

**Perry Township Board of Trustees**

**Regular Meeting**

**February 21, 2023 6:00 pm**

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

**Welcome/Invited Guests:**

**1. Retirement of Captain Shawn Nelson**

Trustee Nelligan announced Captain Shawn Nelson's retirement. Trustee Nelligan congratulated and thanked Captain Nelson for his years of service. Chief Sedlock spoke on the 25 years of Captain Nelson and congratulated Captain Nelson on his retirement. Captain Nelson thanked everyone for their support throughout the years.

**2. Promotion of Firefighters/Paramedic Jamie Gray to Captain**

Trustee DeChiara proceeded with the swearing-in of Jamie Gray to Captain and recited the Oath of Office. The Board congratulated Mr. Gray on his promotion

**3. Promotion of Firefighter/Paramedic Jack Keim III to Captain**

Trustee DeChiara proceeded with the swearing-in of Jack Keim to Captain and recited the Oath of Office. The Board congratulated Mr. Keim on his promotion

**4. Recognition of Christina Whittenberger as full-time Administration Office Administrative Assistant – Absent – Effective March 1, 2023**

**5. 10 Minute Recess**

**6. Nancy Nozik ~ Brandstetter Restroom Facilities Presentation**

Nancy Nozik stated she wanted to look at the placement of the site of the restrooms with the Board. Nancy Nozik reviewed the past discussions of the options for materials for the restrooms. Trustee Nelligan asked about vandalism graffiti and the removal options. Nancy Nozik stated there is a product to apply to the restroom walls. Trustee DeChiara asked questions about the options Nancy Nozik was presenting. Nancy Nozik discussed Summerdale Park and a pre-fabricated restroom facility. She indicated they were all concrete restrooms. It comes to the site completed. She indicated contractors will still need to come in and prep the site and get the run utilities to the building and hook up the plumbing. She indicated there would be no storage available with this option. Trustee DeChiara would like the comparison of the pre-fabricated building and a contracted-out-to-build restroom. Nancy Nozik would get an estimate to do the pre-work for a building's on-site restroom. Trustee Miller stated the storage building would come down to the price point. Trustee Miller also asked about who the vendors would be. Nancy Nozik gave several companies that they work with. She indicated there are many choices of materials for these buildings that could be decided. Nancy Nozik reviewed other restroom buildings with the Board. She indicated that the surveys have been completed and Ms. Novik shared the

Rowmont Park placement of the restrooms and pavilions. There were visual options to review. There was continued discussion on ground soil and the testing that would need to be completed. Tim Blythe spoke and discussed the soil and also discussed the underground utilities. He asked if we know what the condition of the underground utilities are. Nancy Nozik stated she did not know the condition. Mr. Blythe indicated the sewer lines are clay piping. Mr. Blythe feels there would be issues with the sewer line and the age of the line. Nancy Nozik stated this issue would have to be put into the budget. Trustee DeChiara stated a camera can be run down to survey the pipe but Mr. Blythe indicated that the Health Dept. will not permit you to tie into clay pipe anymore because it will not pass code. Option 2 seems to be the best option and Trustee DeChiara was not in favor of Option 3. Trustee Nelligan asked if the options she presented could be sent electronically for the Board to review and Nancy Nozik stated she would forward these options. The site placement needs to be decided first. Nancy will also send questions to be decided on also. Trustee DeChiara asked Public Works Director, Anthony Davide if the road department could do the excavating for the pipe. Anthony Davide stated possible but would need to see how deep the excavating would be. This would also depend on the equipment that would be needed. Tim Blythe commented that whoever does this work would have to be a licensed drain installer. Also, the liability would be great.

The Board thanked Nancy Nozik for her presentation.

**Public Speaks: Scheduled Speakers:**

**Excused absence:** none

**Additions/Deletions to Agenda:**

Trustee Nelligan added Executive Session #3 to be added ORC 121.22 (G)(1) to discuss a personnel matter, including the Board and Law director

**Public Hearings/Invited Guests:**

**Communications:**

1. Trustee Nelligan stated that the City of Canton Water Department will be meeting with the Board of Trustees on 2-28-23 at 5:00 pm to address water issues in West Manor.

