

Perry Township Board of Trustees

Regular Meeting

May 4, 2021 6:00 pm

Call to Order/ Pledge of Allegiance:

Trustee Haines called the Perry Township Board of Trustees Regular Meeting for May 4, 2021 to order and stated that at this time, would ask Maria Fishburn of the Fire Department to please lead us in the Pledge of Allegiance this evening.

Public Hearings/Invited Guests:

Consider Swearing in of Maria Fishburn – Ft. Fire Medic

Trustee Haines indicated that the first thing on tonight’s Agenda was the swearing in of Maria Fishburn and indicated that this would be done outside at this time in front of the fire truck.

Excused Absence: Tim Cugini, Zoning Inspector

Additions/Deletions to Agenda:

Trustee Haines indicated that there were three additions to tonight’s Agenda: one, under the Fire Department, Appointment of Deputy Chief Sedlock as Interim Fire Chief;

Two, under the Police Department, delete Agenda item: Police Department Grievances as Sick Leave, since those have been settled;

Three, we have one more Executive Session, ORC 121.22 (G) (1) Complaints or Discipline to include the Board and the Law Director; Seconded by Trustee Shreffler.

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

Communications:

Opening of Public Bids for 2021 Resurfacing of Public Roads

Trustee Haines inquired if there were any additional bids this evening; seeing none, Fiscal Officer Chessler opened and listed the following submitted bids.

Company	Total Bid Amount
Chagrin Valley Paving, Inc.	\$261,443.40
Superior Paving	\$229,101.10
Northstar Asphalt	\$289,681.00
The Shelly Company	\$307,983.00

Trustee Haines made a motion that the Board accept all of those bids and ask the Law Director and Road Superintendent to review them and as long as everything is in order, we will go ahead and proceed; Seconded by Trustee Shreffler.

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

Opening of Public Bids for Tennis/Pickleball Court

Fiscal Officer Chessler indicated that there were two bids submitted for the Tennis/Pickleball Court construction.

Company	Total Bid Amount
Carron Asphalt Paving, Inc.	\$151,350.00
Vasco Paving	\$150,000.00

Trustee Haines made the motion that the Board accept the Pickleball/Tennis Court quote from the two (2) companies and ask the Law Director and the Road Superintendent to make sure they are sufficient and meet all the criteria and then proceed after that point; Seconded by Trustee Shreffler.

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

Opening of Public Bids for Freightliner Cabin Chassis

Trustee Haines indicated that we also have an opening of Public Bids for Freightliner Cabin Chassis, but stated that since we did not receive any bids on this, will have to discuss how we want to move forward.

Notice from Department of Commerce

Trustee Haines stated that the Board received a letter from the Department of Commerce as notice that all permits to sell alcoholic beverages in our political subdivision will expire on July 1, 2021. Trustee Haines indicated that this letter relayed that in order to maintain permit privileges, every permit holder must file a renewal application. Trustee Haines asked Chief Pomesky if he would please relay any establishments in the township that had a number of calls for service that we should be alerted to.

Public Speaks: Scheduled Speakers:

Tim Blythe
Louis Lacourt
Lisa Dyer
Maryann Sturia
Daryl Smith
Steve Toohey

Tim Blythe, 1996 Masters Point SE, Massillon 44646 – Mr. Blythe read aloud a brief letter of thanks to Chief Martin for his service.

Louis Lacourt, 3048 12th St. NW, Massillon, Ohio 44646 – Mr. Lacourt thanked Chief Martin for all his work and service to the township.

Lisa Dyer, 7535 Petty Street, Massillon 44646 – Ms. Dyer stated her thanks for being able to come this evening to publicly recognize Chief Martin for all his years of service.

Maryann Sturia, 3312 22nd St. NW, Canton 44708 – Ms. Sturia stated her thanks for the opportunity to speak tonight and conveyed her thanks to Chief Martin for his years of public service.

Daryl Smith, 6280 Bosford St., Navarre, Ohio – Mr. Smith spoke a few words about Chief Martin's public service and stated that he was grateful for having made his acquaintance.

Steve Toohey, 642 Summerdale Avenue NW, Massillon, Ohio – Mr. Toohey stated that he was here tonight to recognize Chief Martin for his past 13 years of dedicated service to our Perry Township Fire Department and community and also addressed the Board for their decision that led to Chief Martin's resignation.

