

Perry Township Board of Trustees

Regular Meeting

November 9, 2021 6:00 pm

Call to Order/ Pledge of Allegiance:

Public Speaks: Scheduled Speakers:

Excused Absence: John Masalko- Road Superintendent

Additions/Deletions to Agenda: None

Public Hearings/Invited Guests:

6:00 Swearing in of Fire chief Larry Sedlock

Trustee Doug Haines opened the meeting and stated that he wanted to welcome everyone this evening for the Swearing in Ceremony of the new Fire Chief, Larry Sedlock. Trustee Haines stated that he knows that many are here tonight for this event, family and his fire department members are with us. Trustee Haines and Chief Sedlock stated the Oath. Trustee Haines asked Mrs. Sedlock to do the honors of pinning her husband's badge. Trustee Haines complimented Chief Sedlock in doing an amazing job the last 6 months as Interim Fire Chief. He went through the process and he excelled all the way through it, and congratulations. Chief Sedlock stated it was an honor to be chosen as the next Fire Chief of Perry Township Fire Department. He thanked everyone for everything and the overwhelming support that he had through the entire process.

Trustee Haines stated that we will take a 5-minute recess and invited everyone; the new Fire Chief and family members and stated that they were all welcome to enjoy cupcakes.

5 Minute Recess

Trustee Haines resumed this evening's meeting and indicated that we will now continue with our Agenda following the swearing-in of the new Fire Chief.

Attorney Haren – Presentation of Fasnacht Farm Park Restrictions

Trustee Haines stated on the agenda is a presentation from Attorney Haren. She was asked to do research on the Fasnacht Farm Park restrictions. She specializes in realtor law. She reviewed the lease and will present options for Perry Township for the future.

Attorney Jamie Haren stated she is an attorney from the law firm of Gruber, Thomas and Co. She was asked to take a look at Fasnacht Farm history on the farm and specifically since the township purchased the farm. She looked at what options the township might have as it relates specifically to the deed restrictions. She related that these restrictions are in the deed and the purchase agreement. The options are based on her assumption that the township had determined that it could not be developed

in the way it was originally intended to be developed. She is not here to make that decision or to offer any opinion on that decision. She stated what she was here to do and has done. She has written a memo that outlines some of the options that the township might have as it relates to other things that they may want to do with the property besides develop as it was originally intend to be developed. She asked, what does the township do with it now? Each of the Trustee's had a copy of the memo. The restrictions stated that the farm has to be used for park and recreational purposes. There has to be a sign, but the most important is that if the property isn't used for park and recreational purposes, that it reverts back to the heirs of Mr. Fasnacht. That was negotiated under the purchase of this property. She outlined several options. The bottom line is that there may be something that the township could do. It would require some creativity and some other the options maybe more painful than others. She talked about each one and gave what she thought would be a good option for the property. She strongly suggested the township approach the heirs of Mr. Fasnacht. Stating to the heirs, that the township can no longer maintain this property as it sits, and it is not good for the township and ask them if they are willing to release these restrictions. They would be giving up their "right of reverter". In her conclusion she strongly encouraged the township to consider reaching out to the heirs. She also relayed that selling the wood from the barn because it is not economically feasible for the Township to maintain the barn and buildings on the property. The Board should consider whether the barnwood is salvageable. She indicated that old barnwood is valuable and could generate additional income to the Township. She indicated with some creativity and additional research, there may be several ways to either remove the restrictions or use the property with the restrictions to generate income to the Township. Trustee DeChiara asked if a public/private partnership should be researched. Such as, we were able to have someone lease it and develop it. She indicated there would have to be more research. Fiscal Officer, Craig Chessler asked if we retained ownership of the property, but have a lease for a duration that someone privately to come in for a long term, could we still retain it? We would be happy to discuss this issue further with the Board of Trustees and look forward to continuing to work together to find a solution that benefits the Township and its residents. Attached is the Memorandum from Jamie Haren outlining her recommendations.

