

**Perry Township Board of Trustees**

**Regular Meeting**

**12/5/2023 6:00 pm**

**Budget Hearings 5:00 PM**

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

**Welcome/Invited Guests**

**Excused absence:**

Trustee DeChiara and Zoning Inspector Jeff Whytsell

**Additions/Deletions to Agenda – Roll Call by Department:**

Fire: follow up regarding the new ambulance

Law Director: Consideration of a resolution of necessity for the Road Levy

Supplement to the minutes from a regular Board of Trustee Meeting on August 16, 2022.

**Communications/Announcements Details available at [Perrytwp.com](http://Perrytwp.com):**

1. Announcing 2023 Light Up Perry Christmas Lights Contest – Sponsored by AQUA.
2. 2023 Letters to Santa Program

**Public Speaks on Agenda Items Up for Action**

**Unfinished Business:**

**Department Agenda Items (Information/Action Items)**

**Administration:**

**Consider Accepting \$8,910.00 from Stark Tusc Wayne for Yard Waste Grant**

Administrator Martin requested the Board consider accepting the Stark Tusc Wayne Yard Waste Grant check in the amount of \$8,910.00. Administrator Martin indicated that this check is for reimbursement for the yard waste center. She gave the hours of the yard waste sites.

Trustee Nelligan stated so moved. Seconded by Trustee Miller.

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

### **Consider joining AFSCME Plan for Dental/Vision Benefits**

Administrator Martin asked Trustee Miller to address this subject. Trustee Miller indicated that we are switching from a self-insured plan which Aultcare operates as our 3<sup>rd</sup> party administrator to a paid insurance plan through AFSCME to cover vision and dental. This will result in better coverage and savings of \$5,600.00 per year.

Trustee Nelligan made a motion to accept the AFSCME plan effective 1-1-24. Seconded by Trustee Miller.

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

### **Road Department**

#### **Zoning:**

Administrator Martin spoke on behalf of the Zoning Inspector.

The Perry Township Board of Zoning Commission convened on November 9, 2023, to review the recommendations of Stark County Regional Planning concerning proposed zoning amendment changes for three parcels owned by Diehl Automotive, under the parent company located at 4325 Lincoln Way Realty, LLC.

The parcels are currently zoned R3 Residential and the proposed zoning is for B2 Commercial. The parcels are as follows: 4315829, 4313985, and 4309335. There were several attached documents for review.

The RPC recommended approval with modifications for two parcels – 4315829 and 4313985. The RPC recommended the denial of any zoning changes to parcel 4309335. The two lots with recommendation for approval with modifications are for an R5 District, which allows for a gradual transition between residential and retail /commercial parcels. This zone also allows for off-street commercial parking. Which is what is being sought by the application. The Perry Zoning Commission agreed with two of the three recommendations submitted by the RPC but is recommending approval of the requested B2 Commercial District change for parcel 4313985 for the following reasons

1. The length and size of the lots are consistent in length
2. Diehl plans to replat these parcels into one parcel and would like to like to expand the size of the service center currently on site.
3. Diehl plans on leaving a tree buffer to the north and west of this parcel to effectively screen the residential properties along Belle Ave NW.

Law Director Mathews stated that the Township now needs to schedule a public hearing. The hearing must have notice published at least 10 days in advance.

Trustee Nelligan made a motion to have a hearing scheduled on December 19, 2023, at 6:30 pm for the parcels 4315829 and 4313985.

**Police Department:**

**Fire Department:**

**Discuss of Ambulance**

Chief Larry Sedlock gave an update on the information from the company on purchasing the ambulance. The company sent another purchase agreement where they indicated the option if paid in full will now only lock in the lifeline and the chassis is not protected under that payment option. Chief Sedlock stated he had the company break down the chassis cost effectively so that we knew exactly what we were paying for the chassis. He received a call from the salesman indicating that we need to sign our part of the purchase agreement first then they will sign the bond. Chief Sedlock has copies of the agreements.

Trustee Nelligan made a motion to open a purchase order to Pfund Superior Sales Co. in the amount not to exceed \$389,060.00 for the purchase of an ambulance and approve the contract subject to or condition of the bond. Seconded by Trustee Miller

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

**Law Director:**

**Road Levy**

Law Director Mathews indicated the Board has had several work sessions to figure out the needs of the township and its road department. Upon those discussions, the Board has considered approaching the voters next spring with a levy that would be a 1-mill replacement of an existing levy by 6.8 additional Millage. A proposed resolution was drafted to declare the necessity for a 1M replacement road levy with a 6.8 increase and submit to the Auditor for the appropriate numbers to then proceed to the ballot.

