

**Perry Township Board of Trustees**

**Regular Meeting**

**March 1, 2022 7:00 pm**

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

**Public Speaks: Scheduled Speakers:**

**Excused absence:** John Masalko – Road Superintendent, Present Chris Young – Assistant Road Superintendent

**Additions/Deletions to Agenda:**

**Communications:**

- a) 6:00 pm Work Session to discuss proposed restroom facilities for Perry Parks - Nancy Nozik of Brandstetter Carroll Inc.

**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**

Law Director Mathews presented information concerning golf carts on public streets in Perry Township. Law Director Mathews circulated, after the last meeting, information on what the code authorizes in dealing with golf cart usage and what the Township would need to do if the Board of Trustees would want to authorize the use of the golf carts on Perry Township streets. Law Director Mathews stated the policy evaluation gives the Board authority to proceed but doesn't necessarily mean it would be in the best interest of the community. Law Director Mathews stated that in addition to the information he provided, Administrator Martin also collected information including a recommendation from OTARMA. Information from OTARMA ruled against the authorization of the use of golf carts in the community. Law Director Mathews stated it is a factor that placing additional equipment, additional operators on the roads, and smaller vehicles that are more difficult to see, all those factors become a safety feature more than a liability issue. Law Director Mathews continued, that if the Board of Trustees is interested in going to the next step, he suggested looking into other Townships that have adopted a regulation and modifying one that suits this Township. Law Director Mathews also gave information on a clearinghouse for information at the state level. If a community passes an ordinance or a resolution authorizing the use of golf carts, the resolution has to be filed with the State.

Trustee Nelligan stated her concern at this time is with OTARMA and risk management advising us against the golf cart issue. Another concern Trustee Nelligan relayed was the inspections of the vehicles and if they have all the proper equipment and the burden that would be placed on the police force if they are not in compliance. Trustee Nelligan asked, from a perspective of the law, how should this be

handled in stopping the golf carts that may not have been inspected or approved? Chief Pomesky stated they would be subject to the same requirements as a motor vehicle. The golf cart could be subject to impound and a citation just like a licensed driver.

Trustee DeChiara stated that based on the Township's association recommendations of OTARMA he would suggest tabling the golf cart usage to such a time in the future.

Trustee Nelligan made a motion that the Board table the discussion of golf carts on Perry Township roads as of now. Seconded by Trustee DeChiara

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

Ricky Rohrer, who had requested the golf cart compliance, was in attendance.

**New Business:**

**Fiscal Officer:**

**Consider Bank Reconciliation Documents**

Fiscal Officer Chessler proposed a motion that the Board consider pending warrants for week ending 2-15-22 for bills in the amount of \$129,086.92 and week ending 2-22-22 bills/payroll in the amount of \$324,860.08 for a combined total of \$453,947.00.

Trustee Nelligan made a motion that the Board consider pending warrants for week ending 2-15-22 for bills in the amount of \$129,086.92 and week ending 2-22-22 bills/payroll in the amount of \$324,860.08 for a combined total of \$453,947.00; Seconded by Trustee Miller.

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

**Administration:**

**Consider Capital Budget Opportunities**

Administrator Martin stated spring is around the corner and the parks will be used by several of our community members. Administrator Martin stated this is an announcement of the Capital Budget Community Projects for 2022. The Board has opportunities with the Capital Budget funding and Administrator Martin expressed there is no required match for applying for this grant. However, a contribution amount may enhance the opportunities for approval. Administrator Martin continued to explain that the Board may want to consider a 10% match in order to be reviewed more favorably. Administrator Martin stated she has been working closely with Ms. Kendall Glandorff of Representative Scott Oelslager's office to complete the application for the 2022 Capital Budget Community Projects. Administrator Martin shared a list of projects that may be eligible for funding and a list of items that are not. Administrator Martin stated that based on the fact that the Township is focusing on improving the Perry Park System, she asked the Board to review the list of items that have been purchased in the past and what has been denied in the past. Administrator Martin is inviting some entities to speak on the subject. Scheduled on Tuesday, March 8, 2022, at 6:00 pm will be Mr. Taylor Kolanko of DWA Recreations, at 6:30 pm will be John Foraker owner of My Splash Pad and at 7:00 pm is a representative of Forever Lawn to also give a presentation.

Trustee Nelligan asked Trustee DeChiara if the Board has ever participated in a Capital Budget Community Project from the State? Trustee DeChiara responded not to his knowledge. Fiscal Officer Chessler responded most of the Capital Budget has been in conjunction with road improvement projects.

