

**Perry Township Board of Trustees**

**Regular Meeting**

**April 5, 2022, 7:00 pm**

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

**Public Speaks Scheduled Speakers:**

**Excused absence:**

**Additions/Deletions to Agenda:**

Chief Larry Sedlock stated he had a document from the Law Director regarding items to discuss for the Air Gas Agreement.

**Public Hearings/Invited Guests:**

**Communications/Announcements:**

**Yard Waste Opening Dates**

Trustee Nelligan announced that the Perry Township Yard Waste Site opened on March 9, 2022 – Hours of operation will be Monday, Wednesday, and Saturday from 8 am to 4 pm.

**Spring Clean-Up Day**

Trustee Nelligan announced that Saturday, April 23<sup>rd</sup>, 2022 will be the Spring Clean-Up Date. This will be located at the Road Department at 1500 Jackson Ave SW, Massillon. Details can be viewed at [www.perrytwp.com](http://www.perrytwp.com) and the Perry Facebook page.

**Perry Rotary Easter Egg Hunt**

The Perry Rotary Easter Egg Hunt will be Saturday, April 16, 2022, from 10 am to 12 pm at the Perry High School Wellness Center. The flyer can be viewed at [www.perrytwp.com](http://www.perrytwp.com)

**Wreaths Across America**

The Wreaths Across America Mobile trailer sponsored by Perry Rotary will be displayed at Perry High School at 3737 13<sup>th</sup> Street S.W. Massillon on Friday, May 6<sup>th</sup>, 2022 from 9 am to 5 pm. The exhibit is free of charge.

**Ohio Division of Liquor Control**

Ohio Division of Liquor Control ~ Transfer from Canton Pizza Inc. DBA Pizza Hut located at 4526 W. Tuscarawas Perry Twp. Canton to SFR X Holdings LLC DBA Pizza Hut of same address. Responses must be postmarked no later than 4-25-22.

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

**Township Business requiring Board Action:**

**Unfinished Business:**

**New Business:**

**Administration:**

**Consider the Memorandum of Understanding as submitted by Mr. Perry Ballinger of Massillon Amateur Radio Club**

Administrator Martin presented a Memorandum of Understanding from Mr. Perry Ballinger of Massillon Amateur Radio Club. He is requesting a 24-hour emergency radio test at Hartwick Park. Mr. Ballinger desires to use Hartwick Park from June 25, 2022, from 7:00 am to June 26, till 4:00 pm to participate in the national, American Radio Relay League, portable emergency radio communication readiness "Field Day". Law Director Mathews reviewed the MOU and is in agreement.

Trustee Nelligan made a motion to consider and approve the Memorandum of Understanding as submitted by Mr. Perry Ballinger of Massillon Amateur Radio Club. Seconded by Trustee Miller.

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

**Consider FMLA request of Employee "A"**

Administrator Martin asked the Board to consider FMLA (Family Medical Leave Act) request for Employee "A". Supporting documents were given out. Administrator Martin indicated employee "A" is requesting undetermined days off for FMLA to provide care to an immediate family member. The applicant has met all the appropriate criteria for FMLA. Administrator Martin explained that applicants are aware of the responsibilities of informing their department heads for scheduling purposes. Administrator Martin continued explaining the requirements with FMLA.

Trustee Nelligan made a motion to accept the FMLA request of employee A. Seconded by Trustee Miller.

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

**Consider accepting the Yard Waste Grant program from Stark Tuscarawas Wayne Joint Solid Waste Management District in the amount of \$26,785.00.**

Administrator Martin asked the Board to consider accepting the Yard Waste Grant program for 2022 from the partnership with Stark Tuscarawas Wayne Joint Solid Waste Management District in the amount of \$26,785.00.