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

**Township Business requiring Board Action:**

**Unfinished Business:**

1. Hess Rd. update ~Zoning

Zoning Inspector Jeff Whytsell reported a notice to abate was hand-delivered to the business owner/worker on February 6, 2023, stating the parameter of the area affected with a reinspection date of February 28, 2023. Zoning Inspector Jeff Whytsell stated if the issue is not abated the board will be informed at the next meeting on March 7, 2023, at which time the property will be declared a nuisance, and abatement steps will be taken in-house seeking contractual work to remove the offending debris.

## 2. White House social Club ~ Zoning

Zoning Inspector Jeff Whytsell reported that Mark Murphy from the Fire Department called and left a voice message with the business owner on February 15, 2023, but has had no reply and is going to reach out to the Stark County Building Department personally to inquire about the status of the Maximum Occupancy record. There are currently no complaints from surrounding neighbors or businesses about the social club.

Zoning Inspector Jeff Whytsell stated that Mr. Murphy and I are looking at a 30-day window to bring them to compliance before the Fire Department issues a citation to completely shutter the building with the possibility of additional financial and judicial citations. Zoning Inspector Whytsell and Inspector Murphy will provide an update at the next meeting in March.

## 3. Tony Harbert status ~ Trustee Miller

Trustee Miller stated that Mr. Harbert brought concerns to the last Board of Trustee meeting from the township end of things making sure that the Perry Township Police Department is operating in a way that is consistent with the wishes of our residents and that Chief Guist is flowing protocol. This is an ongoing open case that will become a public record eventually.

## 4. West Manor Water Issues ~ Trustee Nelligan

Trustee Nelligan reviewed the information again concerning West Manor and City of Canton Water Department.

### **New Business:**

### **Administration:**

#### **Consider paying Canton Data Print Invoice**

Administrator Martin stated the Board had in front of them the Canton Data Print Invoice in the amount of \$10,106.83. She shared that the Administration has had many complimentary phone calls to the Board about the residents enjoying those new things that are happening in the township and that they are being informed. The next magazine is scheduled for April for the spring edition. Trustee DeChiara stated that he knows that there is real value in the township magazine and appreciates it however, he stated that the Board should find a way to lower the cost. Administrator Martin stated that the postage was included in this invoice.

Trustee Nelligan stated so moved. Seconded by Trustee Miller.

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

#### **Consider establishing a JEDD Board**

Administrator Martin indicated that she has been in contact with Christopher Hardesty of the Canton Mayor's Office and it is time to establish a JEDD committee. We will need to establish our JEDD Board/Organization meeting she stated. Members shall be: (with no business presence in the JEDD)

1. One member presenting the municipal corporations that are contracting parties

2. One member representing the township that is contracting parties

3. One member presenting the counties that are contracting parties, or if no contracting party is a county, one member selected by the members described in divisions (P)(2)(a) and (b) of this section.

Trustee Miller asked questions concerning the JEDD committee. Fiscal Officer Chessler responded and gave a history of previous years' committees.

Trustee Nelligan stated she would participate.

Trustee Miller nominated Trustee Nelligan to be the representative on the JEDD Board. Seconded by Trustee DeChiara.

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

**Acknowledgment of State of Ohio Employment Relations Board concerning Ohio Council 8 AFSCME, AFL-CIO Perry Organized Workers and Perry Twp. Board of Trustees Case #2022-REP-12-0148**

Administrator Martin stated that the Board has been notified of this by the State Employment Relations Board in the matter of Ohio Council 8, AFSCME, AFL-CIO Perry Organized workers. Debra Prots is the Labor Relations Specialist handling the request seeking to add the following employees to the existing unit via voluntary recognition to include Administrative Assistants and Records Clerks. On February 16, 2023 this was voted upon and on March 6, 2023, Administrator Martin will have additional information on this topic at that time.

**Road and Park Department:**

**Resolution 2023-**

**Zoning:**

**Consider contracting with Brousius, Johnson & Griggs Law Firm for updating Perry Township zoning Book**

Zoning Inspector, Jeff Whytsell brought to the Board a contract to employ, Jennifer L. Huber of the Law Firm Brousius, Johnson & Griggs for the purpose of revising and updating the Perry Township Zoning Guide for an amount up to but not to exceed \$5,000.00 for the year 2023. A resolution is attached for the signatures of the Board. Trustee Nelligan asked what the timeline would be for this service. Zoning Inspector, Jeff Whytsell stated that once the contract is approved that she will spend up to 30 hours and will be completed by the second quarter of this year.

