

Perry Township Board of Trustees

June 20, 2023 Executive Session 5:00 pm

June 20, 2023, Regular Meeting 6:00 pm

June 20, 2023, Work Session 7:00 pm

Call to Order/ Pledge of Allegiance:

Welcome/Invited Guests

1. **Outdoor 6 pm Oath of Office for Deputy Chief, Jamie Gray**
2. **Oath of Office for Full-time EMTs, Harrison Williams, Keith Heinlein, Gary Eudy, Andrew Braham, Brandon Hendel, and Ian Zimmerman**
3. **10-minute recess.**

Trustee Nelligan stated that all Oaths were administered outside.

Excused absence:

Additions/Deletions to Agenda – Roll Call by Department:

Zoning Inspector Jeff Whytsell is to add (2) two nuisance citations and (1) an abatement resolution request to add to the meeting.

Law Director Mathews added to consider the appointment of the Fire Chief as an investigator to look at charges under revised code 505.38. Also, he would like to address the denial of a grievance.

Communications/Announcements Details available at Perrytwp.com:

1. Township Survey ~ Ongoing through June ~ visit perrytwp.com
2. Perry Township Rotary ~ Community Parade and 9th Annual Township Oktoberfest Saturday, September 9th, 12 pm at Hartwick park details at perrytwp.com
3. Ohio Division of Liquor Control Notice ~ Transferring from ALDI, Inc. 2624 Lincoln Way E. Massillon, Ohio 44646 permit # 01007782026 ~ DBA ALDI 21 ~ 5117 Tuscarawas St W Canton, Ohio 44708 under permit # 01007782025. Concerns or responses must be postmarked no later than 7-10-23.

Public Speaks on Agenda Items Up for Action

Unfinished Business:

Department Agenda Items (Information/Action Items)

Administration:

Consider Employee A ~ FMLA Request

Administrator Martin stated the Board had before them a request from Employee "A". Administrator Martin indicated Employee "A" is requesting to take a designated time of FMLA needed for leave surgery. The person has been advised of the FMLA policy. Administrator Martin stated they are also aware it is their responsibility to report their time away to their department head for approval. FMLA concurrently runs with sick and vacation time that must be exhausted. FMLA is the federal law is which we abide by per the physician's script.

Trustee Nelligan stated so moved. Seconded by Trustee Miller.

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

Consider residual removal of Fasnacht Farm storage barn

Administrator Martin indicated she had several conversations with the Law Director and Board Members concerning the residual removal of the Fasnacht Farms storage barn fire that took place May 18, 2023. There are several supporting documents of the Board to review as far as photos from the current day and as recently as this morning. We received (2) two quotes obtained for the clean-up and the property from Malavite in the amount of \$6,800.00 and the second quote was \$10,300.00 which also included topsoil repair. She asked the Board if they had any other inquiries, she would like to make a motion to accept the Malavite Excavating quote in the amount of \$6,800.00.

Trustee Nelligan stated so moved. Seconded by Trustee Miller

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

Road and Park Department:

Consider the No Engine Brake sign on Rt. 21/Rt 30

Public Works Director, Anthony Davide asked the Board to consider the "No Engine Brake" sign on Route 21 and Rute 30 in Massillon. He indicated that he has been receiving calls from Massillon City and Massillon Councilman Jill Creamen regarding semi-trucks exiting Route 30 West and traveling to Route 21 North. The trucks are using their engine brakes, creating noise and vibration in the area. He asked for the Board's approval to install a "No Engine Brake" sign. For this to be a legally enforceable zone, Perry Township will have to pass a resolution restricting the use of engine brakes along the ramp. We will provide the appropriate signs and ODOT will install and maintain this area thereafter.

Trustee Nelligan stated so moved. Seconded by Trustee DeChiara.

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

Zoning:

Consider Nuisance Declaration and Citation at 556 Earl Rd NW Massillon, Ohio a nuisance and approve a financial citation of \$100.00

Zoning Inspector Jeff Whytsell requested a motion to declare 556 Earl Road NW Massillon, Ohio as a nuisance and approve a financial citation of \$100.00. There were attached pictures and copies of notifications of the property.

Trustee Nelligan stated so moved. Seconded by Trustee Miller.

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

Consider Nuisance Declaration and Citation at 4901 Trafalgar St SW Canton, Ohio a nuisance and approve a financial citation of \$100.00

Zoning Inspector Jeff Whytsell requested a motion to declare 4901 Trafalgar St SW Canton, Ohio as a nuisance and approve a financial citation of \$100.00. There were attached pictures and copies of notifications of the property.

