

Perry Township Board of Trustees

Regular Meeting

February 15, 2022 7:00 pm

Call to Order/ Pledge of Allegiance:

Public Speaks: Scheduled Speakers:

Excused absence:

Additions/Deletions to Agenda:

- a) Zoning Resolution submitted by Law Director Mathews concerning "Family Home"
- b) Executive Session under the ORC 121.22 (G)(1) to discuss a vacant deputy chief fire position.
- c) Under the Road Department consider accepting bids for road materials.
- d) Swearing in of Jessica Bender Firefighter/EMT and Marc Taylor Firefighter/Paramedic.

Swearing in of two Fire Department Firefighters

Trustee Nelligan asked Jessica Bender and Marc Taylor to step up for their Oath of Office.

Trustee Nelligan read aloud the Oath of Office and asked if each of the firefighters would raise their right hand.

I, _____, do solemnly swear to support the Constitution of the United States, the Constitution of the State of Ohio, the Resolutions of Perry Township Ohio, the rules, regulations, standard operating guidelines, standard operating procedures and policies of the Perry Township Fire Department and I will faithfully, honestly and impartially discharge the duties of Firefighter of Perry Township Fire Department and I do this as I shall answer unto God~

Communications:

- a) 6:00 pm Work Session to discuss Park Restrooms and proposed Snow Ban Enforcement

Public Hearings/Invited Guests:

Public Speaks on items up for Board Approval:

Township Business requiring Board Action:

Unfinished Business:

Consider Golf Cart compliance on public streets per request of Mr. Ricky Rohrer. This matter was tabled until 12-7-21 by previous Law Director Hall.

Trustee Nelligan stated there has been no further discussion on this topic. It is on the agenda for discussion.

Law Director Mathews asked the Board, what was under consideration is putting a regulation to authorize the local use of the golf carts? Law Director Mathews asked the Board, has there been discussion considering if the Board was wanting to move forward with this consideration? Trustee DeChiara stated that the previous Board was reviewing the request. Law Director Mathews stated the Ohio Revised Code does allow the Township to put in place some local regulation authorizing the use of golf carts on public streets. The Township can put in restrictions. Trustee Nelligan is concerned with what OTMRA's liability stand point is. Trustee Nelligan asked Chief Pomesky his input. Chief Pomesky had concerns with the golf cart issue. There were several issues he pointed out. Generally, golf carts are in gated communities. The person must be 16 years of age, have a driver's license, the golf cart must be registered in the State of Ohio, meet the insurance requirements with the state and several other law requirements Chief Pomesky pointed out. The Golf Carts are subject to the same traffic laws. Chief Pomesky stated there are many issues on the boundaries of having a golf cart. Chief Pomesky stated if the Township wants to entertain this issue, the Township may want to define what road ways or boundaries the Township wants the golf carts to operate on. Chief Pomesky stated, it is something that sounds good at the start but there is going to be crashes that happen especially during the night time hours. Chief Pomesky stated this could be a serious injury crash.

Trustee Nelligan stated the golf carts are going to put a burden on our Police Department. Trustee Nelligan brought about the subject of where the cart owners get the inspections for their golf carts. Chief Pomesky stated there are several companies that the golf cart owners can get inspections.

Trustee DeChiara suggested to look into other Townships in Ohio to see what their policies allow for golf carts on public streets.

Law Director Mathews stated he will look into giving the Board a list that the Township could include in the regulations of golf carts.

Trustee Nelligan made a motion that the Board table the golf cart compliance for the public streets issue. Seconded by Trustee Miller

ROLL CALL: Ms. Nelligan, yes. Mr. Miller, yes. Mr. DeChiara, yes.

Trustee Nelligan asked if Administrator Martin would check into OTMRA's stand point and liability. She would like Administrator Martin to collect information of other surrounding Townships and their regulations.

New Business:

Fiscal Officer:

Consider Bank Reconciliation Documents

Fiscal Officer Chessler proposed a motion that the Board consider accepting a motion to approve bills in the amount of \$565,847.63 for the week ending 2-1-2022 and bills/payroll in the amount of \$757,517.88 for the week ending 2-8-2022 for a combined total of \$1,323,365.51; Trustee Nelligan stated so moved. Seconded by Trustee Miller.

