

Perry Township Board of Trustees

Regular Meeting

May 18, 2021 6:00 pm

Call to Order/ Pledge of Allegiance:

Public Speaks: Scheduled Speakers:

Excused Absence: Chief Pomesky; Interim Zoning Inspector, Butch Kraus

Additions/Deletions to Agenda:

Trustee Haines indicated that he had one addition to tonight's Agenda regarding the Nixle invoice to be added under Administration.

Trustee Haines made a motion that the Board add the Nixle invoice under Administration; Seconded by Trustee DeChiara.

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

Public Hearings/Invited Guests:

Amy Hopkins, Ohio Edison

Trustee Haines welcomed Ms. Amy Hopkins from Ohio Edison regarding the lighting district request for Mr. Tom Todaro to be placed near his house on College Street and Harbrook Avenue. Trustee Haines relayed that this lighting district request was unique in that it is a request for a single resident. Ms. Hopkins gave further explanation.

Law Director Hall verified recommendation that the Board set a hearing of this petition request at the upcoming June 1st meeting.

Trustee Haines stated that based on the information presented tonight, made a motion that the Board make a street lighting hearing on June 1, 2021 regarding Mr. Todaro's street light request at 6414 College Street; Seconded by Trustee Shreffler.

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

Trustee Haines thanked Ms. Hopkins for being here this evening.

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 and payroll in the amount of \$274,918.26 for the week ending May 4, 2021 and bills in the amount of \$268,942.24 for the week ending May 11, 2021 for a combined total of \$543,860.50; Seconded by Trustee Shreffler.

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

Fiscal Officer:

Consider Bank Reconciliation Documents

Trustee Haines made a motion that the Board approve the bank reconciliation documents dated 4-8-21; Seconded by Trustee Shreffler.

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

Consider Saratoga Grant

RESOLUTION 2021 - 019

Fiscal Officer Chessler referenced the Ohio Development Services Agency Grant Agreement, attached before the Board, and indicated that he and Road Superintendent Masalko have been in communications for several months now in securing this grant; notification has been received that the grant has been made available to the Township, the signed grant agreement and submittal of all documentation to be forwarded.

Trustee Haines stated that based on the information given to us from the state, made a motion that the Board approve the Saratoga grant so that we can receive this as project; Seconded by Trustee DeChiara.

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

Consider Accepting 04/28/21 Work Session Minutes

Trustee Haines made a motion that the Board approve and accept the 4-28-21 Work Session minutes; Seconded by Trustee Shreffler.

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

Administration:

Consider Employee A – FMLA Request

Administrator Fetzer stated that the Board was in receipt of a request for FMLA for Employee A, attached before the Board; Employee A is requesting the maximum allotted amount of 12 weeks for FMLA leave for the birth of his/her child. Administrator Fetzer gave further explanation and relayed that per Attorney Greg Beck, a medical certification is not required for this leave of absence.

Trustee Haines made a motion that the Board approve the FMLA request for Employee A; Seconded by Trustee Shreffler.

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

Consider Wage Adjustment for Interim Zoning Inspector

Trustee Haines indicated that Butch Kraus, Assistant Zoning Inspector, is currently acting as Interim Zoning Inspector and is working 40 hours per week until the Zoning Inspector's position has been filled. Consideration request of Butch's hourly rate of pay at \$16.65 be increased to \$20.00 per hour is being made before the Board. Trustee DeChiara inquired if this \$20.00 rate of pay would stay the same when Butch returns to his prior status of Assistant Zoning Inspector; Trustee Haines stated that was correct.

Trustee Haines stated that based on the information given to us, made a motion that retroactive to Monday, May 10th ongoing that Butch Kraus's rate of pay be changed to \$20.00 per hour; Seconded by Trustee Shreffler.

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

Consider OTARMA Renewal

Administrator Fetzer referenced the OTARMA renewal supporting documents, attached before the Board, and the detailed list of township wide coverage and statement of values. The total premium contribution amount is \$172,457.00. In addition, Administrator Fetzer relayed that the Board will receive a 2021 Capital Distribution check in the amount of \$11,724.34 from OTARMA due to conservative investment strategies, an active loss control program; Administrator Fetzer indicated that the renewal has been reviewed and approved by the township Law Director and Attorney Greg Beck has recommended a liability amount of \$10,000,000;

Administrator Fetzer stated that request is being made to the Board to consider making a motion to renew the Ohio Township Association Risk Management Authority (OTARMA) renewal premium in the amount of \$172,457.00.

