

Perry Township Board of Trustees

Regular Meeting

November 1, 2022 7:00 pm

Call to Order/ Pledge of Allegiance:

Welcome/Invited Guests

Road Striping Bid Opening

Fiscal Officer Chessler indicated that there was only one bid submitted. JD Striping sent a bid for striping and there is a bond included that is signed. There was a bid tabulation sheet that shows a quoted price of \$52,635.30. Fiscal Officer Chessler stated that this appears that the submission is in order and Fiscal Officer Chessler requested the Board accept the bid and refer the bid for further review by the Law Director and Road Superintendent.

Trustee Nelligan made a motion to accept the JD Striping bid in the amount of \$52,635.30 for further discussion with the Law Director and Road Superintendent. Seconded by Trustee Miller.

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

Excused Absence: none

Public Hearings/Invited Guests:

Public Speaks on Agenda items up for Action:

Chief Sedlock requested that he would like to add to the agenda a resignation from the Fire Department.

Administrator Martin would like to add to the agenda the November 8, 2022 budget meeting with the Board of Trustees.

Law Director Mathews stated he would like to add an update on the Abbott case in the executive session to discuss pending litigation.

Trustee DeChiara would like to add a discussion with Police Chief Guist about towing services. He would like to ask questions concerning fees and policies etc.

Communications:/Announcements

1. Perry Township Christmas for Veteran's Wish Tag ~ Location site: Perry Township Administration office. Return wrapped gifts by November 22. Sponsored by Perry Township and Veteran's Service Commission of Stark County
2. Perry Township Rotary Turkey Trot ~ Thanksgiving Day! Gobbler Race at 8:00 am Turkey Trot Race begins at 8:40 am at Central Catholic.

Unfinished Business

Department Agenda Items (Information/Action Items)

Administration:

Consider increasing Richville Cemetery rates

Administrator Martin had a document from Lisa Bray, Cemetery Sexton. Ms. Bray shared a rate increase sheet from Ohio Monument Foundations, Inc for the Board. On the Memorandum to the Board, they could see the comparison rates from 2021 and 2022. There was also a list of other services that Ohio Monument provides and the fees and increased rates. Administrator Martin indicated that it has been some time since they increased their prices. Administrator Martin asked the Board to consider making a motion to adopt the price increase.

Trustee Nelligan made a motion to accept the increases for plots purchased by Perry Township residents. A plot measuring 3.5x10' from \$800.00 to \$850.00. Plots for non-residents, 3.5x10' going from \$1,000.00 to \$1,050.00. Opening and Closing casket burial from \$700.00 to \$750.00. Weekends and Holidays from \$800.00 to \$900.00. Opening and Closing cremation burial only, from \$400.00 to \$450.00. Weekends and Holidays from \$600.00 to \$700.00. Seconded by Trustee Miller.

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

Consider removing Fire Chief Sedlock from probationary status effective 10-18-22 and advancing his pay to \$40.24/hour

Administrator Martin stated to the Board to consider removing Fire Chief Sedlock from probationary status effective 10-18-22 and advancing his pay to \$40.24/hour.

Trustee Nelligan made a motion removing Fire Chief Sedlock from probationary status effective 10-18-22 and advancing his pay to \$40.24/hour. Seconded by Trustee DeChiara.

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

Budget Announcement

Administrator Martin announced the Budget meeting with the Board of Trustees on November 8, 2022, in the Township Hall beginning at 5:30 pm and then continuing at 30 minutes intervals.

Road Department:

Additional status update on the 2022/2023 Paving Program

Superintendent Masalko gave a status update on the 2022- 2023 Paving Program. Superintendent Masalko stated last week was a slow paving week. The company is continuing paving this week. He listed several streets that would be paved this week and next. Trustee Nelligan asked Road Superintendent approximately how many miles of road have been paved so far and he indicated he would look into this and get back with the total for her.

Consider the purchase of a Galion Model 400U-10 Dump Truck Bed in the amount of \$11,700.00

Superintendent Masalko stated it is his understanding, that during his absence, on October 21, 2022, Chris Young made a memo stating he needed to purchase an emergency bed for the dump truck. The truck bed was beyond repair. The Board did approve the new dump truck bed and the invoice is due in the amount of \$11,700.00. Superintendent Masalko is asking the Board for approval of the invoice for the dump truck bed. Trustee Miller asked about the time it will take to have the bed installed. Superintendent Masalko indicated approximately one week.

Trustee Nelligan made a motion to consider the purchase of a Galion Model 400U-10 dump truck bed from Cross Trucking in the amount of \$11,700.00. Seconded by Trustee DeChiara.

