

**-Perry Township Board of Trustees**

**Regular Meeting**

**January 18, 2022 7:00 pm**

**Call to Order/ Pledge of Allegiance:**

**Public Speaks: Scheduled Speakers:**

**Excused absence:**

**Additions/Deletions to Agenda:** Fiscal Officer Chessler asked to add to the agenda to authorize the Fiscal Office to transfer funds from one fund to another fund for insurance. He will give more detail at that time.

**Public Hearings/Invited Guests:**

**Recognizing Officer John Wellman and Officer Gary Fabynick. Also recognizing Firemedic Rick Gialluca. Special guest will be the new law director, Jim Mathews.**

Trustee Nelligan acknowledged the retirees from the police department, Officer John Wellman and Officer Gary Fabynick. Trustee Miller presented Officer Wellman with a plaque of 25 years of service.

Trustee Nelligan acknowledged Gary Fabynick on his retirement. Trustee Miller presented Officer Fabynick with a plaque of 13 years of service.

Trustee Nelligan acknowledged Firemedic Rick Gialluca with an award. Trustee DeChiara presented Firemedic Gialluca with a plaque for his outstanding service.

Trustee Nelligan introduced formally the new law director, James Mathews. Mr. Mathews practices in a wide range of civil litigation matters, included cases involving gas and oil leases, negotiations, contracts and business claims, insurance coverage and many other areas of law. He is active in the community and many law organizations.

Law Director Mathews appreciated the introduction and being part of the team of Perry Township.

**Communications:**

**Public Speaks on items up for Board Approval:**

**Township Business requiring Board Action:**

**Unfinished Business:**

**Law Director Mathews report on Plakas Mannos Investigation**

Law Director Mathews stated there has been news reports that there has been a report prepared by the Plakas Mannos Law Firm. Law Director Mathews stated he had a brief period of time to go through the report and to develop some additional information. Law Director Mathews wishes he could state that

the report stands on its own and is self-contained and explains everything that the Board needs in terms of its information to make decisions or residents need to make decisions. Unfortunately, from his review of the report he is not able to do that. There are some portions of the report that are incomplete. It provides some bits and pieces of information relating to some complaints that were made by personnel. From a legal stand point it is his opinion that the report has some confusing aspects to as well. Law Director Mathews went on to say, unfortunately, this is a personnel matter and it involves some allegations made by the Township Administrator, and part of the report suggests that the Township Administrator played no role in some management issues. Under the revised code the township Administrator is charged with significant responsibilities relating to personnel and that would also include not only the documentation of personnel actions but also being familiar with all personnel actions. Law Director Mathews also stated that by his stand point coming in new to a matter like this, it is also unfortunate that the report is public. It is frustrating from a lawyer's perspective on how the report became public. There is a distinction drawn between things that are formally acted upon and things that are not formally acted upon. Law Director Mathews stated it is an interesting observation that there was no formal action that was ever taken by the Board of Trustees to waive the attorney client privileges that would have been attached to that report. This is pretty significant issue. The information you are receiving, that helps you draw conclusions on legal matters, is privileged and should remain that way until there is some formal reason given for a release. Law Director Mathews stated that you don't want to waive issues that you have to make decisions on. He has a plan to consult with the Board of Trustee's on this matter. It is ultimately the Trustees who will decide what to do with the report, if anything. Law Director Mathews will give the Board options when he discusses the matter. What he will be telling the Board in an executive session, will be privileged. Law Director Mathews stated this will be done under circumstances where he will be reinforcing the significance behind the attorney client privilege and the board members will respect the advice he is giving them. If some action will be taken by this Board upon his advice, it will then be taken to the public. There will be some directions given and some formal action to be taken, to address the matter as apposed to compounding the lose ends by having more lose ends.

Law Director Mathews stated he wished he could share more and hopes you respect the information that he had given and reinforcement of the significance of the attorney client privilege and he will be addressing the matter with the Board and see what their prerogative is after that explanation is given.

**New Business:**

**Fiscal Officer:**

**Consider Obtaining a Hinkle Report by Uhrig and Associates**

Fiscal Officer Chessler asked the Board to consider obtaining a Hinkle Report by Uhrig and Associates in the amount \$4,200.00. The State of Ohio requires each township submits financial records and financial reports. Fiscal Officer Chessler stated these are more detailed financial reports. The previous company used by the Fiscal Office is no longer servicing townships and recommended Uhrig and Associates to do the service. Uhrig and Associates sent a proposal for their services in the amount of \$4,200.00. This is for a one-year period. He is asking the Board to allow the fiscal office reports to prepare the reports to submit by the end of February to comply with the Auditors.