Trustee DeChiara made a motion, based on the Administrator's recommendation, that the Board approve the renewal cost of \$172,457.00 to OTARMA for 2021-2022; Seconded by Trustee Shreffler.

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

Consider Service Invoice for Sedgwick TPA – Third Party Administrator \$8,155

Administrator Fetzer indicated that the Township's Workman's Compensation claims will be handled through Sedgwick (previously Care Works); renewal invoice in the amount of \$8,155.00. Administrator Fetzer gave a brief explanation and made request that the Board consider making a motion to pay the Sedgwick renewal notice in the amount of \$8,155.00.

Trustee Haines stated that based on this information, made a motion that the Board approve Sedgwick TBA as our third-party administrator and the invoice in the amount of \$8,155.00; Seconded by Trustee Shreffler.

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

Addition to Agenda – Nixle Invoice

Trustee Haines indicated that this item is an addition to tonight's Agenda, the 2021 Nixle alert system invoice in the amount of \$5,000.00.

Trustee Haines stated that based on this information, made a motion that the Board continue with Everbridge, which is the Nixle program for 2021 in the amount of \$5,000.00; Seconded by Trustee Shreffler.

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

Fire Department:

Consider Concrete Work at Station 3

Interim Fire Chief Larry Sedlock referenced the memo and photographs as supporting documents, attached before the Board, regarding the concrete work at Station 3 and gave a brief explanation concerning the obtained quotes. Based upon the quotes obtained, Fire Chief Sedlock stated that the Fire Department's recommendation would be to utilize McBurney Concrete.

Trustee Haines stated that based on the information from Chief Sedlock, made a motion that the Board approve McBurney Concrete to do our concrete repairs at Station 3 and at the maintenance garage and the path outside of the maintenance garage with a total cost not to exceed \$25,493.50; Seconded by Trustee DeChiara.

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

Police Department:

Road and Park Department:

Consider Awarding Paving Bid to Superior Paving and Materials, Inc. not to Exceed \$229,101.00

RESOLUTION 2021 - 020

Road Superintendent Masalko indicated that he and Law Director Hall have reviewed the paving bids and make recommendation to accept Superior Paving and Materials bid in the amount of \$229,101.00.

Trustee Haines stated that based on the information and all of the homework done by our Road Superintendent and Law Director, made a motion that the Board award the paving bid to Superior Paving and Materials, Inc. not to exceed \$229,101.00; Trustee Haines stated that just for discussion, Road Superintendent Masalko and he had conversation last week in regard to the paving work to be done on Bailey Street; due to the water work being done on Bailey at this time, we cannot proceed there until that work has been completed; Seconded by Trustee DeChiara.

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

Consider Awarding Tennis Court/Pickleball Court to Vasco not to Exceed \$150,000.00

RESOLUTION 2021 - 021

Road and Park Superintendent Masalko stated that he and Law Director Hall have reviewed the bid from Vasco for the pickleball/tennis court reconstruction at Perry Park and make recommendation that the Board accept this bid in the amount of \$150,000.00.

Trustee Haines stated that based on this information, made a motion that the Board approve the awarding of the tennis court/pickleball court to Vasco with the sum not to exceed \$150,000.00; Seconded by Trustee Shreffler.

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

Zoning:

Consider Awarding 2021 Grass Mowing Contractors

Trustee Haines indicated that the following six (6) mowing contractors have submitted their paperwork for mowing this 2021 season:

**Gino Lanzo
Arbotek Tree Care
Contractor Connecting
Marcelli's Lawn Care
LaMont's Lawncare
C & B Lawn & Landscaping**

Trustee Haines verified of Law Director Hall if there was any further direction regarding the acceptance of these mowing contractors this evening; Mr. Hall confirmed that upon the Board's acceptance of these six (6) mowing contractors, they would be utilized on a rotation basis for the 2021 season.

Trustee Haines stated that based on all that the vendors supplied, made a motion that the Board approve all six (6) of these contractors and give the Zoning Inspector the permission to rotate through them as needed; Seconded by Trustee Shreffler.

