

RECORD OF PROCEEDINGS

MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES MEETING

APRIL 23, 2019

Hawke called the meeting to order at 4:06 p.m. at the Jackson Township Hall with all Trustees, Fiscal Officer, Vaccaro, Hogue and Brink present.

Hawke moved and Pizzino seconded a motion to go into Executive Session for Fire Department Personnel (Appointment/Employment/Compensation) – Full-time Captain Interviews. **3-0 yes**

Hawke moved and Pizzino seconded a motion to go into Executive Session for Public Works Department Personnel (Appointment/Employment/Compensation) – Highway Labor Specialist Position. **3-0 yes**

Upon return from Executive Session at 5:34 p.m., Hawke called the General Session to order with all department heads present. He requested that all cell phones be turned off at this time.

The Pledge of Allegiance was recited.

Public Speaks – None

Administration Department

RESOLUTION 19-085, ATTACHED

AGREEMENT WITH SITE ENVIRONMENTAL CONSULTING LLC – THE GREENS AT BELDEN

Hawke moved and Walters seconded a motion that we hereby adopt and authorize the placement of the Administrator/Law Director’s signature upon the attached Agreement with Site Environmental Consulting LLC for a Phase I Environmental Site Assessment for forty (40) acres at the closed Tam O’Shanter Golf Course located at 4866 Fulton Drive NW. **3-0 yes**

ATTACHMENT 04/23/19 A

Hawke moved and Walters seconded a motion to approve the Memorandum of Understanding between the Jackson Township Board of Trustees and the Board of Education of the Jackson Township Local School District, effective June 26, 2019 through June 30, 2019, and to authorize the Board President to sign said Memorandum of Understanding. **3-0 yes**

ATTACHMENT 04/23/19 B

Hawke moved and Walters seconded a motion to approve and adopt the attached Amended Jackson Township Outside Employment & Activities Policy, effective April 27, 2019. **3-0 yes**

**RESOLUTION 19-086, ATTACHED
OHIO HIGH SCHOOL ATHLETIC ASSOCIATION AGREEMENTS**

Hawke moved and Pizzino seconded a motion that we hereby adopt and authorize the placement of the Board President's signature upon the attached Site Availability Agreement and Site Confirmation Agreement and with the Ohio High School Athletic Association for the Boys Tennis Tournament. **3-0 yes**

Police Department

ATTACHMENT 04/23/19 C

Hawke moved and Walters seconded a motion to adopt and authorize the placement of the Board's signatures on the attached Memorandum of Understanding with the Fraternal Order of Police, Ohio Labor Council, Inc., (Sergeants) effective April 28, 2019. **3-0 yes**

Public Works Department

Highway Division

**RESOLUTION 19-087, ATTACHED
2019 RESURFACING PROJECT AWARD**

Hawke moved and Walters seconded a motion that we hereby determine that Superior Paving & Materials, Inc. is the lowest and best bidder for the 2019 Resurfacing Project and hereby award a Contract to them in the base bid amount of \$1,353,233.35 with Alternates A, B, C, D, F, G, H, and I in the amount of \$166,560.85, for a total Contract amount of \$1,519,794.20 in accordance with the Company's proposal and the Specifications and authorize the placement of the Board's signatures on the Contract. **3-0 yes**

ATTACHMENT 04/23/19 D

Hawke moved and Walters seconded a motion to approve Budget Module 2019-29 for Re-stripping in the amount of \$6,038.00. **3-0 yes**

ATTACHMENT 04/23/19 E

Hawke moved and Walters seconded a motion to approve the appropriation transfer request from account code 204.310.5387, Discretionary, to account code 204.310.5420, Paint Striping, in the amount of \$6,038.00. **3-0 yes**

**RESOLUTION 19-088, ATTACHED
2019 PAINT STRIPING OF ROADWAYS PROJECT AWARD**

Hawke moved and Walters seconded a motion that we hereby determine that A&A Safety, Inc. is the lowest and best bidder for the 2019 Paint Striping of Roadways Project and hereby award a Contract to them in the amount of \$38,921.01 in accordance with the Company's proposal and the Specifications and authorize the placement of the Board's signatures on the Contract. **3-0 yes**

