we do not need a motion for the Introduction of the ODOT Township Stimulus Program.

#### **Status Update of ARP Inquiries**

Administrator Joyce Martin stated the status update of the American Rescue Plan. All department heads have previously compiled their requests. Administrator Martin has emailed their requests specifically to Attorney Greg Beck on August 25, 2021 for his professional recommendations. He responded back; all information referenced was given in their mailboxes. Attorney Beck has responded back with his comments and will follow up with some additional conversations with each department head as to gathering more specific information. Once all the information has been compiled, we will present it to the Board and the general public for public meeting consideration. This is the same process that we used for the CARES ACT FUNDS.

#### **Participation in the Stark County Veteran's Commission 2021 Winter Wonderland**

Administrator Joyce Martin indicated that the Stark County Veteran's Commission is reaching out to the Board asking for their help and efforts to give back to our Veteran's and their families during the holiday

season. Perry Township will put together a Christmas Tree on October 5, 2021 in our administration office with wish tags. There will be press releases inviting our fellow employees and township residents if they would like to join in that venture and make a good Christmas for our Veterans.

**Fire Department:**

**Consider resignation of Jacob Butcher**

Chief Larry Sedlock stated Jacob Butcher is a part-time firefighter paramedic employee and due to personal and professional reasons, he is unable to meet the requirements of the department. He is stepping down and possibly returning at a later time. Chief Sedlock is asking the Board to accept his resignation. The effective date is to be September 21, 2021.

Trustee Haines made a motion that we approve the resignation of Jacob Butcher who is part time firefighter paramedic effective September 21, 2021.

Seconded by Trustee Ralph DeChiara

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

**Consider renewal of Lexipol Policy Manual Subscriptions**

Chief Larry Sedlock is requesting the Board to allow the renewal of our current Lexipol Policy Manual Subscriptions. The department has been utilizing the subscription to guide the department to create and maintain our departments policies in a user-friendly format. The policy account has been the same in the past and this is a renewal.

Trustee Haines made a motion that we approve the contract with Lexipol for the Manual Fire Policy Subscription and Fire Supplemental Manuals and not to exceed \$7,651.28.

Seconded by Trustee Mike Shreffler

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

**Consider the renewal of Provident Insurance Policy**

Chief Larry Sedlock asked the Board to renew the Provident Insurance Policy. This is a supplemental accident and sick policy for all members of the fire department. This is a 3 year renew and Wichert Insurance will bill the same for each year. This is same as past years.

Trustee Haines made a motion that we continue with Wichert Insurance for Provident Insurance Company Policy for our Firefighters not to exceed \$3,782.00 per year for 3 years contract.

Seconded by Trustee Ralph DeChiara

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

### **Consider renewal of Brewster Fire Department to borrow the Inflatable Fire Truck**

Chief Larry Sedlock asked for consideration from the Board regarding the department Inflatable Fire Truck. Brewster Fire Department is asked to borrow the inflatable. Chief Sedlock would like the authorization to move the inflatable to the Brewster Fire Department. Two firefighters from our Perry Township Fire Department that have utilized the Inflatable and will be transporting it to the Brewster Fire Department.

Trustee Haines made a motion that we approve Brewster Fire Department in borrowing the Inflatable Fire Truck for their festivities.

Seconded by Trustee Mike DeChiara

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

**Police Department:** none

**Road and Park Department:**

**Resolution 2021-029**

### **Consider the Preliminary Participation Legislation STA 172 10.86**

Superintendent John Masalko asked the Board for consideration of the preliminary participation legislation, STA-172-10.86. ODOT is moving forward with the intersection improvements of State Route 172 and Perry Dr. NW. The Board has asked if ODOT would consider street scape for the signal and sign support, pedestal and transformer base within Perry Township. This will emulate the street scape at Whipple and State Route 172. In order to enter in an agreement for this project, Superintendent Masalko is asking the Boards approval in the form of Preliminary Participatory Legislation STA-172-10.86. Trustee DeChiara is concerned with the dollar amount to participate in this project. It was stated by Superintendent Masalko that this is just a preliminary step.

Trustee Haines made a motion that we move forward in approving the participation in the Preliminary Participation Legislation STA172 10.86.