ROLL CALL: Ms. Nelligan, yes. Mr. Miller, yes. Mr. DeChiara, yes.

Consider Accepting Meeting Minutes

Trustee Nelligan made a motion that the Board approve the January 4, 2022 Organizational Meeting, January 18, 2022 and February 1, 2022 meeting minutes; Seconded by Trustee Miller.

ROLL CALL: Ms. Nelligan, yes. Mr. Miller, yes. Mr. DeChiara, yes.

Administration:

Consider accepting the OTARMA – Ohio Township Association Risk Management Authority Police and Fire Grant checks for a combined total of \$2,000.00.

Administrator Martin stated the Police and Fire Policy Grant funds are available to OTARMA Members that contract with a specialized service provider (such as Lexipol or Legal and Liability Risk Management Institute) to assist Townships' Police and Fire Departments in developing or updating policies and procedures. Administrator Martin asked the Board to consider accepting the OTARMA check for the Fire Department in the amount of \$1,000.00 and the Police Department in the amount of \$1,000.00.

Trustee Nelligan made a motion that the Board accept the OTARMA – Ohio Township Association Risk Management Authority Police and Fire Grant checks for a combined total of \$2,000.00. Seconded by Trustee Miller.

ROLL CALL: Ms. Nelligan, yes. Mr. Miller, yes. Mr. DeChiara, yes.

Consider accepting the OTARMA MORE Grant check in the amount of \$500.00

Administrator Martin is in receipt of a check in the amount of \$500.00 from OTARMA for the MORE Grant Managing Ohio Risk Exposures. The primary purpose of the program is the prevention or reduction of liability claims or property losses. The funds are available for purchases or expenses incurred during the application period. This year the Township utilized these funds for the fees of two members of the Road Mechanics Department for training for safety purposes. Please consider making a motion to accept the 2021-MORE Grant check in the amount of \$500.00.

Trustee Nelligan made a motion that the Board accept a check in the amount of \$500.00 from OTARMA for the MORE Grant Managing Ohio Risk Exposures. Seconded by Trustee Miller.

ROLL CALL: Ms. Nelligan, yes. Mr. Miller, yes. Mr. DeChiara, yes.

Fire Department:

Consider ordering new mattresses for sleeping quarters

Chief Sedlock asked the Board to consider purchasing new mattresses for the fire department sleeping quarters from FireHouseBeds. Chief Sedlock stated the last mattresses did not hold up well and is recommending purchasing 8 new mattresses and protective covers from FireHouseBeds. Chief Sedlock stated this company makes products for fire stations, for a price not to exceed \$2,804.00 and this price includes delivery.

Trustee DeChiara made a motion to consider purchasing new mattresses for the fire department sleeping quarters from FireHouseBeds for a price not to exceed \$2,804.00. Seconded by Trustee Miller.

ROLL CALL: Ms. Nelligan, yes. Mr. Miller, yes. Mr. DeChiara, yes.

Consider Stryker Power Cot Loading System maintenance agreement

Chief Sedlock is recommending to the Board to purchase a four (4) year preventative maintenance agreement for the Stryker power cot loading systems. The agreement covers parts, labor, travel, yearly inspection and any unscheduled service plus battery replacement. The agreement will not exceed \$21,923.12.

Trustee Nelligan made a motion to accept the agreement to purchase a four (4) year preventative maintenance agreement for the Stryker power cot loading systems. The agreement covers parts, labor, travel, yearly inspection and any unscheduled service plus battery replacement. The agreement will not exceed \$21,923.12. Seconded by Trustee Miller.

ROLL CALL: Ms. Nelligan, yes. Mr. Miller, yes. Mr. DeChiara, yes.

Consider hiring Firefighter/EMT Jessica Bender

Chief Sedlock is requesting that Jessica Bender be hired as a part-time employee; Starting wage will be \$15.55 per hour; hiring date will be effective February 15, 2022.

Trustee Nelligan made a motion that we approve hiring Firefighter/EMT Jessica Bender as a part-time employee effective February 15, 2022, at the starting wage of \$15.55; Seconded by Trustee Miller.

ROLL CALL: Ms. Nelligan, yes. Mr. Miller, yes. Mr. DeChiara, yes.