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 \$210,488.28 for the week ending April 6, 2021, and bills and payroll in the amount of \$33,973.09 for the week ending April 13, 2021 and bills and payroll in the amount of \$180,967.75 and bills in the amount of \$339,166.69 for a combined total of \$764,595.81; Seconded by DeChiara.

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 in a separate email that we received; Seconded by Trustee Shreffler.

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

Consider April 6, 2021 Meeting Minutes

Trustee Haines made a motion that the Board approve the April 6, 2021 meeting minutes; Seconded by Trustee Shreffler.

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

Administration:

Consider Revised Harassment in the Workplace Policy

Administrator Fetzer referenced the Perry Township Employee Handbook and the eight (8) page Harassment in the Workplace policy that Attorney Beck and his team have reviewed and newly revised; revisions relayed to the Board and Law Director Hall.

Trustee Haines stated that based on that information, made a motion that the Board accept the revised Harassment in the Workplace policy; Seconded by Trustee Shreffler.

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

Consider Trustee DeChiara's Request to Discuss Scheduling a Work Session for Dispatching Services

Trustee Haines referenced Trustee DeChiara's request to schedule a Work Session for Dispatching Services. Trustee DeChiara proposed Tuesday, June 8, 2021 for this upcoming Work Session. Trustee Haines made recommendation that the Board also consider waiting to make any final decisions in regard to the dispatching services until the new Fire Chief was in place. A brief discussion took place and the Board members agreed to proceed with an upcoming Work Session on Tuesday, June 8th for initial conversation and information.

Consider Appointing Butch Kraus as Interim Zoning Inspector Effective May 10th

Trustee Haines referenced the upcoming resignation of Zoning Inspector Cugini, accepted at the April 28th Work Session, and relayed the ads that are now running to fill that position.

Trustee Haines made a motion that the Board appoint Butch Kraus as our interim Zoning Inspector, effective May 10th with him working 8 hours a day with his maximum hours not to exceed 1500 hours until we hire a new Zoning Inspector or until we make a different motion.

Trustee DeChiara verified that Assistant Zoning Inspector Kraus understands that between now and December 31st, if he maxes out his hours, he won't be able to work; Trustee Haines verified that Assistant Zoning Inspector Kraus could not go over 1500 hours; Trustee DeChiara inquired if Mr. Kraus was made aware of this; Administrator Fetzer confirmed that Zoning Inspector Cugini had conversation with him regarding this matter.

Trustee DeChiara seconded Trustee Haines motion.

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

Consider FMLA Authorization for Employee A

Administrator Fetzer referenced an application for the Board's consideration to grant an FMLA request for Employee A; Administrator Fetzer indicated that Employee A has met all the appropriate criteria for FMLA; is aware of the responsibility to inform their department head of this approved FMLA leave for scheduling purposes; and is aware that FMLA runs concurrent with sick or vacation time.

Trustee Haines stated that based on this information, made a motion that the Board approve the FMLA authorization for Employee A; Seconded by Trustee DeChiara.

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

Fire Department:

Consider Resignation of Trevor Baugher

Chief Martin stated that the Fire Department is requesting that the Board of Trustees accept the resignation of full-time fire medic Trevor Baugher, effective April 24, 2021 at 7:00 am, resignation letter attached before the Board.

Trustee Haines stated that based on this information, made the recommendation that the Board approve the resignation of full-time medic Trevor Baugher, effective April 24, 2021 at 7:00 am; Seconded by Trustee Shreffler.

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

Consider Resignation of Edward Murray

Chief Martin stated that the Fire Department is requesting that the Board of Trustees accept the resignation of probationary part-time firefighter, Edward Murray, effective Tuesday, May 4, 2021, resignation letter attached before the Board.

Trustee Haines made a motion that the Board accept the resignation of Edward Murray, effective Tuesday, May 4, 2021; Seconded by Trustee DeChiara.

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

Consider Disposal of Obsolete Equipment

Chief Martin stated that the Fire Department is requesting that the Board of Trustees authorize the disposal/donation of obsolete/damaged/expired miscellaneous medical equipment that is no longer usable and it would go to the Medical Mission's Outreach (MMO).

Trustee Haines stated that based on this information, made the motion that the Board approve the disposal/donation of obsolete/damaged/expired miscellaneous medical equipment as described in the memo from Chief Martin; Seconded by Trustee Shreffler.