Trustee Nelligan made a motion to consider the Resolution for the zoning fee adjustments for 2023 based on information provided by the Zoning Inspector, Jeff Whytsell. Seconded by Trustee DeChiara.

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

**Police Department:**

**Fire Department:**

**Consider accepting Shawn Nelson's retirement notice effective 2-22-23**

Chief Sedlock asked the Board to consider accepting Shawn Nelson's retirement. His effective date will be February 22, 2023. Shawn Nelson had 25 years of full-time service with Perry Township and a total of 38 years of career in the fire service. Chief Sedlock recommended that the Board accept Shawn Nelson's retirement from the Perry Township Fire Department.

Trustee Nelligan stated so moved. Seconded by Trustee DeChiara.

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

**Consider the promotion of Jamie Gray from fire/medic to Captain at a rate of \$25.13 Hr.**

Chief Sedlock asked the Board to consider accepting the promotion of Jamie Gray from Fire/medic to Captain. Chief Sedlock stated Jamie Gray started his career as a volunteer for the department in 2003 and was hired full-time in 2006. Chief Sedlock stated he is confident that he will be an asset to the department.

Trustee Nelligan made a motion to the promotion of Jamie Gray from fire/medic to Captain at a rate of \$25.13 per hour effective February 21, 2023. Seconded by Trustee DeChiara.

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

**Consider the promotion of Jack Keim III from fire/medic to captain at a rate of \$25.13 Hr.**

Chief Sedlock asked the Board to consider accepting the promotion of Jack Keim, III from Fire/medic to Captain. Chief Sedlock stated Jack Keim, III started his career as a volunteer for the department in 2003 and was hired full-time in 2013. Chief Sedlock stated he is confident that he will be an asset to the department.

Trustee Nelligan made a motion to the promotion of Jack Keim from fire/medic to Captain at a rate of \$25.13 per Hour effective February 21, 2023. Seconded by Trustee DeChiara.

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

**Law Director:**

**Consider Addendum of Liferforce Documents**

Law Director Mathews stated that in June of 2022, the Board approved a billing agreement with Life Force Management, Inc. and one of the provisions of that agreement was to provide a mechanism so residents would only incur up to a \$300.00 out-of-pocket charge. However, the management that handled that has been unsuccessful. Trustee Nelligan has negotiated an amendment to the agreement

that would delete the out-of-pocket maximum and substitute a policy dealing with hardship exemptions by way of applications. Law Director Mathews continued to state that the application process would not only apply to residents but also to non-residents. Law Director Mathews used draft language that the Board President provided and expanded it for clarity to provide that Life Force would consider the hardship applications and then act upon them at the direction of the Board to either provide for partial reductions or outright forgiveness of any out-of-pocket expenses they would incur.

The final provisions to the amendment address just a clarification of the write-off of delinquent accounts provided for in the agreement itself to try to make that provision self-executing. Once there is a determination made and reasonable efforts exhausted, this provision would allow Life Force to make the termination to write off uncollectable accounts without further Board action. Trustee Nelligan stated that there is now no maximum out-of-pocket amount. This would be in place after the account is delinquent.

Trustee Nelligan made a motion to accept the appendix to the Life Force Agreement. Seconded by Trustee DeChiara.

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

#### **Fiscal Officer Report (informational/action items)**

##### **Consider Pending Warrants**

Fiscal Officer Chessler stated the following pending warrants for week ending 2-7-23 for bills/payroll in the amount of \$215,058.02 and week ending 2-14-23 for bills in the amount of \$105,392.03 for a combined total of \$320,450.05. Fiscal Officer Chessler asked the Board for a Motion to approve the pending warrants.

Trustee Nelligan stated so moved. Seconded by Trustee Miller.

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

##### **Consider approving meeting minutes for 12-20-22, Reorganization minutes of 1-3-23, regular meeting 1-17-23 and special meeting 1-24-23**

Fiscal Officer asked the Board to consider approval of meeting minutes for 12-20-22, Reorganization minutes for 1-3-23, regular meeting 1-17-23, and special meeting 1-24-23.

Trustee Nelligan stated so moved. Seconded by Trustee DeChiara.