Seconded by Trustee Mike Shreffler

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

### **Consider approval to advertise the Centerline Striping and Markings of Various Township Roads**

Superintendent John Masalko asked the Board for permission to solicit quotes for the 2021 Striping of Various township roads. This will be advertised in the local press. Bid openings will be October 19, 2021.

Trustee Haines made a motion that we solicitate the quotes for the 2021 Centerline Striping and Markings in Various Township Roads. The solicitation start date is September 22, 2021 and the ending date is October 19, 2021 at 6:00 P.M.

Seconded by Trustee Mike Shreffler

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

**Law Director:**

**Consider notices to Negotiate**

Law Director Charles Hall stated the Police Department has received notification and approval from SERB to begin negotiations. The 60-day time line commenced and would like the Board to appoint a representative for part of the negotiating team. Trustee Shreffler would like to negotiate on behalf of the police department.

Trustee Haines made a motion we approve Trustee Mike Shreffler as the negotiating representative of the contracts for the Police Department. Trustee Haines will represent the Fire Department and Trustee Ralph DeChiara will represent the Road Department.

Seconded by Trustee Ralph DeChiara

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

**Zoning:**

**Problem Properties:**

**Public Speaks-Open Forum:**

Tim Lewton stated his address 1615 Sherwood Massillon, Ohio. He came approximately one month ago with a complaint and issues in his neighborhood. He wanted to know if anything had been done. The car has been removed. Chief Pomesky stated he set up a rotating allotment patrol. Mr. Lewton questioned about the cars that are parked in yards and Chief Pomesky stated that falls outside the police derestriction. Mr. Lewton says there are several cars with no license plates. Chief Pomesky will coordinate with the Zoning Inspector to make sure that his concerns are addressed. Tim Lewton also stated he is upset with the rental properties that are not being maintained. Trustee Haines stated he will have the Zoning Inspector look into these properties. Mr. Lewton also is concerned with the Fasnacht Farm.

Tim Blythe stated his address 1996 Masters Point SE Massillon, Ohio. Mr. Blythe reads that at the last Trustee Board meeting there were concerns of the warning of the below standard performance notice that was issued to Chief Mike Pomesky. Several meetings ago he asked a couple of questions concerning Fasnacht Farms. Mr. Blythe stated Trustee DeChiara, in an angry and condescending tone, informed him to get those answers through a public records request. He received the documents and referred to them. Mr. Blythe asked Trustee Haines his inquiry at the last Trustee Meeting regarding the warning notice to Chief Pomesky. Is this the first-time the incident was mentioned and the warning of below standard performance was discussed in a public setting, was that correct? Trustee Haines stated this is a personal matter.

Mr. Blythe also questioned Trustee Haines if Administrator Martin lodged her complaint to the Massillon Independent or any local newspaper, Trustee Haines stated, no. Mr. Blythe stated if it would be fair in stating that Administrator Martin voiced her complaint internally with the Board of Trustee's, thereby keeping it out of public review and followed township policy? Mr. Blythe stated to Trustee Haines that

he asked a question and Trustee Haines said to continue. Mr. Blythe continued to review what has been stated about Chief Pomesky. Mr. Blythe continued to read emails that were in the public records request. He also continued to read the information from the public records concerning the removal of the Townships Administrators name from the commendation issue. Mr. Blythe stated that within 48 hours of the exposure of the warning of below public standard performance notice to Police Chief Pomesky, the Chief aired his dissatisfaction with the incident in the Massillon Independent. Tim Blythe states Chief Pomesky took a further step in writing a letter to Steve Grazier, a reporter for the Massillon Independent, on police department stationery, painting himself as the victim in this incident. In the article Chief Pomesky was quoted saying the warning was never presented to him in an official capacity and is not part of his personnel file. Tim Blythe continued to state that Chief Pomesky referenced that his interpretation was different and resulted in a signature line not being there. It was corrected when it was discovered stated Chief Pomesky in his letter to the Independent. The Chief also indicated in his letter that it did not surprise him to see false claims such as this, filed with the the Board of Trustee from Administrator Martin. Mr. Blythe asked the Board "What claims of Administrator Martin were false?" Trustee Haines stated to continue, then Mr. Blythe asked why his questions were not being answered. Trustee Haines stated it is public speaks and he was listening to Mr. Blythe's concerns. Mr. Blythe stated he wants answers on his concerns. Mr. Blythe directs his next question to Chief Larry Sedlock on if the Township Administrator's signature line was originally there? Mr. Blythe asked if he has the sequence of events that took place are correct and in correct order? He refers all the steps that were taken. Mr. Blythe asked if anyone can explain what is unofficial about the steps that were taken? Trustee Haines stated this is ongoing so he could not comment. Mr. Blythe reads several sections from the Perry Township handbook and wants to know why this has not been followed. In closing Mr. Blythe asked a few questions, Trustee Haines stated he would not answer the questions at this time and if this issue is still under investigation, he will not answer.