Trustee Nelligan made a motion to accept the Yard Waste Grant program from Stark Tuscarawas Wayne Joint Solid Waste Management District in the amount of \$26,785.00. 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 in the amount of \$8,298.28**

Road Superintendent Masalko is asking the Boards permission for payment of \$8,298.28 to Waste Management for sweepings that were hauled out of the road department. The road maintenance specialists hauled out 191.61 tons of sweepings in December. Road Superintendent Masalko stated he discussed this billing with Law Director Mathews and he indicated “this can be authorized under the given expandable flexibility of the American Rescue Plan Act (ARPA) for this invoice”. The monies can be used for this purpose. Law Director Mathews asked this be incorporated into the resolution that it be paid under the micro-purchase level from the ARPA funds and one resolution.

Trustee Nelligan made a motion to allow the payment of the Waste Management Invoice in the amount of \$8,298.00 under the micro-purchase level from the ARPA funds. Seconded by Trustee Miller.

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

**Zoning:**

**Consider Request for 2022- Mowing Contract Motion**

Zoning Inspector Whytsell asked the Board to consider a request to approve and utilize the following three contractors for the 2022 mowing season to accommodate the tall grass, weeds, and brush. It is the practice of the Zoning Department to contract this service out. The three companies that will be utilized will be JT Lawn Care, Lamont’s Lawncare LLC, and C&B Lawn and Landscaping LLC. The three contractors now have updated certificates of Liability Insurance and are covered under the Bureau of Workers Compensation. The fee schedule fee for service is \$40.00 per lawn cut and/or\$40 for hourly cleanup of trash including an Administrative Fee of \$150.00 for zoning abatements.

Trustee Nelligan made a motion to approve the mowing contractors for 2022. Seconded by Trustee DeChiara.

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

**Resolution -2022**

**Consider Board Approval to declare a public nuisance 2825 Chadwick St N.W. Massillon, Ohio 44646**

Zoning Inspector Whytsell stated as we are going into 2022, we do need to make a public record that we do have 3 properties in which we wish to declare a public nuisance.

Zoning Inspector Whytsell asked for the Board’s Approval to declare a public nuisance at 2825 Chadwick St N.W. Massillon, Ohio 44646. Initial complaints were filed in May of 2021. There were a series of violations sent to the owner, property location, and posted on the premise with no responses from the owner.

Zoning Inspector Whytsell recommended the Board approve the attached Resolution 505.87 to be sent with notice of intent to abate via certified letter, which contains a 14-day response time. Also, any

expense incurred by the board will be entered on the tax duplicate and a lien will be put on the land from the date of entry.

Trustee Miller asked where this issue goes from here. Zoning Inspector Whytsell noted that we send certified letters with 14 days to respond. If the owner does not respond within 14 days, we send out contractors and they mitigate and fees are assessed. The fees are sent to the property owner and the loan company. If no remittance of payment is received within a 30-day window then the fees are submitted to the county auditor for tax assessment against the property.

Trustee Miller asked if these complaints came from community members or were part of your inspections? Zoning Inspector Whytsell responded it is both community members and part of our inspections. Zoning Assistant Butch Kraus was instrumental in his files on these properties and Zoning Inspector Whytsell inspected these properties as well.

Trustee Nelligan made a motion to declare a public nuisance at 2825 Chadwick St N.W. Massillon, Ohio 44646. Seconded by Trustee DeChiara.

Fiscal Officer Chessler suggested that Trustee Nelligan also authorize the Zoning Inspector and Law Director to take whatever steps necessary to carry out this nuisance matter.

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

**Resolution -2022**

**Consider Board Approval to declare a public nuisance 4250 Greenford St S.W. Massillon, Ohio 44646**

Zoning Inspector Whytsell asked for the Board's Approval to declare a public nuisance at 4250 Greenford St SW Massillon, Ohio 44646. Initial complaints were filed in March of 2021. This involves a classified junk vehicle that was on site. This particular individual has had several face-to-face conversations with Assistant Zoning Inspector, Butch Kraus, to remove a junk vehicle with no compliance and made it clear that the owner did not attend to abide by zoning regulations in this matter. Zoning Inspector Whytsell stated he also responded to this owner in writing with intent.

Zoning Inspector Whytsell recommended the Board approve the attached Resolution 505.871 to be sent with notice of intent to abate via certified letter, which contains a 14-day response time, and have this vehicle removed from this property.