Fiscal Officer Chessler proposed a motion that the Fiscal Office obtains Uhrig and Associates in the amount of \$4,200.00. Trustee Nelligan stated so moved. Seconded by Trustee Miller

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

### **Consider Two Months of Bank Reconciliation**

Fiscal Officer Chessler stated to be considered are two months of bank reconciliation. In the last audit for the years 2019-2020, they made recommendations that the Board receive and approve the bank reconciliation which we do every month.

Fiscal Officer Chessler proposed a motion that the Board consider approving the October and November of bank reconciliation. Trustee Nelligan stated so moved. Seconded by Trustee Miller

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

### **Transfer of Funds for Insurance Purposes**

Fiscal Officer Chessler stated the fiscal office found the funds that we pay our insurance premiums and insurance claims from was not funded. With talking with the State Auditor's Office Auditing Assistance Team, the Fiscal Office is able to transfer funds with Board approval. The Fiscal Officer asking the Board for permission to transfer \$143,470.00 from insurance premium and bonding account to insurance benefits funds.

Fiscal Officer Chessler proposed a motion that the Board consider approving the fiscal office permission to transfer \$143,470.00 to the insurance benefits funds. Trustee Nelligan stated so moved. Seconded by Trustee Miller

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

### **Administration:**

#### **Consider Covid Sick Hours Replacement**

Administrator Martin would like the Board to consider the request of full-time employees who used their personal sick time when they were off with Covid, for restored hours. They are requesting their personal sick time hours be restored. These individuals have not used the Covid sick time benefits previously. (one time only).

Fiscal Officer Chessler proposed a motion that the Board consider the request of the full-time employees who used their personal sick time when they were off with Covid to restore hours. They are requesting their personal sick time hours be restored. Trustee Nelligan stated so moved. Seconded by Trustee Miller.

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

#### **Consider the Stark Soil and Water Invoice**

Administrator Martin stated the Township is mandated to file an annual National Pollutant Discharge Elimination System to the Ohio EPA by April 1<sup>st</sup> each year which is done by Stark Soil and Water

Conservation District. The township contracts the services to Stark Soil and Water Conservation District to conduct on-site inspections and keeping the township in compliance with the EPA. Administrator Martin asked to please consider making a motion to authorize payment to Stark Soil and Water Conservation in the amount of \$7,500.00 for services rendered to Perry Township pertaining to the annual National pollutant Discharge Elimination System report. This will be paid by the American Rescue Plan Fund.

Fiscal Officer Chessler proposed a motion that the Board consider the request to pay to Stark Soil and Water Conservation in the amount of \$7,500.00 for services rendered to Perry Township pertaining to the annual National pollutant Discharge Elimination System report. Trustee Nelligan stated so moved. Seconded by Trustee Miller.

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

### **Fire Department:**

#### **Consider Accepting Ohio Department of Public Safety Grant Reimbursement**

Chief Sedlock stated the department was awarded an EMS grant from the State of Ohio for \$2,500.00 in 2021. The items purchased met the conditions of the grant, therefore, allowing our department to be reimbursed for the full amount. Chief Sedlock is requesting the Board to accept the grant reimbursement for \$2,500.00.

Trustee Nelligan made a motion that the Board accept the grant reimbursement for \$2,500.00. Seconded by Trustee Miller.

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

#### **Consider Wage Adjustment of Part-Time Members Effective 1-1-22**

Chief Sedlock is asking the Board to approve the pay rate adjustment for the part-time fire department paramedics. Chief Sedlock compared the pay rates of surrounding departments. Based on the comparison, Chief Sedlock is recommending the Board authorize the pay rate adjustment that would make the department competitive with other surrounding departments for our paramedics. Chief Sedlock stated it was recommended from the Fiscal Office that we do the increases in steps. Moving to the second step automatically.

Trustee DeChiara stated he agrees with Chief Sedlock and should move directly to the second step of the pay raise.

Trustee Nelligan made a motion that the Board authorize the pay rate adjustment for the part-time paramedics. Seconded by Trustee Miller.

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

**Police Department:**

**Consider Accepting Formal Retirement of Officer John Wellman as of 2-28-22.**

Chief Pomesky asked the Board for consideration of accepting the formal retirement of Officer John Wellman as of 2-28-22. Officer John Wellman served for 25 years. Chief Pomesky stated it has been an honor to have Officer Wellman on our department and we wish him the best of luck in his retirement.

Trustee Nelligan made a motion that the accept the retirement of Officer John Wellman as of 2-28-22. Seconded by Trustee Miller.