RESOLUTION 19-089, ATTACHED

2019 TOWNSHIP PARKING LOTS RESURFACING PROJECT AWARD

Hawke moved and Walters seconded a motion that we hereby determine that Chagrin Valley Paving, Inc., is the lowest and best bidder for the 2019 Township Parking Lots Resurfacing Project and hereby award a Contract to them in the amount of \$146,595.50 in accordance with the Company's proposal and the Specifications and authorize the placement of the Board's signatures on the Contract. **3-0 yes**

RESOLUTION 19-090, ATTACHED

SOUTH PARK DRIVE NW NO PARKING

Hawke moved and Pizzino seconded a motion pursuant to ORC Sections 505.17 and 4521.02(A) and ORC Chapter 4521, the Board of Trustees of Jackson Township, Stark County, Ohio hereby amends, effective May 24, 2019, the non-criminal parking infraction violations legislation previously adopted and amended to include the following described area of South Park Drive NW to read as follows:

1. No parking on the east and north side of South Park Drive from Fulton Drive to the central parking area of the high school baseball facility.
2. No parking on the south and west side of South Park Drive from the residential yard waste debris drop-off site exit to the south end of the central parking area. **3-0 yes**

Park Division

Hawke moved and Walters seconded a motion to accept the following sponsorship donations to the 2019 Community Celebration:

1. \$1,000.00 from Seifert Technologies, Inc.
2. \$ 250.00 from Neff & Associates
3. \$ 100.00 from Superior Paving & Materials, Inc. **3-0 yes**

RESOLUTION 19-091, ATTACHED

NORTH PARK AMPHITHEATER AUDIO VISUAL EQUIPMENT PROJECT

Hawke moved and Walters seconded a motion that we hereby authorize the attached Advertisement for Bids for North Park Amphitheater Audio Visual Equipment Project. **3-0 yes**

ATTACHMENT 04/23/19 F

Hawke moved and Walters seconded a motion to authorize the hiring of three (3) returning Leased Park Maintenance Workers, as attached, through a temporary service, subject to a negative drug screen, effective and at the rate and start date identified in the attached memorandum from David Ruwadi. **3-0 yes**

Fire Department

Hawke moved and Walters seconded a motion to accept a donation of a \$100.00 Donatos gift card. **3-0 yes**

ATTACHMENT 04/23/19 G

Hawke moved and Pizzino seconded a motion to authorize out-of-state travel for Captain Dave Seibert to attend training in Corpus Christi, Texas, May 19 – 24, 2019, in accordance with the Jackson Township Travel Policy. **3-0 yes**

Zoning & Planning Department

ATTACHMENT 04/23/19 H

Poindexter gave the Board some background on the nuisance hearing for 5189 Sherlin Avenue NW. She said it started several months ago with a lot of stuff outside the property, some of which would get cleaned up and then would come back out. She said the property owner was notified. She said Fannie Mae purchased the property at foreclosure but Zoning was not aware of that. She said when they became aware of the ownership change, notice was sent to Fannie Mae who has responded. She said based on the information received from the realtor and attorney for Fannie Mae, eviction has been started and is in process. She said when that eviction goes through they will go in and clean up the property.

Vaccaro said the attorney is asking for 30 days to get the eviction finished. He said service is perfected on the current owner, which is Fannie Mae. He said Fannie Mae has jumped on very quickly and their council is communicating with Ms. Poindexter and himself. He said they have indicated that they would like the opportunity to seize their property.

Hawke opened the hearing and asked if anyone would like to speak toward the current condition of the property and against declaring the property a nuisance.

Steven Larsen, 5189 Sherlin Ave. NW, Massillon, Ohio, is the current resident and has been there for almost 20 years. He said he has been in the process of trying to empty out 20 years' worth of stuff. He said he has been doing it by himself with a friend's help. He said it has been a battle trying to work as much as possible and move stuff out. He said he has been trying to do the "cash for keys" program but missed out on those opportunities. He said the only thing out there now is the scrap metal which will go to recycling. He said there is currently some copper and a mixture of aluminum and stainless that is out front. He said if it gets worse he can put it back.