Communications:

Public Speaks on items up for Board Approval:

Township Business requiring Board Action:

Unfinished Business:

Street Legal Golf Carts Request of Mr. Rohrer

Trustee Haines stated there has been a request and some conversation in regards to street legal golf carts by Mr. Ricky Rohrer. Trustee Haines asked Chief Mike Pomesky to address this issue and what are our options are. He indicated that the issue and policy is all golf carts need to be inspected, street legal, license and registered. The driver must be 16 years of age to drive the cart. All the same qualifications as a motor vehicle and drive 35 mph or less. It becomes the decision of the Board if they want to move forward in changing this ordinance. Chief Pomesky stated there is quite a lot of misconception that they are a permissible activity. Technically at this time, Chief Pomesky stated, that there are no roadways that they are allowed to be driven on. Trustee Haines asked how is that inspection controlled? He asked if the police inspect the carts or do they have to take the carts somewhere? Chief Pomesky stated

there seems to be an interest in some communities. Law Director Charles Hall stated to add to the confusion there was some media reports that the law was changed allowing this but the law has not been approved. It remains that the Township would have to pass a resolution authorizing them subject to the state law restrictions. Trustee Haines asked the Law Director if there are any known municipalities that have the golf cart laws that are legal? Trustee Haines asked if the Law Director could research this issue? Mr. Hall stated he could draft a model for your consideration.

New Business:

Trustee Doug Haines made a motion to approve bills and payroll in the amount of \$234,731.80 for the week ending 10-19-21 and approval of bills in the amount of \$393,176.52 for the week ending 10-26-21 and bills/payroll in the amount of 194,359.50 for week ending 11-2-21 for a combined total of \$822,267.82; Seconded by Trustee Mike Shreffler.

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

Fiscal Officer:

Consider Special Meeting Minutes of 6-22-21, 7-22-21, 8-4-21, 8-10-21, 9-13-21.

Trustee Haines made a motion that the Board approve the minutes of 6-22-21, 7-22-21, 8-4-21, 8-10-21, 9-13-21. Seconded by Trustee Shreffler.

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

Consider Regular Meetings of 8-17-21, 9-7-21, 9-21-21, 10-19-21.

Trustee Haines made a motion that the Board approve the regular minutes of 8-17-21, 9-7-21, 9-21-21, 10-19-21. Seconded by Trustee Shreffler.

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

Administration:

Consider \$5,000 Community Events Sponsorship from AQUA

Administrator Joyce Martin stated the Board is in receipt of a \$5,000.00 donation from Aqua that will assist Perry Township in the 2022 community events. This is the 7th consecutive year AQUA is continuing to support Perry Township in hosting our community events. The 2022 Perry Township Oktoberfest and Rotary Parade will take place either September 17th or 24th depending on the Perry High School Band's availability. Administrative Martin asked the Board to please consider making a motion to accept the \$5,000.00 donation from AQUA for the 2022 Community Events.

Trustee Haines made a motion that the Board approve the \$5,000 Community Events Sponsorship from AQUA. Seconded by Trustee Shreffler.

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

Consider the temporary road closing of SR172 from Saratoga Avenue to Delvern Ave. for the 5K Perry Rotary 25th Annual Perry Rotary Turkey Trot Race

Administrator Joyce Fetzer-Martin asked for the Board's review on the correspondence from David C. Koneval, Director of the ODOT District Four Traffic Office. Mr. Koneval has authorized the request of the Perry Rotary's Turkey Trot Race from the Director, Lisa Dyer to temporarily close State Route 172 prior to and for the duration of the Turkey Trot Race. She met with Department Heads to review the Turkey Trot Race and Community Events application and all safety protocols are in place. All course marshals for the event have been secured. Our community is excited to celebrate the 25th Annual Perry Township Turkey Trot event which has become a remarkable family tradition for our community member to enjoy. She asked the Board to consider making a motion to accept the letter of recommendation from ODOT and for temporarily closing SR.172 from approximately 7:30 am to 10:00 am on 11-25-21.

Trustee Haines made a motion that the Board approve the temporary road closing of SR.172 from Saratoga Avenue to Delvern Ave. from approximately 7:30 am to 10:00 am on 11-25-21 for the 5K Perry Rotary 25th Annual Perry Rotary Turkey Trot Race. Seconded by Trustee Shreffler.