Administrator Martin indicated the Capital Budget grant application deadline is March 18<sup>th</sup>. It will be general information on the application as to what the total request is, the location of the property, and they've requested an A-B plan. Trustee DeChiara asked if restrooms and pavilions are included in this grant? Trustee Nelligan did not see roads or culverts either. Administrator Martin stated these would not be included. Trustee Nelligan also asked how long do we have to spend the money on this project? Administrator Martin said we will receive that information when the approval has been given. Trustee Nelligan is concerned if that would give us enough time. Administrator Martin said she would inquire about the deadline.

Trustee Nelligan announced that next week there will be three guests at a special work session on March 8, 2022, at 6:00 pm. The three guests will speak on what each has to offer in regards to the playground equipment and the splash pads.

**Fire Department:**

**Police Department:**

**Resolution 2022-2**

**Consider OVI Task Force Memorandum of Understanding**

Chief Pomesky stated this is a statewide grant that seeks impaired drivers. The police department has been asked to participate in the enforcement efforts with the task force to decrease the occurrence of impaired drug and alcohol driving. If approved, the first event would begin on March 17, 2022.

Trustee Nelligan asked if this is an annual contract? Chief Pomesky stated this will be an annual program moving forward. Chief Pomesky stated that the police department would get the grant in September. Trustee Nelligan asked if we have previously entered into these contracts and if our officers will be participating in the events. Chief Pomesky replied yes, that is correct and we will be participating along with other county officers throughout Stark County. Trustee Nelligan asked if we sign the agreement/memorandum, do we need to participate in other Townships or counties? Chief Pomesky responded that we can and will have the opportunity through the partnership and will actually pay our officer's salaries back to Perry Township.

Trustee Nelligan made a motion to accept the OVI Task Force Memorandum of Understanding. Second by Trustee DeChiara.

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

## **Resolution 2022-3**

### **Consider Memorandum of Understanding Between Perry Township and Stark County Sheriff's**

Chief Pomesky requested that the Board of Trustees approve the memorandum of understanding between Perry Township and the Stark County Sheriff's Office for the use of the facility known as the Stark County Law Enforcement Training Center located at 143 1<sup>st</sup> Street SE in Massillon. The cost is \$25.00 per officer per year. Chief Pomesky explained that this is another avenue of training for the officers. This year the State required 24 hours of continuous professional development. Chief Pomesky explained the training is for all police officers to participate in.

Law Director Mathews stated he reviewed the terms and conditions of the memorandum and it is legally sufficient as long as it meets the Board's needs from a policy perspective.

Trustee Nelligan made a motion to accept the Memorandum of Understanding between Perry Township and Stark County Sheriffs. Second by Trustee DeChiara.

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

### **Consider Equitable Sharing Agreement and Certification**

Chief Pomesky discussed the Equitable Sharing Agreement and Certification Report from the Federal Government. Chief Pomesky explained that this is not a highly used account but is something that the police department has if cases apply. This past year there were no expenditures or deposits, and the account ended with the same beginning balance of \$5,545.31.

Trustee Nelligan made a motion to accept the Equitable Sharing Agreement and Certification between the Perry Township Police Department and the Department of Justice and Department of Treasury. Seconded by Trustee DeChiara.

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

### **Road and Park Department:**

#### **Zoning:**

## **Resolution 2022-4**

### **Law Director:**

### **Consider the agreement between Brandstetter Carroll Inc. and Perry Township.**

Law Director Mathews discussed the park/restroom facility projects and the draft agreement with Brandstetter Carroll, Inc. that provides the initial architectural services. Law Director Mathews reviewed the proposed agreement and stated the Architectural contract utilizes a typical AIA format contract. Law Director Mathews stated this contract is not a contract that required arbitration rather that it basically requires any dispute that would need mediating and if the mediation is unsuccessful then the court is the option for both parties to resolve it. Law Director Mathews indicated that the contract with Architects is an item you are buying that really never becomes yours. The Board will become authorized to use the contract. All the plans that are crafted by the Architect will remain the intellectual property

of the architect. The Board is provided a license to use the instruments for its project. The Board can negotiate and require the rights to intellectual property. The Board may use them on another project and inform the Board that there are features to this arrangement. If the Board is inclined to utilize a portion of your ARPA Money for funding the monies for the architects, he would recommend first passing the resolution he drafted for the authorization of that expenditure. Mathews stated that the resolution will serve as a document for the file and for your fiscal officer. The Board must follow the appropriate State and Federal procurement requirements for that level of contracting and it will also express that the Board is utilizing that portion of that money that the Board allocated in the standard allowance towards that particular contract. The second item that Law Director Mathews prepared as an addendum to that contract to cover the Township on certain federal procurement contracting issues if the Board is intending to use the ARPA money. Law Director Mathews indicated that once the Township uses federal monies that may be audited at a federal level, the Board wants to make sure they are in compliance with the federal contracting laws. Law Director Mathews continued by explaining the contract and the addendum.