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

Problem Properties:

Law Director:

Consider Resolution Authorizing Payment to Milligan Pusateri

Trustee Haines – all right, next up on the Agenda is under Law Director and there has been some conversation back and forth and if we're not prepared to proceed with this, we can table this until next time; any discussion does anybody have

Mr. Hall – well, the only thing I have to say is that I had sent explanation of my May 7th email to the Fiscal Officer and the Board and the fourth paragraph of the draft resolution I have prepared for your consideration supports that. Other than that, I know this is the time to answer any other questions.

Trustee Haines – did we not approve this at the last meeting?

Mr. Hall – I understood that we did, but we have to review the actual minutes; I thought it was approved on May 4th.

Trustee Haines – and was there something missing when you approved that?

Mr. Chessler – I explained it in my email. You did it right with Krugliak, we had a contract presented to the Board, we had a written resolution with this Board on January 19th to consider or discuss in open session. This (Milligan Pusateri billing) was never discussed in a public meeting. It may have been discussed behind closed doors, in Executive Session, but in order for this to be a valid and legal act, there has to be a discussion and vote in a public meeting on this contract and I don't think you can go back now after the fact when you didn't do it right in the first place and approve it with a written resolution. You're affirming here that you acted in public when you didn't.

Mr. Hall – well, let me just say, there has been no decision until I brought this to the Board at the May 4th meeting; and then at the request of Mr. Chessler, I documented it in a . . .

Mr. Chessler – A billing statement showed that this firm was hired back in March

Mr. Hall – that's correct, and as it says in the resolution

Mr. Chessler – As a secret, it never was done in public

Mr. Hall – as it says in the resolution under 309.09 and 504.15, I think that's within my prerogative as a law director to do that; I cited it in the memo that I gave the Board, I cited it in the resolution

Mr. Chessler – I've been counseled this is a void act. It's illegal, it was never discussed in public

Trustee Haines – (inaudible)

Mr. Chessler – I've had counsel on that

Trustee Haines – our legal counsel?

Mr. Chessler – no

Mr. Chessler – I've reviewed the minutes and when you were sitting out here, you never discussed entering into or authorizing the Law Director to enter into a second law firm contract; it's not in your first contract with Krugliak

Mr. Hall – I agree, Mr. Chessler's correct, it was not discussed

Mr. Chessler – and there's no (inaudible) authority in that contract to delegate it to a new firm as there is sometimes

Trustee Haines – (inaudible) Charlie's saying is that's his authority to do that

Mr. Chessler – there is no such authority and you know that; the proper way for a lawyer to engage with a public entity is to present either a letter of engagement or a proposed contract; to this day, I have seen neither. . . do you have a letter of engagement from Mr. Brown, a contract?

Mr. Hall – I don't recall, I think I (inaudible)

Mr. Hall – tell you what, you’re asking me a question

Mr. Chessler – you know that’s essential and that’s probably the most important thing about this

Mr. Hall – I will have to review my resolutions, I think that the Board, and you were copied with everything, but I will affirm to that

Mr. Chessler – that did not happen in a public meeting where Joyce (inaudible)

Mr. Hall – (inaudible) this is the public May 4th and today is a public discussion, it’s precedent

Mr. Chessler – that doesn’t count, Charlie, it’s after the fact

Mr. Hall – well, that’s your opinion versus my opinion, Mr. Fiscal Officer; Craig, I’m not trying to pick a fight; I told you I respectfully disagree with you on this

Mr. Chessler – and I think your counsel, your Board thinks you are affirming a statement tonight of something happened publicly, but it didn’t

Trustee Haines – let’s do this, let’s review our Board of Minutes and see what’s in there from March until now and if it’s in there, then we’re within where we need to be (inaudible)

Trustee DeChiara – that sounds good; do a little digging in the records

Administrator Fetzer – I’ve already reviewed them, it’s not there

Trustee Haines – all right, I think we need to table this until we can confirm everything that’s been discussed

Mr. Hall – I’m fine with that

Trustee Haines – all right, next we have Executive Session under ORC . . .

Executive Session(s):

ORC 121.22 (G) (1) Hiring to Include the Board of Trustees

Trustee Haines made a motion that the Board adjourn into Executive Session pursuant to ORC 121.22 (G) (1) hiring to include the Board of Trustees with possible 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: 6:34 pm

The Board adjourned from Executive Session at: 6:59 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 7:00 pm; Seconded by Trustee DeChiara.

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

Doug Haines, President

Craig Chessler, Fiscal Officer