Mr. Blythe questioned, has Chief Pomesky discussed with any of the Board his intent to send a letter to Steve Grazier? Did Chief Pomesky provide the Board with the copy of the letter to Steve Grazier for review prior to its publication? Did Chief Pomesky obtain written consent from the Board to use the Perry Township Police Department letterhead to author his letter? Does the Board believe that the methods used and the statements made by Chief Pomesky in the newspaper article and the letter will foster cooperation among employees and less divisiveness in the organization? Is it now the Board policy that unhappy or disgruntle employees should air their concerns with the media instead of working within the township system? In closing Mr. Blythe states he feels Chief Pomesky was insubordinate to the conditions written in the warning issued and he recommends that the Board of Trustee's ask for an immediate resignation of Chief Pomesky.

Jen Miller stated her address of 4895 3<sup>rd</sup> Street NW. Ms. Miller indicates this is a hot topic and at the last meeting she brought it up and discussed Jackson Township and why we can't have what they have. She stated the parks department is under the jurisdiction of the road department. Our road department is inundated with road issues then throwing the parks into it, what can we expect? She feels nothing has been done. Trustee Haines stated we have repainted the track at Perry Park, we are in the process of putting in a pickleball court and we built pavilions. Ms. Miller asked, where can you take your children to play? Trustee Haines states it takes money. He stated they have added basketball courts and parking lots. He does hear what she is saying but he indicated there has been a lot of money put into the parks in the last 5-6 years in different avenues. He talked to some residents about a bocci court

at Perry Park. Ms. Miller asked if there are grants we could ask for to help pay for equipment. Administrator Martin did say grants are minimal and take good planning and processes. Ms. Miller asked if the farm was going to sit the way it is now? Trustee Haines stated we will be moving forward with a plan. Ms. Miller asked what the tenant farmer is asked to do. Trustee Haines stated he is to maintain the farm.

Ms. Miller asked about the street scape project on Perry and Lincolnway and if the same sign will be like the one on West Tusc. Will it be land scaped and will this be better than the one on Whipple?

**Department Matters Not Requiring Board Action:**

**Administration:**

**Fire Department:**

**Police Department:**

**Road Department:**

**Parks/Recycling:**

**Zoning:**

**Law Director:**

**Announcements:** 7<sup>th</sup> Annual Perry Rotary Community Parade and Perry Township Community Oktoberfest- Two family Fun Events on the same day. Parade steps of at 11:00 am the rear of Central Catholic Stadium and proceeds on 13<sup>th</sup> St. and concludes at Hartwick Park for the Perry Township Oktoberfest.

**Executive Session(s):**

**Resolution 2021-32**

Trustee Doug Haines made a motion that the Board adjourn into Executive Session pursuant to ORC 121.22 concerning a grievance to include the Board, Law Director and Police Chief with no action to be taken; and with possible action to be taken stated by Trustee Ralph DeChiara.

Seconded by Trustee Mike Shreffler

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

The Board adjourned into Executive Session at: 6:42 pm

The Board adjourned from Executive Session at: 7:04 pm

As a result of the discussion in executive session, Trustee Mike Shreffler made a motion that the law director be retained on behalf of the board or a qualifying individual to investigate the complaints of the administrator against the police chief and the concerns of the police chief concerning the administrator and make a report to the Board as expeditiously as possible.

Seconded by Trustee Ralph DeChiara

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

**Adjournment:**

With nothing further to come before the Board, Trustee made a motion to adjourn the meeting at 7:06 pm; Seconded by Trustee

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Doug Haines, President

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Craig Chessler, Fiscal Officer