Trustee Nelligan stated so moved. Seconded by Trustee DeChiara.

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

Consider Nuisance Declaration and Citation at 4850 Oakvale St SW Canton, Ohio a nuisance and approve a financial citation of \$100.00

Zoning Inspector Jeff Whytsell requested a motion to declare 4850 Oakvale St SW Canton, Ohio as a nuisance and approve a financial citation of \$100.00. There were attached pictures and copies of notifications of the property.

Trustee Nelligan stated so moved. Seconded by Trustee DeChiara.

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

Consider Abatement Resolution and Nuisance Declaration and Citation at 1710 Jackson Ave SW Massillon, Ohio a nuisance and approve a financial citation of \$100.00

Zoning Inspector Jeff Whytsell requested a motion to declare 1710 Jackson Ave SW, Massillon, Ohio as a nuisance and approve abatement resolutions 505.87 and 505.87. Zoning Inspector Jeff Whytsell

indicated that these are with respect to vehicles on the property. He has been dealing with this property since July 2022. This has been one year with no resolution. His last conversation had been with Mr. Mack who is in charge of abating and has offered several promises of abatement but has not come through. At this point, Zoning Inspector Jeff Whytsell was advised by one of the reps to seek a resolution for abatement from our Board to encourage them in the next 14 days to either abate the premises on their own or to have the township abate it and then they would accrue those fees. The abatement will include the removal of the vehicles and impounding the vehicles that are pictured for 30 days and removing all the trash in the photos on the exterior of the home. There were attached pictures and copies of notifications of the property.

Trustee Nelligan stated so moved. Seconded by Trustee Miller.

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

Consider a resolution to approve a resolution to change parcel 10013392 from B-1 office and commercial to R-3 Residential to conform with the area.

Zoning Inspector Jeff Whytsell gave a history on this property that Mark and Jennifer Perez are owners of the property parcel known as 10013392. They are trying to sell a parcel that is a little over 11 ½ acres. This property is surrounded to the northeast and south by R3 residential properties and to the immediate west by R5. This parcel, however, for whatever reason, is zoned B1, business commercial. As Mr. and Mrs. Perez began to sell this property, they and interested buyers began to contact the Zoning Department for opportunities for this property. Zoning Inspector Jeff Whytsell began to see a potential conflict of development interest in this area. B1 parcel which is surrounded by residential houses you could have anything from a 7-Eleven, Circle K with gas pumps, etc. Zoning Inspector Jeff Whytsell made a recommendation to the owners that we seek a zoning map change for this parcel and change it back to R3 to better suit the surrounding developments and area and would allow this parcel to be developed in a manner consistent with the subdivision in which it is located. Then interested buyers in this parcel who wish to utilize the land for residential development as permitted by zoning and all county agency. Zoning Inspector Jeff Whytsell provided an overhead map view of the parcel in question and surrounding neighborhoods. Zoning Inspector Jeff Whytsell's recommendation would be to seek the Board's approval to submit a resolution to change parcel number 10013392 from a B1 to an R3 residential. There has been a resolution provided to review and sign to start the rezoning process with the Regional Planning Commission.

Trustee Nelligan stated so moved. Seconded by Trustee Miller.

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

Police Department:

Consider purchasing twenty-five (25) body-worn cameras and related hardware

Chief Bryan Taylor asked the Board to authorize the purchase of twenty-five (25) body-worn cameras and related hardware and software equipment to include unlimited data storage from Axon Enterprise, Inc. The total purchase price is \$152,096.58 this is the annual cost of \$30,419.30 in individual year-to-year agreements. This purchase also includes two camera refreshes during the year between 2-3 and one at the end of the 5 years at no additional cost. This would mean new hardware approximately every 2-2 1/2 years.

Trustee Nelligan made a motion to purchase 25 body-worn cameras and related hardware for the total amount of \$152,096.58 from Axon Enterprise. Seconded by Trustee Miller.

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

Consider purchasing a new air condition unit

Chief Bryan Taylor is requesting the Boards authorization to purchase and installation of a new air conditioning unit. The Police Department has a total of 5 air conditioning units. One is in need of repair but the parts are no longer available and cannot be purchased therefore the unit needs to be replaced. Chief Taylor indicated he received a quote from Miracle Plumbing for a total of \$7,042.00. He would like to use a donation from the McKinley Eagles towards the air conditioning unit in the amount of \$6,000.00 therefore the department would be expending \$1,042.00 towards the purchase of the new air conditioner. He also indicated that he received another quote but it was higher.