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

Consider New Air Conditioning Units at Station 2 and Fire Administration

Chief Martin stated that the Fire Department is requesting that the Board of Trustees enter into an agreement with All Type Heating & Cooling, 5201 Tuscarawas St., W., Canton, Ohio to replace the air conditioning units at Station 2 and the Fire Administration building at a total cost not to exceed \$7,090.00. Chief Martin gave some brief information and explanation regarding the air conditioning units at these two locations and indicated that three (3) quotes were obtained.

Trustee Haines stated that based on the Chief's recommendation, made a motion that the Board approve the purchase of the air conditioning units for Fire Station 2 and the Fire Administration building from All Type Heating and Cooling at 5201 Tuscarawas St., W., Canton with a total purchase price not to exceed \$7,090.00; Seconded by Trustee Shreffler.

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

Consider Smoke Alarm Purchase

Chief Martin stated that the Fire Department is requesting that the Board of Trustees authorize the purchase of 1500 Kidde P3010L Lithium battery operated (10-year) photoelectric smoke alarms from Home Depot, 2406 Lincoln Way East, Massillon, Ohio at a cost of \$15.00 per alarm for a total cost of \$22,500.00.

Chief Martin stated that this is a continuation purchase of smoke alarms to comply with the Fire Prevention Grant that was awarded to Perry Township Fire Department in the amount of \$58,000.00. Additionally, Chief Martin stated that so far under this grant agreement, the department has purchased 1254 detectors at a cost of \$13,918.50; a request has been submitted to FEMA for reimbursement of the \$13,918.50 and ultimately, the department must purchase \$58,000.00 worth of smoke alarms in which the department will be reimbursed \$55,238.10.

Trustee Haines stated that based on this information, made a motion that the Board approve the purchase of 1500 Kidde P3010L Lithium battery operated (10-year) photoelectric smoke alarms from Home Depot at a cost of \$15.00 per alarm for a total cost of \$22,500.00 that is part of the grant; Seconded by Trustee DeChiara.

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

Consider Stryker Power Load Ambulance Cot Retro-kits

Chief Martin stated that the Fire Department is requesting that the Board of Trustees authorize the purchase of two (2) 6500 Stryker 6500 Power Load Pro XT ambulance cot upgrade kits from Stryker Medical at a cost not to exceed \$6,784.74.

Trustee Haines stated that based on this information, made a motion that the Board approve the purchase of two (2) 6500 Stryker 6500 Power Load Pro XT ambulance cot upgrade kits from Stryker Medical at a cost not to exceed \$6,784.74; Seconded by Trustee DeChiara.

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

Addition to Agenda – Appoint Deputy Chief Larry Sedlock as Interim Fire Chief

Trustee Haines referenced this next Agenda item, addition under the Fire Department and made a motion that the Board appoint Deputy Chief Larry Sedlock as our interim Fire Chief, effective May 6th at 4:00 pm until a new and permanent Fire Chief can be interviewed and installed; Seconded by Trustee DeChiara.

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

Police Department:

Consider Phone Extension

Chief Pomesky stated that the Police Department is requesting that the Board of Trustees authorize the purchase of VoIP software to extend the in-house phone system into the patrol cars for each officer.

Chief Pomesky indicated that Warwick Communications is their current phone vendor for the system recently purchased; the total purchase price for this purchase request is \$5,426.40.

Trustee Haines stated that based on that information, made a motion that the Board approve the phone system that connects our in-house phone system into the patrol cars from Warwick Communications with a purchase price not to exceed \$5,426.40; Seconded by Trustee Shreffler.

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

Road and Park Department:

Consider Approval for Saratoga Project

Road Superintendent Masalko stated that as the Board is aware, he and Fiscal Officer Chessler have been working to secure funds from the Ohio Development Services Agency Grant in the amount of \$280,724.00. Mr. Masalko indicated that with the Township's local in-kind match of \$96,242.00 and in order to move forward with this project, is asking for the Board's authorization for Hammontree & Associates to secure geotechnical engineering and soil boring services not to exceed \$9,000.00.

Trustee Haines stated that based on that information, made a motion that the Board approve the fees for Hammontree & Associates for the design and geotechnical work done and the advertising of the project not to exceed \$9,000.00; Seconded by Trustee Shreffler.