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

##### **Consider accepting Bank Reconciliation for 12-2022**

Fiscal Officer Chessler asked the Board to approve the bank reconciliation for 12/2022

Trustee Nelligan stated so moved. Seconded by Trustee Miller.

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

**Consider approval of services with Karen S. Alger, CPA to assist the township with professional notes and filing of the annual final report with the Auditor of State via the Hinkle system**

Fiscal Officer Chessler stated this consideration is a follow-up to the discussion presented at the previous Board of Trustee meeting. Presented to the Board was a consideration of the proposed agreement with J.L. Uhrig and Associates which is the accounting firm that had done the past Hinkle report. The Board asked what the neighboring townships were doing as far as the Hinkle report and what kind of fees they were paying. Fiscal Officer Chessler checked around and some townships do inhouse and some hire Karen S. Alger. Fiscal Officer Chessler spoke with Karen Alger and sent a letter of engagement and a proposed agreement for her services that the Fiscal Officer signed. The report is due at the end of the month. Fiscal Officer Chessler is asking the Board to approve the letter of engagement and the terms of service. The price is \$425.00 and Fiscal Officer Chessler asked the Board to retroactively approve Karen Alger's appointment.

Trustee Nelligan stated so moved. Seconded by Trustee DeChiara.

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

**Board of Trustees Updates – Roll Call**

1. Trustee Nelligan
2. Trustee Miller – Consider status of drainage Improvements at Meredith Park

Trustee Miller gave updates on the Meredith Park Improvements. On Monday, February 13, 2023, Trustee Miller, Administrator Martin, and Public Works Director Anthony Davide meet with Jack Ford who was a former employee of Beaver Excavating. Mr. Ford is connected with the township through a number of his grandchildren whom all participate in sports in Perry Township. He became aware of the Meredith Park renovation through Beaver Excavating involvement. Mr. Ford reached out to provide consultation-type services for the project. Mr. Ford outlined how he would approach this project if he was actively working on projects. Trustee Miller reminded the Board that they do have the quote from Beaver Excavating for the grant. Trustee Miller stated we have since had several companies come out to the property. Trustee Miller continued explaining the companies and further discussed a plan. Mr. Ford recommended that the township moves forward with Diebel Surveying to do a study of the area so that we can then use a more accurate quote from the company that will end up doing the work. Beaver's cost to do the study was \$4,800.00. Diebel quote was \$4,000.00.

Trustee Miller indicated that this is a 2 phase project. Trustee Miller expanded on the details of the project.

Trustee Miller made a motion to hire Diebel Surveying to do the study at Meredith Park not to exceed \$4,000.00. Seconded by Trustee Nelligan.

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

3. Trustee DeChiara, Jr.

**Public Speaks:**

**Linda Cottrill**

Linda Cottrill stated her name and gave her address as Erie Ave SW Massillon, Ohio. She asked if the Board has heard anything that would assist her in having her business continue. She continued her discussion concerning the road excess to her property and trucking business. She thought zoning would have to change the description of the land. She asked if the Law Department could get involved because the road would have to be vacated. She questioned how they can just take her property. Law Director Mathews stated that the road is already established as a public road. No one is taking the road they are going to use it. Law Director Mathews explained to her what the road will be utilized for and that this road will continue to be maintained. Linda Cottrill continued to ask questions concerning the use of the road. There was continued discussion concerning the road that Linda Cottrill is questioning. Trustee Nelligan stated she will keep Linda Cottrill updated on a timeline.

**Dana Vargo**

Dana Vargo stated her name and gave her address as Greenoak Circle Massillon, Ohio. She also stated she is the president of the Perry History Club. She announced the Pancake Breakfast details and the date of the event as March 18, 2023.

**Problem Properties:**

**Executive Session(s):**

**ORC 121.22 (G)(1) to discuss C&C Billing to include Board, and Law Director**

**ORC 121.22 (G)(1) to discuss ARPA funds to include the Board**

**ORC 121.22 (G)(1) to discuss personnel matters, Board and Law director**

Trustee DeChiara 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 with no action to be taken. Seconded by Trustee Nelligan.

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

The Board adjourned from Executive Session at: 7:47pm

**Department Matters Not Requiring Board 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, Trustee Nelligan made a motion to adjourn the meeting at 9:36 pm; Seconded by Trustee DeChiara

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