Trustee Nelligan made a motion to approve an air conditioning unit for the amount of \$7,042.00 Seconded by Trustee Miller.

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

Consider purchasing eight (8) Dell Latitude Rugged Notebook computers and a storage unit

Chief Bryan Taylor is requesting the Board authorize the purchase of (8) eight Dell Latitude Rugged Notebook computers and a 48 TB Dell EMS SAN/NAS Storage System through Virtual Data Works. The (8) eight computers will be installed in the cruisers. The 48 TB Storage System will be used to combine the archived body camera and cruiser videos from the old system that the Police department needs to maintain for the public record so that they can be organized properly and retained appropriately in

accordance with the retention policy. The cost of the computers is \$16,855.52 and the cost of 48 TB Storage Systems is \$11,867.99. The total cost would be \$28,723.51. Chief Taylor continued by saying once the data ages out and needs to be destroyed then the storage space could be used for other township purposes for archiving and storing data for any department.

Trustee Nelligan stated so moved. Seconded by Trustee Miller.

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

Consider accepting \$500.00 from the Step Outside from the Ohio Department of Natural Resources

Chief Bryan Taylor stated the Ohio Department of Natural Resources awarded the Perry Township Police Department \$500.00 to use towards the purchase of supplies need for Cops and Bobbers. This grant requires the final report to be submitted within 60 days of the event. Chief Taylor asked the Board to accept the grant award in the amount of \$500.00.

Trustee Nelligan stated so moved. Seconded by Trustee Miller.

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

Consider accepting a \$6,000.00 Donation from McKinley Eagles

Chief Bryan Taylor requested the Board to accept the donation from the McKinley Eagles donation of \$6,00.00. This will be used for the air-conditioning unit previously discussed.

Trustee Nelligan stated so moved. Seconded by Trustee Miller.

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

Consider a quote from Axon Enterprises, Inc for the purchase of thirteen (13) fleet cameras

Chief Bryan Taylor asked the Board to authorize the purchase of thirteen (13) fleet cameras and related hardware and software equipment including internal license plate readers and unlimited data storage from Axon Inc. Chief Taylor stated to the Board that it is interesting that body-worn cameras and the Fleet Cameras will share the same unlimited storage so we are not being charged twice for unlimited storage. The total purchase request is \$188,635.20 over the (5) one-year agreements. \$37,727.04. This included 1 hardware reset.

Trustee Nelligan stated so moved. Seconded by Trustee DeChiara.

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

Fire Department:

Consider hiring full-time EMTs Keith Heinlein, Andrew Braham, and Ian Zimmerman at a starting wage of \$15.00 per hour

Chief Larry Sedlock asked the Board of Trustees to consider hiring 3 full-time EMTs: Keith Heinlein, Andrew Braham, and Ian Zimmerman. Chief Larry Sedlock stated that action has already been taken on this issue before as well as the other three gentlemen: Harrison Williams, Brandon Henkel, and Gary Eudy. Chief Larry Sedlock requested the Board to hire them at the rate of \$15.00 per hour.

Trustee Nelligan stated so moved. Seconded by Trustee Miller

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

Consider purchasing ballistic vests

Chief Larry Sedlock asked the Board to consider purchasing ballistic vests. The current vests are due to expire in the fall. Chief Sedlock had retained 3 quotes regarding the bulletproof vests. Both companies have very good products. Chief Larry Sedlock would like to purchase the Spartan Sential XL vests. The goal is for each firefighter to have their own. These will be measured and fit to each person. These vests give more protection and are not worn continually. Chief Larry Sedlock went on to give more information on these vests. There is a 5-year warranty on the vests. Chief Sedlock is recommending to the Board that we purchase the Sential XL vests for a total of \$6,802.90 for 26 vests. However, a while back the McKinley Eagles and the Perry Alumni donated money to use towards the vests. So, with that being said Chief Larry Sedlock stated that out of budget will be \$802.90.

Trustee Nelligan stated so moved. Seconded by Trustee DeChiara.

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

Law Director:

Appointment of Fire Chief to Investigation charges

Law Director Mathews stated he would like to follow up with an executive session to discuss held with the Board. He would like to request a motion appointing the Fire Chief under revised code 505.38A to investigate and refer charges if appropriate together with prospective discipline involving a number of the fire department.

Trustee Nelligan stated so moved. Seconded by Trustee DeChiara.