Trustee Nelligan made a motion to declare a public nuisance at 4250 Greenford St S.W. Massillon, Ohio 44646. Trustee Nelligan also authorizes the Zoning Inspector and Law Director to take whatever steps necessary to carry out this nuisance matter. Seconded by Trustee Miller.

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

**Resolution -2022**

**Consider Board Approval to declare a public nuisance 3432 Lincoln Way E. Massillon, Ohio 44646**

Zoning Inspector Whytsell asked for the Board's Approval to declare a public nuisance at 3432 Lincoln Way E., Massillon, Ohio 44646. Initial complaints were filed in March of 2021. This is a vacant property with issues that have been in action since March of 2021. This is a property that is going to be a two-fold issue. First dealing with nuisance issues. Then there will be a future submittal for this house for demolition. There is an additional process that will be addressed when demolition is necessary. There has been an issue of vagrancy and the Perry Police have reported to Zoning Inspector Whytsell personally and they have been on site for issues of continued vagrancy. Assistant Zoning Inspector Kraus had previously dealt with board-ups and securing the home to no avail.

Zoning Inspector Whytsell recommended the Board approve the attached Resolution 505.87 to be sent with notice of intent to abate via certified letter, which contains a 14-day response time. Also, any expense incurred by the board will be entered on the tax duplicate and a lien will be put on the land from the date of entry.

Trustee Nelligan made a motion to declare a public nuisance at 3432 Lincoln Way E. Massillon, Ohio 44646 also authorizes the Zoning Inspector and Law Director to take whatever steps necessary to carry out this nuisance matter. Seconded by Trustee DeChiara.

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

**Police Department:**

**Fire Department:**

**Consider the resignation of Taylor Dryden**

Fire Chief Sedlock asked the Board to accept the resignation of the firefighter, Taylor Dryden. His effective date of resignation is March 21, 2022.

Trustee Nelligan made a motion to consider the resignation of Taylor Dryden. Seconded by Trustee DeChiara.

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

**Consider hiring Tyler Marchand**

Fire Chief Sedlock asked the Board to consider hiring Tyler Marchand as a full-time firefighter paramedic pending the outcome of his physical. A portion of his physical has been completed and the balance is scheduled for April 19, 2022.

Trustee Nelligan made a motion to consider Board approval to hire Tyler Marchand as a full-time firefighter paramedic pending the results of his physical. Seconded by Trustee DeChiara.

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

**Resolution -2022**

**Consider the Air Gas Agreement**

Law Director Mathews stated that the Fire Department reviewed its supplier for medical oxygen and other gases and such and wanted to proceed with the Air Gas Agreement. Law Director Mathews talked about the agreement and the points of interest. Law Director Mathews asked Fire Chief Sedlock if he wanted to approve the agreement as is? Fire Chief Sedlock stated other departments have utilized this company. He feels there would be cost-saving also. Law Director Mathews stated he would like to modify the agreement and have it on the next meeting agenda and approve it with minor modifications.

NO VOTE

**Resolution -2022**

**Law Director Updates:**

**Consider adopting the “Snow Ban” resolution Motion**

Law Director Mathews indicated the Board can now act on the adoption of the revised “Snow Ban” policy by resolution. Law Director Mathews reviewed the resolution after Administrator Martin had edited the draft for errors and he feels it is in order. Law Director Mathews indicated that this version would implement a civil fine as opposed to a criminal offense mechanism for enforcement. He also discussed the posting requirements. Law Director Mathews suggested implementing a local parking violation bureau in the township. Chief Pomesky has recommended that all parking in fractures that are enforced in the township be made uniform. Law Director Mathews could get input from the Board on the draft resolution and have it on the next agenda.

Trustee Nelligan asked if the signage stays posted all year long? Law Director Mathews stated typically the signs will stay all year long.