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

Consider Hiring a Part-Time Seasonal Park Employee

Road Superintendent Masalko stated that the Park Department is asking the Board to consider adding Kaylee Blowers as a part-time seasonal employee for the Park Department; she will be paid \$13.00 an hour, not to exceed 1500 working hours within a year; she will be hired in as soon as she is finished with the school year, after passing her drug and alcohol testing. Further discussion took place regarding this proposed seasonal employee operating equipment and motor vehicles in regard to age requirements. Law Director Hall verified that he would prepare a document for Miss Blowers to sign regarding any equipment and motor vehicle restrictions.

Trustee Haines stated that based on that information, made a recommendation that the Board approve the hiring of Kaylee Blowers as a part-time seasonal employee for the Park Department; she will be paid \$13.00 an hour; not to exceed 1500 working hours within a year; she will be hired as soon as she is finished with the school year after passing her drug and alcohol testing; Seconded by Trustee Shreffler.

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

Law Director:

Consider Annexation Agreement Amendment

Law Director Hall referenced the proposed Annexation Agreement Amendment from the City of Massillon, attached before the Board, and brief, further discussion took place.

Trustee Haines stated that based on that recommendation, made the motion that as part of the agreement with annexation of the properties discussed, that the Board approve that it goes under the city zone ordinances applicable under the RM-1 classification; Seconded by Trustee Shreffler.

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

Consider Appointing Collections Law Firm/Agency for Streetscape Property Damage and Guardrail Damage

Law Director Hall referenced the streetscape property damage and guardrail damage matters; further discussion took place. Mr. Hall indicated that he would work with Fiscal Officer Chessler and would relay their recommendation back to the Board concerning these property damage matters.

Accept PERSO/OTARMA Settlement Recommendation in Case #5:20-cv-00160 – Plack

RESOLUTION 2021 - 015

Law Director Hall indicated that recommendation from the Board's liability provider to settle the federal case was received; Mr. Hall stated that he would ask the Board to pass a resolution to authorize and finalize this matter.

Trustee Haines stated that based on that information, made the motion that the Board accept the PERSO/OTARMA Settlement Recommendation in Case #5:20-cv-00160 – Plack; Seconded by Trustee Shreffler.

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

Accept PERSO/OTARMA Settlement in Case #21-HOU-AKR-40649 – Fair Housing

RESOLUTION 2021 - 016

Trustee Haines stated that in reference to the previous recommendation, made a motion to accept the PERSO/OTARMA settlement in Case #21-HOU-AKR-40659 – Fair Housing; Seconded by Trustee Shreffler.

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

Executive Session(s):

ORC 121.22 (G) (1) Hiring to Include Board, Fire Chief and Law Director

Trustee Haines made a motion that the Board adjourn into Executive Session pursuant to ORC 121.22 (G) (1) hiring to include the Board, the Fire Chief and the Law Director.

Trustee DeChiara verified that the Board may want to include Deputy Chief Sedlock in this Executive Session; Trustee Haines verified that the Board would include Deputy Chief Sedlock; Seconded by Trustee DeChiara.

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

The Board adjourned into Executive Session at: 7:13 pm

The Board adjourned from Executive Session at: 7:21 pm

Trustee Haines indicated that based on a conversation in this first Executive Session, made a motion that the Board approve the Fire Department to extend an offer of full-time employment to an employee on this list, contingent on testing and passing the polygraph, psychological assessments and the State of Ohio mandated pension physical; Seconded by Trustee DeChiara.

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

Trustee Haines referenced the second Executive Session pursuant to ORC 121.22 (G) (1) with employee to discipline of a public official to include the Board and the Law Director; Seconded by Trustee DeChiara.

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

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

The Board adjourned from Executive Session at: 7:37 pm

C & C Collections Matters – Consider Public Statement Regarding Auditor’s Finding for Recovery and KWGD Law Firm Internal Review and Recommendations

Trustee Haines indicated that under C & C Collection Matters and based on Executive Session, he would like to approve the public statement press release that he would read aloud. Trustee Haines stated that this is based on what those findings for recovery and KWGD law firm internal review and recommendations were:

Public Statement Press Release: On December 30, 2020, following a two-year audit review, the Ohio State Auditor recommended a finding for recovery against Cynthia Abbott doing business as C & C Medical Billing. Cynthia Abbott dba C & C Medical Billing was the emergency medical services billing contractor from January 2012 through December, 2018.