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

Consider reimbursing sick hours to two employees for adhering to Covid-19 protocols

Administrator Joyce Fetzer-Martin stated the Board has been in support of affording full-time employees to be either reimbursed for or paid sick time utilized due to quarantining for COVID-19. Maximum days off provided would mirror that of each department's union contract or employee handbook. Ms. Fetzer-Martin asked the Board to please consider crediting two employees with their sick time of 18.46 hours and the other employee, 72 hours. Upon Board approval this memorandum would be provided to the fiscal office so that they may record crediting hours appropriately.

Trustee Haines made a motion that the Board approve reimbursement of the sick time for 2 employees with a total of 18.46 hours, and 72 hours. Seconded by Trustee Shreffler.

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

Fire Department:

Consider donating 3 sections of obsolete fire hose to Tim Gatchel

Chief Larry Sedlock stated the Fire Department is requesting the Board allow the donation of 3 sections of bad hose to Tim Gatchel. Mr. Gatchel makes outstanding firehouse flags. Perry Townships Fire Department hoses are obsolete. Chief Sedlock is asking the Board to allow the fire hose to donated to Tim Gatchel.

Trustee Haines made a motion that the Board allow the fire department donate the obsolete fire hoses to Tim Gatchel at no charge. Seconded by Trustee DeChiara.

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

Consider Zoll Maintenance contract for Auto Pulse resuscitation machines

Chief Larry Sedlock stated the Fire Department is requesting the Board allow the purchase of the Zoll AutoPulse device maintenance agreement for three (3) years (billed yearly). It would cover all five (5) of the AutoPulse devices. The agreement covers items such as, batteries, chargers, yearly maintenance, and shipping for a loan if needed. Chief Sedlock is recommending the Board authorize the purchase of the Zoll AutoPulse three (3) year maintenance agreement for \$16,800.00 which will be bill yearly at \$5,600.00

Trustee Haines made a motion that the Board allow the purchase of the Zoll AutoPulse three (3) year maintenance agreement for \$16,800.00 which will be billed yearly at \$5,600.00. Seconded by Trustee Shreffler.

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

Consider Zoll Maintenance contract for heart monitors

Chief Larry Sedlock stated the Fire Department is requesting the Board allow the purchase of the Zoll heart monitor maintenance agreement for one (1) YEAR. It would cover all five (5) of our monitors. The agreement covers items such as batteries, chargers, on-site yearly maintenance, shipping for a loaner if needed and discounts on supplies. Chief Sedlock is recommending the Board authorize the purchase of the Zoll heart monitor one (1) year maintenance agreement for \$7,627.50. This is a renewal maintenance agreement.

Trustee Haines made a motion that the Board allow the purchase of the agreement of the Zoll heart monitor one (1) year maintenance agreement for \$7,627.50. This is renewal maintenance agreement. Seconded by Trustee DeChiara.

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

Police Department:

Consider Stark County Sheriff's Office Training MOU

Chief Mike Pomesky stated the police department is requesting that the Board approve the memorandum of understanding between Perry Township and the Stark County Sheriffs Office for the use of the facility known as the Stark County Law Enforcement Training Center located at 143 1st Street SE, Massillon, Ohio 44646. MOU's initial term commencing on October 1, 2021 through December 31, 2021. By subsequent addendum, the Sheriff Department and Perry Township may agree to extend the initial term of this MOU on terms that are mutually agreed upon in writing by both parties. Either party may terminate this agreement with a written notice not less than sixty (60) days prior to the date of termination. There are no fees charge to Perry Township by the Sheriff during the initial term of this MOU. By subsequent addendum, the Sheriff and Perry Township may agree to fees/consideration on terms that are mutual agreed to in writing by both parties. Chief Mike Pomesky stated this is a memo and there is no charge for this service.

Trustee Haines made a motion that the Board enter into a memo of understanding with Stark County Sheriff's office with the initial terms beginning October 1, 2021 through December 31, 2022. By subsequent addendum, the Sheriff Department and Perry Township may agree to extend the initial term

of this MOU on terms that are mutually agreed upon in writing by both parties. Either party may terminate this agreement with a written notice not less than sixty (60) days prior to the date of termination. Seconded by Trustee Shreffler.