Trustee Miller asked what a typical parking violation bureau involves? Law Director Mathews indicated it will standardize procedures which means even from the outside of a violation, there doesn't have to be any particular form used. The draft resolution uses the uniform traffic ticket. People will have a period of time to answer the charge. Law Director Mathews proposed giving 10 days for a response, then the answer either admits the violation and pays the fine or contests the ticket and proceeds with a hearing. It would not be similar to a court proceeding it is an informal review that is conducted in-house. Then the charges are dispensed with a dismissal or a fine. Chief Pomesky indicated this procedure will bring everything under one form for the officers and identify what the Board has passed. Law Director Mathews stated any state law would also be followed.

Law Director Mathew will take into consideration the other resolution from Chief Pomesky and have it on the next agenda.

Trustee Nelligan made a motion to accept adopting the “Snow Ban” resolution. Seconded by Trustee Miller.

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

**Fiscal Officer:**

**Consider Pending Warrants**

Fiscal Officer Chessler requested the Board consider the pending warrants for the week ending 3-15-22 for bills in the amount of \$58,420.83 and week ending 3-22-22 for bills and payroll in the amount of \$296,292.00 and the week ending 3-29-22 for bills in the amount of \$129,551.34 for a combined total of \$484,264.17.

Trustee Nelligan made a motion to approve to week ending 3-15-22 for bills in the amount of \$58,420.83 and week ending 3-22-22 for bills and payroll in the amount of \$296,292.00 and the week ending 3-29-22 for bills in the amount of \$129,551.34 for a combined total of \$484,264.17. Seconded by Trustee DeChiara

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

**Consider Bank Reconciliations for January 2022**

Trustee Nelligan made a motion to approve the Bank Reconciliations for January 2022. Seconded by Trustee Miller

Fiscal Officer Chessler indicated to the Board that the financial document may look different because this was the first report transitioning from the old system to the new UA system.

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

**Consider accepting 3-1-22 regular meeting minutes and 3-15-22 work session minutes and 3-15-22 regular meeting minutes**

Fiscal Officer Chessler asked the Board to accept the 3-1-22 regular meeting minutes and 3-15-22 work session minutes and 3-15-22 regular meeting minutes

Trustee Nelligan made a motion to accept 3-1-22 regular meeting minutes and 3-15-22 work session minutes and 3-15-22 regular meeting minutes. Seconded by Trustee Miller

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

**Board of Trustees Updates – Roll Call**

**Consider Perry Township News Magazine status update**

Trustee Miller reported on the update of the Perry Township News Magazine commitment to Canton Data Print Postage of \$3,837.55. He presented the quote from Canton Data Print. One option was less expensive than the version we are using currently, however, but more expensive than other options. Included with the quote is the cost of mailing the newsletter to the residents. He discussed each item on the quotation sheet that Canton Data Print provided. He indicated the cost of \$11,000.00 for the first mailing. That would be with no advertisement. Trustee Miller indicated it would be done 4x per year

and this would be done at seasonal times. This would be an \$11,000.00 4x per year cost, however, this would be with zero advertisements. Trustee Miller's argument in favor of this, he indicated, is the communication and visibility with the residents, and feels strongly about mailing a newsletter to residents and not just an electronic newsletter. The postage is a large expense. Trustee Nelligan asked Administrator Martin how many electronic newsletters do we send out? She indicated it is sent to a link that goes to our website, Facebook post directing to our website, we pass out to all of our departments to distribute and others about the community. The newsletter is also distributed to local restaurants and departments in the township to distribute.

Trustee Nelligan stated that talking with business owners in Perry Township, there is potential for interest in advertising. The positive is that Canton Data Print would do the leg work with the advertisers.

Trustee DeChiara is in favor of the newsletter but would like to see what the advertiser's income will bring in.

Trustee Miller asked if there was a communications budget or marketing budget? Administrator Martin stated there has not been budgeting for advertising. Trustee Miller stated that Canton Data Print only needs a commitment on the postage up front. The only commitment at this board meeting would be for postage only of \$3,837.55. Trustee Miller asked Administrator Martin if going forward with this, what would the timeline be? Administrator Martin indicated she reached out to Canton Data Print and they were not able to commit at this point so she was unable to give a timeline. They are still working on the advertising. Canton Data Print has set up a 40% of the cost of the advertising that would come back to the township.