Trustee Nelligan stated so moved. Seconded by Trustee Miller

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

### **Minute supplement**

Law Director Mathews indicated that looking back at minutes prepared from a regular meeting held on August 16, 2022, there was one action item after leaving the executive session that was not previously reflected in the minutes. It would be appropriate to make sure the minutes are supplemented to reflect the action that had been taken. The supplemental minutes that were prepared that he recorded and the timing is consistent with the reflected existing minutes.

Trustee Nelligan stated so moved. Seconded by Trustee Miller

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

### **Fiscal Officer Report**

#### **Consider Pending Warrants**

Fiscal Officer Chessler stated the following pending warrants for week ending 11/21/2023 for bills in the amount of \$212,097.79 and week ending 11/28/2023 for bills/payroll in the amount of \$368,887.07 for a combined total of \$580,984.86.

Trustee Nelligan stated so moved. Seconded by Trustee Miller

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

### **Board of Trustees of Trustees Updates – Roll Call**

1. Trustee Nelligan
2. Trustee Miller

### **Public Speaks:**

#### **Bruce Mencer**

Bruce Mencer stated his address as 538 Roxbury Massillon, Ohio. Mr. Mencer asked how the Trustees decide which legal documents that are signed by the Trustees and then sent to another government office for payment get copied and which do not get copied. Trustee Nelligan asked what he was looking for. Mr. Mencer previously requested copies and had never received them. Then he was informed that the Administrator did not have the documents and Law Director Mathews indicated that he had the documents and would get them to Mr. Mencer the next day.

### **Joe Buchanan**

Joe Buchanan as 325 Lynn Circle. He has spoken with many administrative and department heads and given the situation; they were helpful. There is still a situation within the township. The property behind his home is currently without electricity. They are running a generator 24 hours a day outside the back of their home to do whatever it is that they need to do. This is creating a disturbance and a nuisance to the neighborhood and preventing Mr. Buchanan from sleeping which he needs for work. The people living in that home were related to the man who owned the home but had passed away. The backyard is trash, he brought pictures. The residents relayed they would keep running the generator even if the cops were called. Trustee Nelligan stated she would review the problem with Zoning Inspector Whytsell and Law Director Mathews and would get back to him.

### **Luis Jiminez**

Luis Jiminez stated his address as 328 Lynn Circle. He stated more complaints on the same property as Joe Buchanan stated. Mr. Jiminez stated that the property was even worse in the summer. He gave many details of the problem property.

### **Tony Popa**

Tony Popa gave his address as 204-206 Adele Ave. He owns property near Mr. Buchanan's home. He has said the property that Mr. Buchanan is referencing has many problems. 320 Adele is the property in reference.

### **Charles Dugan**

Charles Dugan stated his address as 512 Zern Ave SW. Mr. Dugan stated when Waikem owned the property he thought tonight was the discussion about the properties. He would like to look at the properties after the meeting so he can see what properties they are referencing. Trustee Miller explained where these were located. Mr. Dugan stated his biggest concern was that he had serious flooding after Waikem leveled the woods and raised the property. His biggest concern is that they will put asphalt down and all that water will go into his property. He is concerned about flooding on his property again.

### **Problem Properties:**

### **Department Matters Not Requiring Board of Trustees Action:**

#### **Administration:**

#### **Fire Department:**

#### **Police Department:**

**Road Department:**

**Parks/Recycling:**

**Zoning:**

**Law Director:**

**Announcements:**

**Public Speaks-Open Forum:**

**Adjournment:**

With nothing further to come before the Board of Trustees, Trustee Nelligan made a motion to adjourn the regular meeting at 6:33 pm; Seconded by Trustee Miller

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

With nothing further to come before the Board of Trustees, Trustee Nelligan made a motion to adjourn into executive session at 6:33 pm; Seconded by Trustee Miller.

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

**Executive Session(s):**

**ORC 121.22 (G)(1) to personnel to include Board and Law Director, PWD Davide and Administrator**

**ORC 121.22 (G)(1) hiring to include Board, Law Director and Police Chief**

**ORC 121.22 (G)(1) personnel to include the Board**

With nothing further to come before the Board, Trustee Nelligan made a motion to adjourn the executive meeting at \_\_\_\_\_ pm; Seconded by Trustee Miller

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

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Lisa Nelligan, President

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Craig Chessler, Fiscal Officer