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

Consider amendment to E-mail Contract

Chief Pomesky stated during the migration process to Virtual Dataworks, they discovered another email address needs added to the police departments account. This would be for the mechanics email so they can receive the repair orders from the police department. The total cost for this addition is \$10.00/month (\$120.00) a year. The total expenditure for this project will be \$3,500.00 in migration costs (one-time), and a monthly cost of \$878/month or \$10,536 annually for this service through Virtual Dataworks.

Trustee Haines made a motion that the Board approve the additional email address. The total expenditure for this project will be \$3,500.00 in migration costs (one-time), and a monthly cost of \$878/month or \$10,536 annually for this service through Virtual Dataworks.

Trustee DeChiara interrupted before they went forward and stated he was concerned that the original contract with Virtual Dataworks for the police department email was never reviewed by Law Director Charles Hall's office and Mr. Hall is approving this and Trustee DeChiara asked who approved the original? Trustee Haines stated we should have the original approved, but Attorney Hall stated it was mute because the Board has already approved funding this contract. Trustee DeChiara did not want to add to the contract until the original is reviewed. And Trustee DeChiara stated he feels if there needs to be amendments then there has to be amendments. Trustee Haines agreed.

Trustee Haines stated the motion does not carry, with this he asked Law Director Hall to review the original contract that had been approved and the new contract. Attorney Hall stated he reviewed the addendum and approved it because it falls under and refers back to the original contract, his only comment was he was not asked to review the original contract. Mr. Hall asked, now does it really matter since we have already entered into this contract some months ago and payments have been done?

Attorney Hall stated he would like Administrator Martin or Fiscal Officer, Craig Chessler to provide the original copy for his review, he will have it ready for the next meeting.

Consider Emergitech Maintenance Agreement

Chief Mike Pomesky stated the police department is requesting that the Board approve an additional year on the Emergitech Maintenance Agreement that runs from December 1, 2021 thru November 30, 2022. The Police Departments needs this agreement as they migrate to the RMS. The total cost is \$6,879.43. It is the necessity behind this is going into the new system.

Trustee Haines made a motion that the Board allow the Police Department to enter into an agreement with Tritech Software Systems for the EmergiTech Software Maintenance Agreement not to exceed \$6,879.43. Seconded by Trustee Mike Shreffler

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

Road and Park Department:

Consider ODOT Township Stimulus Program update

Chris Young was present for Superintendent Masalko who was absent. Mr. Young stated as per requested from the Board of Trustees to have the Road Department apply for the ODOT Township Stimulus Program, the total funding being offered is 8 million dollars, the funding limit for each Township would be \$250,000 for each project. Superintendent Masalko and Mr. Oprisch have been working on this program and they were going to do culverts and guardrails but they would not qualify, so the best would be a paving project. After consulting with Karl Oprisch, they came up with the project that would fit withing the guidelines of the ODOT Township Stimulus Program that would be a mile portion of Nave St. between Perry Dr. and Genoa Ave. Nave is one of the Townships high-volume roads, and also is a main route to TC Knapp Elementary school, and it is also one of our higher speed limit roads. This application is an online submittal, and Karl Oprisch will be submitting this application after all the data is collected. This project would be a total mill of 3 inches, and then three inches of new black top would be installed with road striping. In order to apply, there is engineering that needs to be done, and it would be payment rating and analysis, which is also done by Transportation information Mapping Systems.

Trustee Haines made a motion that the Board proceed with the grant for the ODOT Township Stimulus Program and limited for each township would be \$250,000.00 and after discussion with Stark County Engineers one being a replacement of a mile portion of Nave St between Perry Dr and Genoa Ave. Seconded by Trustee Mike Shreffler.

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

Resolution 2021-29

Consider Township Participation – Final Resolution for ODOT intersection improvement at State Route 172 and Perry Drive

Chris Young stated this is a final resolution and contract needs to be passed by the Board of Trustees, then signed by the Board President and Fiscal Officer and returned to ODOT by December of 2021. The Township has agreed to participate in the ODOT project RC5521.01, Intersection Improvement at STA 172 and Perry Drive NW. Including using the townships choice of paint colors for signal and sign supports, pedestal and transformer base within Perry Township. This is a 1.628-million-dollar intersection improvement project. ODOT is asking our participation in our contribution of roughly \$7,500.00. This number may change because this project is slated for 2023.