If the Board is inclined to proceed, Law Director Mathews confirmed to first consider the resolution to use the segregated allocated amount from the Township standard allowance for the project. If the Board would approve the contract with the architect, Law Director Mathews would appreciate the Board's approval of the addendum as well. Law Director Mathews would prefer the process in that order and to be a separate contract from the master plan.

Trustee Nelligan made a motion to utilize ARPA money for the project with Brandstetter Carroll, Inc. in the amount of \$42,000.00. Law Director Mathews expressed that this is pursuant to a written resolution. Law Director Mathews also suggested the Board may want to include, within the scope of services, any surveying because of the passage of time. The Township may want to include an increase of \$3-5,000.00. Law Director Mathews indicated that there is a line for the amount on the addendum. The Board discussed increasing up to \$50,000.00 and the Board members were all in agreement. Seconded by Trustee Miller.

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

Trustee Nelligan made a further motion to utilize ARPA money for the contract with Brandstetter Carroll, Inc in the amount of \$50,000.00 together with the addendum. Seconded by Trustee Miller.

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

Administrator Martin answered Trustee DeChiara's previous concerns on what could be used with the Capital Budget Grant. Administrator Martin answered Trustee DeChiara's question that projects eligible for State Bond Funding were listed under recreational facilities in his attachments. Administrator Martin stated the park pavilion may be eligible. Administrator Martin also communicated the types of projects that are not funded by the State Bonds.

**Department Matters Not Requiring Board Action:**

**Administration:**

**Fire Department:**

**Police Department:**

**Road Department:**

**Parks/Recycling:**

**Zoning:**

**Law Director:**

**Announcements:**

Trustee Nelligan announced the Perry Township Newsletter has been published. Trustee Nelligan stated the newsletter is available on the Perry Township website and on the Township Facebook page.

**Public Speaks-Open Forum:**

**Cary Coates**

Cary Coates stated his address as 3011 Meadowwood NW Perry Township. In November, he addressed the Board regarding Fasnacht Farms. Mr. Coates divulged very strongly about not selling the farm. He would like to get a steering committee started and feels there is a lot of potential on the farm.

Trustee Nelligan replied to Mr. Coates concerns about Fasnacht Farms and stated the Board will be addressing the issue and informed Mr. Coates that work sessions will be held shortly to address Fasnacht Farms.

**Problem Properties:**

**Executive Session(s):**

**ORC 121.22 (G)(1) consider the discipline of fire department personnel to include the Board, Law Director, and Fire Chief**

**ORC 121.22 (G)(1) discuss the fire prevention officer position to include the Board, Law Director and Fire Chief**

**ORC 121.22 (G)(1) discuss the investigation of charges including the Board and Law Director**

Trustee Nelligan made a motion that the Board adjourns into Executive Session pursuant to ORC 121.22 (G)(1) to consider the discipline of fire department personnel including the Board, Law Director, and Fire Chief. Seconded by Trustee DeChiara.

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

The Board adjourned into Executive Session at: 7:30 pm

The Board adjourned from Executive Session at: 8:08 pm

Trustee Nelligan made a motion that the Board adjourns into Executive Session pursuant to ORC 121.22 (G)(1) to discuss the fire prevention officer position to include the Board, Law Director, and Fire Chief. Seconded by Trustee Miller.

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

The Board adjourned into Executive Session at: 8:08 pm

The Board adjourned from Executive Session at: 8:49 pm

Trustee Nelligan made a motion that the Board adjourns into Executive Session pursuant to ORC 121.22 (G)(1) to discuss the investigation of charges including the Board and Law Director. Seconded by Trustee Miller.

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

The Board adjourned into Executive Session at: 8:49 pm

The Board adjourned from Executive Session at: 9:07 pm

**Adjournment:**

With nothing further to come before the Board, Trustee Nelligan made a motion to adjourn the meeting at 9:07 pm; Seconded by Trustee Miller

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