The Ohio State Auditor and the Ohio Attorney General are pursuing a civil lawsuit based upon the State Auditor’s findings and recommendation. It is the Board’s intent to again request a review of criminal charges against Cynthia Abbott dba C & C Medical Billing.

The Board of Trustees hired local law firm Krugliak, Wilkins, Griffiths & Dougherty Co., LPA and Attorney Leslie Iams Kuntz to conduct an internal review and investigation as to the Board’s policies, procedures and whether any culpability extends to Township representatives or employees. Attorney Iams Kuntz completed the review and has made certain recommendations to the Board.

In addition to the primary culpability of Cynthia Abbott, the independent investigator found systemic failures within the Fire Department and Fiscal Office for not promptly identifying the billing problem. The Board’s review, based upon the findings and recommendations of the internal review, found fault by Chief Martin and the former Fiscal Officer.

The Board of Trustees continues to pursue financial recovery through the Attorney General and by claims certain financial responsibility bonds.

The Board of Trustees has taken additional steps over and above the recommendations of both the Ohio State Auditor and Attorney Iams Kuntz to improve oversight of departmental functions, contracting with outside service providers, and to improve internal communications and reporting to the Board of Trustees as a legislative body of Perry Township. The Board continues its review of personnel, job duties and responsibilities and training to prevent a similar occurrence in the future.

These steps include, but are not limited to: organizational structure of the township from the Board of Trustees and Fiscal Officer down and through to the role, duties and responsibilities of each employee;

Management abilities and communications, how may personnel be better and more efficiently utilized to improve departmental functions and communications, both up and down the organizational "chain of command";

More frequent and open discussions with all department supervisors, Administrator, Law Director, Fiscal Officer and individual Trustees;

Staffing needs, are the job duties and responsibilities adequately staffed or is there a need for more, or fewer personnel. Cross-training personnel to insure complete and timely governmental operation within each department;

Budget, where are there better "economies of scale" and what budgets are inadequate for the services necessary to meet public expectations;

Training addressing ethics, finance and budget controls, personnel and governmental policies, internally and those imposed by the Ohio Federal laws;

The intent of the Board of Trustees is to continue this process in an open, clear and diligent matter to better serve the residents of Perry Township; Seconded by Trustee DeChiara.

Mr. Haines, yes. Mr. Shreffler, yes. Mr. DeChiara, yes.

Approve Invoice from KWGD and Milligan Pusateri Law Firms

Law Director Hall referenced that the Board previously affirmed and authorized a not to exceed amount of \$11,994.92 to Attorney Iams Kuntz of Krugliak, Wilkens, Griffiths and Dougherty and invoice in the amount of \$352.00 from Milligan Pusateri law firm.

Trustee Haines stated that based on that recommendation, made a motion to approve the invoice for KWGD in the amount of \$11,994.92 and Milligan Pusateri Law Firm in the amount of \$352.00; Seconded by Trustee DeChiara.

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

Resolution to Pursue Criminal Charges Against Cynthia Abbott

RESOLUTION 2021 - 017

Law Director Hall referenced the proposed written resolution requesting the Stark County Prosecutor to reevaluate and reconsider criminal charges against Cynthia Abbott.

Trustee Haines stated that based on that recommendation, made the motion that the Board approve to pursue the criminal charges against Cynthia Abbott and to take it to the Stark County Prosecutor; Seconded by Trustee DeChiara.

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

Resolution to Pursue Claim Against OTARMA Bond

RESOLUTION 2021 - 018

Law Director Hall referenced the external review by Krugliak, Wilkens, Griffiths and Dougherty and stated that he would ask the Board for a formal resolution to at least file a claim against a former Fiscal Officer's bond.

Trustee Haines stated that based on that recommendation, made a motion that the Board pursue the claim against the OTARMA bond for our former Fiscal Officer; Seconded by Trustee DeChiara.

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

Zoning:

Problem Properties:

Department Matters Not Requiring Board Action:

Administration:

Fire Department:

Police Department:

Road Department:

Parks/Recycling:

Zoning:

Law Director:

Announcements:

Adjournment:

With nothing further to come before the Board, Trustee Haines made a motion to adjourn the meeting at 7:44 pm; Seconded by Trustee Shreffler.

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

Doug Haines, President

Craig Chessler, Fiscal Officer