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

**Consider Accepting Formal Retirement of Officer Gary Fabynick as of 1-24-22**

Chief Pomesky asked the Board for consideration of accepting the formal retirement of Officer Gary Fabynick as of 1-24-22. Officer Gary Fabynick served for 13 years. Chief Pomesky stated it has been an honor to have Officer Fabynick on our department and we wish him the best of luck in his retirement.

Trustee Nelligan made a motion that the accept the retirement of Officer Gary Fabynick as of 1-24-22. Seconded by Trustee Miller.

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

**Road and Park Department:**

**Consider payment of Waste Management Invoice**

Superintendent Masalko asked the Board to consider payment to Waste Management for \$7,286.27 under the American Rescue Plan Fund. Superintendent Masalko stated this invoice was for the sweepings that were hauled out of the Road Department. The road maintenance specialist hauled out 190.22 tons of sweeping in December. Law Director Mathews stated given the expandable flexibility under the American Rescue Plan Act and what you are able to spend it for, it is in his opinion the monies can be used for this invoice. This occurred after March of 2021.

Trustee Nelligan made a motion to approve the Waste Management Invoice in the amount of \$7,286.27. Seconded by Trustee Miller.

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

**Law Director:**

**Zoning:**

**Problem Properties:**

**Executive Session(s):**

Trustee Nelligan made a motion that the Board adjourn into Executive Session pursuant to ORC 121.22 (G)(4) collective bargaining matters to include the Board, Fiscal Officer and Law Director. Seconded by Trustee Miller.

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

The Board adjourned from Executive Session at: 8:26 pm

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

Trustee Nelligan made a motion that the Board adjourn into Executive Session pursuant to ORC 121.22 (G)(1) investigate charges to include the Board and Law Director. Seconded by Trustee Miller

The Board adjourned into Executive Session at: 8:27 pm

The Board adjourned from Executive Session at: 9:43 pm

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

**Department Matters Not Requiring Board Action:**

**Administration:**

**Fire Department:**

**Police Department:**

**Road Department:**

**Parks/Recycling:**

**Zoning:**

**Law Director:**

**Announcements:**

**Ohio Division of Liquor Control Notices**

Fiscal Officer Chessler stated that from time to time the Township receives notice from the Ohio Liquor Control when someone applied for a new permit or transfers a permit. The first one is from 1885 Farms LLC DBA Farms located at 1885 Farms, Richville Drive SW Canton, Ohio 44706. The protocol is if this Board would like to object or invite our residence to object, objections are gathered and the responses must be postmarked no later than February 7, 2022 and they are brought to the Stark County Commissions. Rayzers Petroleum LLC DBA Perry Fuel Mart located at 2801 Perry Dr SW Canton, Ohio. Those responses must be post marked no later than February 11, 2022.

**Public Speaks-Open Forum:**

**Steve Toohey**

Steve Toohey stated his address of 642 Summerdale Ave NW Massillon, Ohio. Mr. Toohey started out thanking Superintendent Masalko and his crew for an outstanding job in the township and also thank the Trustee's for taking care and showing appreciation to the Road Department during the snow storm.

As President of the Perry Township Rotary Club, Mr. Toohey was there to introduce a new rotary community program known as "Operation Clean Sweep". As Rotarians they pledge themselves to put service before self. The Rotary Club has created this program to clean our Township. The Rotary Club distributed 20 trash cans at several SARTA Bus stop benches to try to eliminate the littering that has become a problem over the years. Mr. Toohey wanted to thank AQUA and Keith Nutter for sponsoring this program financially. SARTA and AQUA are both great partners in our community. The program Operation Clean Sweep is to work with our businesses and engage them to begin to look closer at their buildings and properties to see how they can improve their appearance. The Rotary is also concerned with the elderly and shut-in residents that have a difficult time maintaining their properties. They want to assist the elderly in helping with their properties. Mr. Toohey would like the Township Trustees to know the Perry Rotary Club would like to work closely and join forces with the Township in anyway they can bring about positive change. Mr. Toohey also stated to have the Township remember that this program can help with the issues of Fasnacht Farms and remove trash and cut weeds and bring some order to the farm.

**Tim Blythe**

Tim Blythe stated his address of 1996 Masters Point SE Massillon, Ohio 44646. Mr. Blythe asked Superintendent Masalko if there is a reason why negotiations are stalled? Trustee Nelligan stated they will be going into executive session to discuss a few issues and the negotiations just got behind.

**Adjournment:**

With nothing further to come before the Board, Trustee Nelligan made a motion to adjourn the meeting at 9:44 pm; Seconded by Trustee Miller

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

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Lisa Nelligan, President

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Craig Chessler, Fiscal Officer