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

Discussion of Drainage on Arrowbrook and Sippo Park

Superintendent Masalko stated back in August he met with Stark Parks concerning a pipe on Arrowbrook. They looked into a situation where there was a washout near a catch basin. Superintendent Masalko, Chris Young, and Karl Oprisch were present. Representing Stark Parks, were Dan Moeglin, Rick Summers, Sarah Buell, Bill Bartos, and one other person. From a review of available mapping, it appears that the section of pipe from the catch basin to its outlet is outside of the township road right of way. Superintendent Masalko stated that even the catch basin appears to be beyond the road right of way. The hole in the ground near the catch basin is not affecting the road or the drainage in the Perrywood Estates allotment. He continued by stating with the damage to the pipe, it appears that the storm flow is able to pass through and make it to the outlet. Superintendent Masalko stated to keep vehicles from this area, there is the idea of using a barricade on the road. The discussion was a joint project with Perry Township roads and Stark Parks. The discussion was made that the Township would supply a short piece of pipe and hauling of large rock for the lining of the ditch which the park district would fund. The park would also supply the excavator to do excavating on the park. At the end of the discussion, all parties came away with a plan to start later in October or early November. Rick Summers telephoned the road department early last week asking for another meeting at the site. Rick Summers stated that Stark Parks was NOT going to help with the hole by the catch basin on their property because the water is coming from Perrywood Estate's allotment and indicated this would be the Township's responsibility to maintain this. Mr. Summers indicated to Chris Young that Stark Parks would give the Township their permission to go onto Stark Parks property to fix this issue. Dan Moeglin alluded to the fact that Stark Parks and the road department would be doing a joint project when he was present and made this presentation at the Board of Trustees meeting on September 6, 2022.

Superintendent Masalko stated as the Board knows, the road department is not permitted to go off-road onto private property. The only way that the road department would ever go onto private property to fix this issue would be under the Board's direction. After consulting with engineer Oprisch, there was the idea of just barricading this area off of the road right-of-way until a solution can be decided.

There was a discussion between Trustee Miller and Trustee DeChiara on off-road work. Trustee DeChiara didn't mind going off-road if this was a joint agreement where we are sharing work and cost,

he indicated. Trustee Miller wants to know what happened in the change. Trustee Miller asked what the township's responsibilities would be on this.

Law Director Mathews gave his input by stating that the key feature of this entire discussion needs to be what you are trying to solve. If the township is trying to solve a private water problem, by going off-road or not, is a totally different analysis. Law Director Mathews stated the township really shouldn't be spending money on this. However, if there is a structure on private property that can at least serve to benefit the road by providing drainage for the roadway, then you may go off the road right away and do a project if you obtain some license agreement to do this. The first step in this analysis really needs to be - is that pipe serving that road at all? Superintendent Masalko stated yes, it is. That is the argument that Stark Parks made that this is draining all the road water so we can do a joint effort. Law Director Mathews stated if this pipe is making it difficult to drain the road there is a statutory procedure to go off-road to do this but the cost would be to the property owner, not the township. The Board agreed that this would be the responsibility of Stark County Commissioners. They learned that Stark County only leases it to Sippo Parks.

There was also discussion concerning just opening up the pipe. Law Director Mathews stated that a few years ago the County changed its policies to have a preference to have open ditches as opposed to closed. Superintendent Masalko stated the end of this pipe is very close to a train and Stark Parks wanted to pipe it in at the catch basis. Then open it up after the trial.

Trustee Miller would like Superintendent Masalko to reach out to the Stark County Commissioners.

Law Director Mathews stated this needs to be clarified if this is Stark County Commissioners-owned or Stark Parks.

Park Department:

Resolution 2022-031

Zoning:

Consider Board authorization to issue Nuisance Resolution 505.871

Zoning Inspector, Jeff Whytsell presented a memo seeking Board approval for a declaration of a Nuisance Property Resolution 505.871. Zoning Inspector, Jeff Whytsell provided a document showing the property at 5675 Birchdale St SW Canton, Ohio 44706. The initial complaint was received in April 2022. At that time the property owner indicated he would cut the grass and take care of the boat but nothing has been done to remove the vehicles. The property has already been abated for uncut grass during the 2022 mowing season. Zoning Inspector Whytsell indicated that the property owner is not responding to the Zoning Departments' conversations and postings. Zoning Inspector Whytsell's recommendation is that the Zoning Department send a via registered mail with notice of Intent, to remove the boat and trailer which contains a 7-day response time from the date of service of said notice. He indicated that any expense incurred by the board will be submitted as an invoice to the occupant. Failure to pay the invoice will result in an entry on the tax duplicate and will be a lien on the land from the date of entry.

Chief Guist indicated that he has had several calls to that residence. He informed the Board that he believes the resident does have a son. Zoning Inspector, Jeff Whytsell stated the son was supposed to be taking care of the property. Zoning Inspector, Jeff Whytsell indicated that he has been corresponding with the son.

Trustee Nelligan made a motion to issue a Nuisance Property Resolution 505.871 for the property located at 5675 Birchdale St SW Canton, Ohio 44706. Seconded by Trustee Miller.