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

Denial Grievance of Sergeant. Guist

Law Director Mathews would like the Board to consider a motion to approve a determination that denies the step 2 grievance filed by Sergeants. Guist is a member of the Sergeant’s bargaining unit and the police department.

Trustee Nelligan stated so moved. Seconded by Trustee Miller

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

Fiscal Officer Report

Consider Pending Warrants

Fiscal Officer Chessler stated the following pending warrants for week ending 6-6-23 for payroll in the amount of \$12,627.37 and week ending 6-13-23 for bills/payroll in the amount of \$242,006.69 for a combined total of \$254,634.06. Fiscal Officer Chessler asked the Board of Trustees 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 accepting meeting minutes from May 16, 2023

Fiscal Officer Chessler asked the Board of Trustees to consider accepting meeting minutes from May 16 2023 meeting which was a work session at 5:00 discussing ODNR Grant Opportunities than a regular meeting at 6.

Trustee Nelligan stated so moved. Seconded by Trustee Miller.

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

Consider May 2023 Bank Reconciliation

Fiscal Officer Chessler asked the Board to consider the May 2023 Bank Reconciliation for the month of May.

Trustee Nelligan stated so moved. Seconded by Trustee Miller.

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

Electric Aggregation Update

Fiscal Officer Chessler stated that in the last newsletter, he put together an article that was a complicated topic, the gas tax. He noticed that when, at the Township Hall, the Administration has been receiving calls from residents on the electric aggregation. Fiscal Officer Chessler stated he and Administrator Martin had the opportunity to meet as we regularly do, with Eric Burns, who is from Independent Energy Consultants. Mr. Burns's father has guided townships and cities in northeast Ohio for years for energy programs. Mr. Burns met with Fiscal Officer Chessler and Administrator Martin and explained that Perry Township is in a unique situation because we have two suppliers, AEP and First Energy, Ohio Edison. These contracts were negotiated for different terms. The last time with AEP we received a very favorable rate that is 4.94 kWh. The one with Ohio Edison was with a different term that expired last year. We had a very unappealing choice because the cost of electricity went up significantly so their recommendation was to lock in for a year and see where prices go. This was a little over 10.48 cents/kWh at the time. This year Independent Energy Consultants went out and requested proposals on the Perry Township, Jackson Township, and one other entity in this area so that they could offer and get the best price possible Energy Harbor submitted a proposal to allow the customers in the First Energy Ohio Edison service area to get a price under 7 cents/kWh which still was lower but not as good as AEP's. AEP customers have their rate locked in till 2025. If the Board approves Perry Township to enter into a master service agreement with Energy Harbor and Mr. Burns is recommending a 20-month period that would lock in that price. Today, Fiscal Officer Chessler received an email that said they have reduced the price to .0651 which is much better. The advantage will be that that 20-month will set that to expire at the same time AEP does so the next time the Board will be negotiating on behalf of all of Perry Township customers.

Fiscal Officer Chessler also asked Administrator Martin to put this information on the township website because it is helpful to the questions of the people that are going to be getting the solicitations. If it has our "Official" communications with the Perry Township Program it will bear the logo of both IEC and Perry Township.

Fiscal Officer Chessler answered questions from the Trustees on the procedures for residents joining Energy Harbor.

Trustee Nelligan made a motion to accept the recommendation of IEC and enter into a Master Service Agreement with Energy Harbor, and authorizing the Fiscal Officer to sign the necessary documentation to effectuate this agreement. Seconded by Trustee DeChiara.

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

First Commonwealth Public Body Resolution

Fiscal Officer Chessler talked about the follow-up resolution with First Commonwealth. This is renewing our relationship with First Commonwealth Bank. Fiscal Officer Chessler stated this is a complete renewal of our relationship that we had before but it is coming because of the lockbox program that we are doing. Today he was informed that the lock box is in place and that the payments should start following the direct deposits.

Trustee Nelligan stated so moved. Seconded by Trustee Miller.

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

Board of Trustees of Trustees Updates – Roll Call

1. Trustee Nelligan
2. Trustee Miller

Meredith Park update

Trustee Miller gave an update on Meredith Park. The initial back-and-forth with Stark Soil and Water regarding our prevention plan was submitted Friday. They have 30 days to turn it around and we received it back this weekend Trustee Miller stated. We have a few edits and those will be made but we are well on our way to starting the project. The biggest issue from Stark Soil and Water was that they don't want any earth disturbed before they look at the plan. Since there is a plan in place and the revisions in place, we should start seeing things started.