Consider hiring Firefighter/Paramedic Marc Taylor

Chief Sedlock is requesting that Marc Taylor be hired as a part-time employee; Starting wage will be \$17.25 per hour; hiring date will be effective February 15, 2022.

Trustee Nelligan made a motion that we approve hiring Firefighter/EMT Marc Taylor as a part-time employee effective February 15, 2022, at the starting wage of \$17.25; Seconded by Trustee Miller.

ROLL CALL: Ms. Nelligan, yes. Mr. Miller, yes. Mr. DeChiara, yes.

Police Department:

Road and Park Department:

Road Material Bid Accepted

Trustee Nelligan stated the addition to the agenda is the Road Material Bids. Trustee Nelligan noted all the bids received.

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| 1. D and R Supply | 8. Oster Sand and Gravel |
| 2. Diano Supply Co. | 9. North Star Asphalt Inc. |
| 3. Tiger Sand and Gravel Co. LLC | 10. American Sand and Gravel |
| 4. Highway LLC | 11. Huth Ready Mix |
| 5. Rupp Construction | 12. Reliable Ready |
| 6. National Lime and Stone | 13. Allied Corporation |
| 7. Massillon Asphalt Co | 14. Medina Supply |

Road Superintendent Masalko indicated that the bidding is done every year. We accept all bids and consolidate to the cheapest to the most expensive depending on the material. The Law Director and the Road Superintendent will look over the bids and if they are in compliance with the specs.

Trustee Miller asked after we do accept these bids then what is the next step? Road Superintendent Masalko stated each vendor will be sent a letter.

Trustee Nelligan stated based on that recommendation, made a motion that the Board approve all material bids received. Seconded by Trustee Miller.

ROLL CALL: Ms. Nelligan, yes. Mr. Miller, yes. Mr. DeChiara, yes

Zoning:

Law Director:

Consider a Resolution to authorize Fire Chief Sedlock to investigate charges ORC121.22(G)(1)

Law Director Mathews stated it has come to the attention of Chief Sedlock that a part time member of the fire department was involved in an incident in a domestic violence matter dating back to January. Law Director Mathews stated the incident is significant enough to implicate potential violations of local work rules. If the Board is interested in formally having those matters considered, the proper way to handle the situation would be to appoint the Fire Chief to investigate the matter and report back to the Board one way or another. This would be whether the charges are justified or charges not justified. If

the Board is inclined to proceed, he would recite the resolution to start the appointment. If the Board would like to discuss further in an executive session that would be the Board's prerogative.

Law Director Mathews invited the Board to consider the following motion or resolution stating that information has come to light of an incident which occurred January 22, 2022 involving Taylor Dryden. A motion should state that the Board is approving appointment of the Fire Chief pursuant to revised code 505.38 for the purpose of investigating the matter providing report to the Board whether there has been any violation of fire department policy or any formal charges are in order under revised code 733.35 against Taylor Dryden.

Trustee Nelligan makes a resolution to authorize the Fire Chief Sedlock to investigate the charges. Seconded by Trustee Miller.

ROLL CALL: Ms. Nelligan, yes. Mr. Miller, yes. Mr. DeChiara, yes.

Zoning Amendment Procedure

Law Director Mathews is wanting to address a zoning amendment procedure. The Board is familiar with the fact that there was a resolution of a fair housing act complaint sometime last year. Part of the settlement of that matter involved the Board amending its zoning resolution to conform with some FHA requirements. In reviewing the matter with the Zoning Inspector and Trustee DeChiara, Law Director Mathews stated it appears that the amendment was previously introduced by the Board considered by Regional Planning, considered by your Township planning commission, then the matter never came back a second time to the Board of Trustees for final action. In the process of amending Township Zoning Resolution, the early procedures with the planning commission you can get around those by substantial conformance because of home rule. Because it is a legislative zone change, the law requires strict compliance. Compliance would be with all the timing requirements and notice. First, you could take it back to the Regional Planning Commission before it goes to the Zoning Commission. Second resolution is a version that skips the step of going to Stark County Regional Planning if the Township would prefer. Since the Township is a home rule, it is not required that you have the matter go back before the Stark County Regional Planning. Skipping the step of going to Regional Planning would speed the process up which may be beneficial just to get the matter back on the table in a timely fashion. The Township already has the benefit of the first round in regional planning, if you would send it back, they may wonder why they are hearing it a second time. Law Director Mathews continued stating the resolution is prepared with the exact same language that was processed the last time. He stated you do not have to give this one more reading. This is not a part of the home rule.