Trustee Nelligan asked if we secure an advertisement will they take the same percentage of that fee? Administrator Martin indicated that has not been discussed but she will inquire on the subject.

Trustee DeChiara stated the advertising should not be limited to Perry Township only.

Trustee Miller suggested highlighting an employee from each department. Administrator Martin indicated to the Board that all their suggestions will be in the upcoming newsletter.

Trustee Miller made a motion to approve the commitment to Canton Data Print in the amount not to exceed, \$3,837.55 to cover the postage for the first spring edition of the Perry Township Newsletter. Seconded by Trustee Nelligan.

The fiscal Officer stated these funds will come from the General Fund.

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

**Executive Session(s):**

**Executive Session ORC 121.22 (G)(1)**

**ORC 121.22 to discuss hiring and personnel matters to include the Board and Law Director**

Trustee Nelligan made a motion that the Board adjourns Executive Session pursuant to ORC 121.22(G)(1). Seconded by Trustee DeChiara

No action is to be taken

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

The Board adjourned into Executive Session at 8:03 pm

The Board adjourned from Executive Session at 8:45 pm

### **Executive Session ORC 121.22 (G)(3)**

ORC 121.22(G) (3) conference with legal counsel concerning imminent or pending court action to include the Board, Law Director, and Administrator

Trustee Nelligan made a motion that the Board adjourns Executive Session pursuant to ORC 121.22(G)(13). Seconded by Trustee DeChiara

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

The Board adjourned into Executive Session at 8:46 pm

The Board adjourned from Executive Session at 9:20 pm

### **Executive Session ORC 121.22 (G)(1)**

ORC 121.22(G) (1) to discuss compensation to include the Board, Law Director, and Administrator

Trustee Nelligan made a motion that the Board adjourns Executive Session pursuant to ORC 121.22(G)(13). Seconded by Trustee DeChiara

The Board adjourned into Executive Session at 9:21 pm

The Board adjourned from Executive Session at 9:42 pm

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:**

**Public Speaks-Open Forum:**

**Steve Toohey**

Steve Toohey stated his address as 642 Summerdale. He thanked the Zoning Inspector for taking the above 3 properties and making sure that the Township acts upon them. He read a letter out loud from the Perry Township Rotary Club and would like to invite you and all community volunteers to join us this Saturday, April 9, 11 am-3 pm to kick off the Initial Operation Clean Sweep. He continued to discuss the program. The next cleanup date will be April 21<sup>st</sup> at the intersection of Perry Avenue and 12<sup>th</sup> Street.

**Dorothy Hamilton**

Dorothy Hamilton stated her address as 4045 Richville S.W. Navarre. She discussed the water problem she has been having. She stated there is a crack in her garage floor foundation. Road crews have been to her property. She is unsure what to do. She indicated part of the road by her home is caving in. Road Superintendent Masalko is aware of the issue and will review her property.

**Tim Blythe**

Tim Blythe stated his address as 1996 Masters Point, Massillon, Ohio. Mr. Blythe asked why the Perry Township Police Department is not involved in the Operation Clean Sweep. Trustee Nelligan indicated that the Perry Township Police Department, based on our policies and procedures, there has to be a charge because we have to pay for our officers being on a detailed shift. The Rotary decided not to use Perry Township Police Department. She stated she then had a conversation with Sheriff Maier and he stated he had employees that would come out and work this event without paying extra monies. He donated his time and talents to the program. Mr. Blythe then went on to ask, regarding the nuisance properties, if any of those individuals would seek a lawyer and accuse the township of spot enforcement, using Fasnacht Farms as an example of a property of a nuisance that has not been kept, what would be the liability? Mr. Blythe also stated the newsletter is a good idea. Can we partner with the schools and share the costs and this will show that we are working with the schools that may generate more advertising? He feels he would like to see the money spent in other places.

Trustee DeChiara stated Fasnacht farms that the Board would be discussing and have it cleaned up shortly.

**Adjournment:**

With nothing further to come before the Board, Trustee Nelligan made a motion to adjourn the meeting at 9:43 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