Trustee Miller stated he passed out last week to the other Trustees a series of quotes for above-ground work that did not have any earth disturbance on it. That would be any tree trimming or tree removal from Berens Tree Service. Trustee Miller had general questions for Fiscal Officer Chessler, in regard to the work that is being done at Meredith Park, will this function be paid through the capital funds grant? Does anything special need done in terms of approving any purchases using those funds? Fiscal Officer stated that when funds come to us, there may be certain reporting requirements or a separate audit that is involved and he will check into that. Trustee Miller asked Fiscal Officer Chessler, in terms of wanting to allow the above-ground work to be done and Berens to go out and clear some of this, any particular verbiage likely be used. Fiscal Officer Chessler asked if these monies are a match or a total funded it is a total project and directed the question to Law Director Mathews. Trustee Miller stated this is just a

subcontracted-out portion for tree removal. Administrator Martin indicated that this would be reimbursable. Fiscal Officer Chessler indicated that we would spend our own funds first and seek reimbursement so he feels no special language is needed. Law Director Mathews stated to just open a purchase order for the vendor and whatever amount and then reimbursable through the grant.

Trustee Miller made a motion to open a purchase order for Berens Tree Services not to exceed \$15,000.00 for tree removal and tree trimming at Meredith Park. This is pursuant to a quote from Berens Tree Service. Seconded by Trustee Nelligan.

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

3. Trustee DeChiara, Jr

Public Speaks:

Tim Lewton

Tim Lewton stated his name and gave an address of 1615 Sherwood Ave Massillon, Ohio 44641. He indicated that he has come to meetings asking why his road had not been paved. He indicated his road is now paved and thanked the Board.

Travis Seacrest

Travis Seacrest stated his name and gave his address as 168 Woodlawn Canton, Ohio 44708. He is the President of Perry Softball. He wanted to continue the conversation with the Board that he has had for the last couple of months. First, he gave organization updates and stated the younger teams have finished their spring season. There were approximately 150 girls playing softball this year which is very good. He continued giving updates on the teams.

Travis Seacrest continued by thanking the Trustees and the Public Works Director for all the work they have done at Summerdale Park. A lot of work was done for the drainage issue in the backfield. There is still additional work to be done in the back of the park.

Travis Seacrest also talks about Meredith Park and moving the backstop and getting some quotes. He indicated more fencing around the dugout is helpful for safety purposes is needed. This will need to be improved in the near future.

Travis Seacrest indicated that storage is an issue. They are getting a tractor donated but need a safe place to store it. Travis Seacrest indicated that there are lock boxes at all the fields. Travis Seacrest discussed the option of a barn for a storage unit with Trustee DeChiara. Trustee DeChiara told Mr. Seacrest that the restrooms will be brought in and set in. The initial conversation was that there would

be some room in the restroom for storage but this will not be in these new restrooms. He asked how big of a storage unit would he needs. Travis Seacrest stated the ones at Home Depot 8X10. Travis Seacrest looked into the storage unit and they were priced around \$1,200 to \$1,800.00. Safety is an issue with the storage unit Travis Seacrest stated. They decided to wait to see what the new restrooms were going to look like to maybe match the storage unit.

Fall Ball will start in August.

Problem Properties:

Executive Session(s):

ORC 121.22 (G)(1) to discuss personnel issues to include the Board of Trustees, Law Director, and Fire Chief

ORC 121.22 (G)(3) to discuss pending court matters to include the Board, Law Director

With nothing further to come before the Board of Trustees, Trustee Nelligan made a motion to adjourn into executive session at 5:00 pm; Seconded by Trustee DeChiara.

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

The Board of Trustees adjourned from Executive Session at 5:41 pm

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:

Adjournment:

With nothing further to come before the Board of Trustees, Trustee Nelligan made a motion to adjourn the regular meeting at 7:20 pm; Seconded by Trustee DeChiara.

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

Work Session:

Discussion by Board, Fiscal Officer, and Law Director concerning various levy options.

Board passed a resolution to ask the Auditor to calculate funds generated for a replacement 3.9 levy in its entirety and levy increase to 4.3 mills. The second would be to replace 3.9 levy increase to 3.6 mills.

With nothing further to come before the Board of Trustees, Trustee Nelligan made a motion to adjourn the work session at 8:39 pm; Seconded by Trustee DeChiara.

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

Lisa Nelligan, President

Craig Chessler, Fiscal Officer