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

Police Department:

Towing Issue

Trustee DeChiara directed his concerns to Chief Guist and having to impound lots for towing in Perry Township. Chief Guist responded that we have a specific policy that we put through in our Lexipol. Policy Number 708 explains towing company guidelines disposition of vehicles. There are concerns with one of the tow companies that possibly one company was bought out by another company. They have not been utilizing their tow lot which was formerly Wakiem. More research needs to be done on how that lot is being maintained. Under our policy there are specific guidelines numbered, it is towing practices and guidelines that is number 708.6. That status under number 10 each towing company shall maintain its principal place of business within the jurisdiction of the Perry Township Police district. More research needs to be done with Diehl which bought Waikem Auto to see what is happening with the property in Perry Township.

Fire Department:

Consider one-year contract renewal for Zoll heart monitors in the amount of \$7,315.00

Chief Sedlock asked the Board to consider the renewal of a one-year contract with Zoll heart monitors. This will be in effect from 12-1-22 to 11-30-23. It covers a variety such as preventive maintenance, discounts on cables and batteries, loaner units during repairs, and free shipping.

Trustee Nelligan made a motion to consider the renewal of a one-year contract with Zoll heart monitors in the amount of \$7,315.00. Seconded by Trustee DeChiara.

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

Consider the resignation of Full Time Fire Fighter, Jacob Luckring

Chief Sedlock stated that he received a letter of resignation from a full-time employee, Jacob Luckring. He is resigning from the Perry Township Fire Department and joining the Massillon Fire Department. His effective date will be 11-3-22 but wishes to remain at Perry Township Fire Department in a part-time capacity. Chief Sedlock asked the Board to accept the resignation of Jacob Luckring as of 11-3-22 and then begin as a part-time firefighter effective 11-4-22.

Trustee Nelligan made a motion to accept Jacob Luckring resignation from full-time firefighter as of 11-3-22 and move into a part-time position effective 11-4-22. Seconded by Trustee DeChiara.

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

Law Director:

Status update on JEDD

Law Director Mathews stated he has the JEDD status. The City of Canton is proceeding with its public hearing on November 14, 2022. The City of Canton also has under consideration the proposed modification that Trustee DeChiara submitted. Administration Martin is making sure that the Boards notice is being published. The Board's meeting can proceed at the first meeting in December. He stated we should hear back from the city prior to the 14th or as a consequence of its meeting on November 14th.

Fiscal Officer:

Consider Pending Warrants

Fiscal Officer Chessler stated the following pending warrants for week ending 10-18-22 for bills/payroll in the amount of \$197,689.59 and week ending 10-25-22 for bills in the amount of \$150,035.92 for a combined total of \$347,725.51.

Trustee Nelligan made a motion to approve the pending warrants for week ending 10-18-22 for bills/payroll in the amount of \$197,689.59 and week ending 10-25-22 for bills in the amount of \$150,035.92 for a combined total of \$347,725.51. Seconded by Trustee Miller.

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

Consider 8-16-22 work session, 10-4-22 regular meeting, 10-11-22 special meeting and 10-18-22 regular meeting minutes

Fiscal Officer Chessler asked the Board to approve the 8-16-22 work session, 10-4-22 regular meeting, 10-11-22 special meeting, and 10-18-22 regular meeting minutes.

Trustee Nelligan made a motion to approve the 8-16-22 work session, 10-4-22 regular meeting, 10-11-22 special meeting, and 10-18-22 regular meeting minutes. Seconded by Trustee Miller.

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

Board of Trustees Updates –

Trustee Nelligan ~ Status update concerning meeting with Commissioner Smith

Trustee Nelligan wanted to update her fellow Board members at a meeting stating she has been contacted by several residents concerning a couple of different areas into looking at their creeks and their issues. Along Georgia St NW there is an issue near Fasnacht Farms by the condos. There is a creek there that is flowing over and also in Park Knolls. She had Commissioner Bill Smith talk to her about options for the residents.

Problem Properties:

Executive Session(s):

1. ORC 121.22 (G) (1) to discuss hiring and personnel topics to include the Board, Law Director, Administrator, and others as requested comp.
2. ORC 121.22 (G) (1) to discuss hiring and personnel topics to include the Board, Law Director, Fire Chief
3. ORC 121.11 (G)(1) to discuss hiring and compensation of personnel topics to include the Board, and Law Director
4. Pending Litigation with legal counsel to discuss with the Board

Trustee Nelligan made a motion to approve exempt employee classifications as recommended by Law Director Mathew for all department heads and the township Administrator. Seconded by Trustee DeChiara

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

The Board adjourned into Executive Session at 7:47 pm

The Board adjourned from Executive Session at 11:39 pm.

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

Tim Blythe stated his address as 1996 Masters Point SE., Massillon, Ohio. In the discussion of the drainage running by the condo complex by Fasnacht Farms, he stated if you look back 4-5 years ago Stark Parks was present and that ditched was maintained. Stark Parks recommended to Perry Township

that the ditch not be cleaned to bring it back to its natural state. There was a huge concern at that time. At that time, it was cleaned out possibly by the tenant farmer.

Adjournment:

With nothing further to come before the Board, Trustee Nelligan made a motion to adjourn the meeting at 7:47 pm; Seconded by Trustee Miller

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

Lisa Nelligan, President

Craig Chessler, Fiscal Officer