Trustee Haines made a motion that the Board proceed with ODOT is asking our participation in our contribution of roughly and not to exceed \$7,500.00. The Township has agreed to participate in the ODOT project RC5521.01, Intersection Improvement at STA 172 and Perry Drive NW. Including using the townships choice of paint colors for signal and sign supports, pedestal and transformer base within Perry Township. This number may change because this project is slated for 2023. Seconded by Trustee Mike Shreffler.

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

Law Director:

Zoning:

Problem Properties:

Executive Session(s):

- 1.) Executive session (s) ORC 121.22 (G) (1) discussion of hiring a Fire Deputy Chief to include the Board and Fire Chief

Trustee Haines made a motion that the Board adjourn into Executive Session pursuant to ORC 121.22 (G) (1) concerning discussion of hiring a Fire Deputy Chief to include the Board and Fire Chief. Seconded by Trustee Mike Shreffler

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

The Board adjourned into Executive Session at: 7:08 pm

The Board adjourned from Executive Session at: 7:35 pm with no action to be taken

Resolution 2021-33

- 2.) Executive Session ORC 121.22 (G) (1) to consider complaint against a public employee to include the Board and Law Director

Trustee Haines made a motion that the Board adjourn into Executive Session pursuant to ORC 121.22 (G) (1) consider complaint against a public employee to include the Board and Law Director with action to be taken; Seconded by Trustee Ralph DeChiara

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

The Board adjourned into Executive Session at: 7:36 pm.

Trustee Shreffler made a motion to come out of Executive Session; Seconded by Trustee Haines.

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

The Board adjourned from Executive Session at: 7:42 pm.

- 3.) Trustee Mike Shreffler made a motion to consider passing a resolution to designate the law firm of Plakas and Manos and Attorneys David Dingwell and Denise Houston to investigate hostile work environment complaint filed by the Township Administrator. Seconded by Trustee Haines.

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

- 4.) Executive session (s) ORC 121.22 (G)(4) to discuss collective bargaining for Fire Department; Police Department, to include the Board, Fiscal Officer and Law Director

Trustee Haines made a motion that the Board adjourn into Executive Session pursuant to ORC 121.22 (G)(4) concerning discuss for collective bargaining for Fire Department; Police Department, to include the Board, Fiscal Officer and Law Director by Trustee Mike Shreffler

The Board adjourned into Executive Session at: 7:44 pm with no action to be taken.

The Board adjourned from Executive Session at: 7:59 pm, no action to be taken

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

Department Matters Not Requiring Board Action:

Administration:

Fire Department:

Police Department:

Road Department:

Parks/Recycling:

Zoning:

Law Director:

Announcements:

Public Speaks-Open Forum:

Tim Blythe stated his address of 1996 Masters Point SE. Massillon, Ohio. He would like to know how many light posts would be referenced to in the project with ODOT? Trustee Haines stated that was unknown because that is a county project. He suggested considering painting the present light posts a standard color so in the future the township would not have to spend \$7,000.00 for painting future posts. Mr. Blythe would like to see a standard color used.

Cary Coates stated his address as 3011 Meadowood NW. He stated he is the township historian. He stated he was personal friends of Mr. and Mrs. Fasnacht. He wanted to represent Mr. Fasnacht. Mr. Coates stated his relationship with Mr. Fasnacht. He stated the areas that the Fasnacht family owned in Perry Township. Regarding the farm, he is appalled at the lack of seeking grant money. Mr. Coates stated why there was no upkeep of the buildings, no events, no money put into the farm except no costs to you community gardens. He stated he is sick of hearing "oh good idea" and nothing being done. He stated nothing has been done in the last 10 years. He would like a steering committee. He feels the Trustee can not run the Fasnacht Farm with everything else they do for the township. He stated he will fight this administration. He feels the farm has many protentional. He stated if everything else fails this still should not be sold, it is paid for in full and could be turned into Perry Township Cemetery etc.

Adjournment:

With nothing further to come before the Board, Trustee Haines made a motion to adjourn the meeting at 8:00 pm; Seconded by Trustee Mike Shreffler

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

Doug Haines, President

Craig Chessler, Fiscal Officer