Law Director Mathews has a resolution that would go to the Zoning Commission and skipping Regional Planning. That would be the form the Township would introduce. There is still a training component that the Law Director and the Zoning Inspector are working on so it is done in a timely fashion.

Law Director Mathews did suggest that skipping the regional planning step would be advisable. He included the document.

Trustee Nelligan made a motion to accept a resolution to amend the Perry Township Zoning Resolutions definition of "Family Home" and to permit such use in all residential districts. Seconded by Trustee Miller.

ROLL CALL: Ms. Nelligan, yes. Mr. Miller, yes. Mr. DeChiara, yes.

Law Director Mathews included a checklist format when notices have to be done, when hearings need to be held and action has to be taken. This is the process the Board will be walking thru.

Negotiation with the Road Department Memo to add Presidents Day

Law Director Mathews gave a status of the negotiations with the Road Department. Law Director Mathews stated they have successfully concluded; however, the Board is still waiting for the return of the signed collective bargaining agreement for the Boards approval. The resolution already has been drafted and provided to the Administrator for the Board to approve the collecting bargaining agreement. Law Director Mathews stated in the interim, it is advisable for a memorandum of understanding to be executed between the Board and the Union to allow for its 'Presidents Day'. There is a small discrepancy between the existing agreement the Road Department is currently operating under and the agreement that we anticipate to be signed which will go back to January 1, 2022. That involves consideration of "Presidents Day" as a holiday. He recommends the Board to authorize the Superintendent of the Road Department to execute a memorandum of understanding for the collective bargaining agreement to allow for the minor adjustment in the interim till the parties have had the opportunity to complete the CBA.

Trustee Miller asked if there is a time limit. Trustee DeChiara stated he has received word they all voted anonymously in favor of the contract. Superintendent Road Masalko stated AFSCME is behind writing all the new contracts.

Trustee Miller is making a motion to allow the Road Superintendent enter into memorandum of understanding to be executed between the Board and the Union to allow for its 'Presidents Day'.
Seconded by Trustee Nelligan

ROLL CALL: Ms. Nelligan, yes. Mr. Miller, yes. Mr. DeChiara, yes.

Problem Properties:

Executive Session(s):

ORC 121.22 (G)(1)

Trustee Nelligan made a motion that the Board adjourn into Executive Session pursuant to ORC 121.22 (G)(1) to discuss the vacant deputy chief fire position. Second by Trustee Miller.

ROLL CALL: Ms. Nelligan, yes. Mr. Miller, yes. Mr. DeChiara, yes.

The Board adjourned into Executive Session at: 7:33 pm

The Board adjourned from Executive Session at: 8:41 pm

Department Matters Not Requiring Board Action:

Administration:

Fire Department:

Police Department:

Road Department:

Parks/Recycling:

Zoning:

Law Director:

Announcements:

Public Speaks-Open Forum:

Steve Toohey

Steve Toohey of 642 Summerdale NW Massillon, Ohio. Mr. Toohey thanked everyone for the great communication during the recent snow storm. Mr. Toohey was there to check up on the email status of the email merger of the police department into the main administration. Chief Pomesky stated that has been done for a while. Chief Pomesky stated the police department has been on the email system through the Township since last year. Fiscal Officer Chessler stated we were to migrate the email from the current server into the server that included everything else in the Township. The second part of that draft was to completed with Chief Pomesky and Virtual Data. Chief Pomesky stated that was started as well, Virtual Data is merging everything and backing everything up. Mr. Toohey thanked them for the information.

Adjournment:

With nothing further to come before the Board, Trustee Nelligan made a motion to adjourn the meeting at 8:41 pm; Seconded by Trustee Miller

ROLL CALL: Ms. Nelligan, yes. Mr. Miller, yes. Mr. DeChiara, yes.



Lisa Nelligan, President



Craig Chessler, Fiscal Officer

*note: Recording is mismarked as 2-2-22 should be 2-15-22