Hawke asked if anyone else wanted to speak. No one came forward. He then closed that portion of the hearing. He asked if anyone wanted to speak in favor of moving forward to declare the property a nuisance.

No one came forward. He then closed that portion of the hearing.

Hawke: I have one very direct question. I understand from Mr. Vaccaro's comments about Fannie Mae being involved and one of the things in the email from Fannie Mae, you made a number of comments here that you don't have enough time, you don't have the dollars to hire someone, you don't have the ability to put all these things together and get it done in a timely fashion. Yet when I read this email from the folks at Fannie Mae, it says 'we made several relocation assistance offers to Mr. Larsen'.

Mr. Larsen: That's the cash for keys. So what they do is offer you a \$5,000 to move out within a week and you'll get \$5,000, if you get out in two weeks you get \$3,500, move out in the third week you're done to \$2,000 and after that it's zero. So that's one month.

Hawke: So you were given the opportunity there you didn't take advantage of it.

Larson: Didn't take advantage of it? Couldn't take advantage of it. How can I move a house by myself in . . .

Hawke: So the only issue, I mean, I'll be honest with you the comments that you just made about you can put it all back.

Larson: I can.

Hawke: You can? And we'll declare this a nuisance today and take it all out.

Larson: Well, that's up to you guys.

Hawke: And it will be put

Larson: Alright, I'll put it all back.

Hawke: The issue that I have with this when I sit here right now is, the only reason that I would even consider this being extended and continued is because Fannie Mae's involved and to give them their opportunity because they are a Federal organization.

Larson: Whatever.

Hawke: If I didn't have this. . .

Larson: What. You're finding what. Where are you going to get a bunch of (indecipherable). I don't understand, I've done everything I possibly can. I mean . . .

Hawke: I'm done.

Larson: Well, what am I supposed to do?

Hawke: I'm done.

Larson: You don't understand.

Hawke: Sir, I certainly understand. Yeah, I think I do. I'm been through a number of these. I went on one and I dealt with it as far as cleaning it up, I've dealt with the whole situation before. I don't appreciate you addressing me that way and I'm done talking about it. This section of the hearing is closed. I'm done. Okay?

Larson: Okay.

Hawke: I'm going to leave it up to these two gentlemen to decide whether they want to extend and give Fannie Mae the courtesy or not because right now I can tell you, I'm ready to clean it up.

Walters reviewed the ownership situation and asked Vaccaro what he would recommend. Vaccaro said if the property were observed at the current time, the nuisance would be abated. He pointed out that the owner indicated there was more in the garage and based on Mr. Larsen's comments, there could be a deterioration of the situation and getting back into the condition it was in prior to today. He said Fannie Mae has responded very quickly. He recommended that the Board allow Fannie Mae to use the law to seize their property. He recommended that the Board continue the hearing for two weeks, get an update from Zoning and reach a conclusion in two weeks.

Walters asked if the Township declared the property a nuisance, went in and cleaned it up, would the cost go on the property tax and Fannie Mae would get the bill.

Vaccaro answered yes. He recommended that the Board let the legal process go through and continue the hearing for two weeks.

Walters moved and Pizzino seconded a motion to continue the nuisance hearing for 5189 Sherlin Ave. NW until May 14, 2019 at 5:00 p.m.

Pizzino	yes
Walters	yes
Hawke	yes

ATTACHMENT 04/23/19 I

Hawke moved and Walters seconded a motion to accept the attached resignation from the Board of Zoning Appeals Member, Richard Lutz, effective April 24, 2019. **3-0 yes**

Fiscal Office

ATTACHMENT 04/23/19 J

Hawke moved and Walters seconded a motion to pay the bills in the amount of \$1,058,488.65. **3-0 yes**

ATTACHMENT 04/23/19 K

Hawke moved and Walters seconded a motion to approve the minutes of the April 9, 2019 Board of Trustees' meeting. **3-0 yes**

Gonzalez opened the public hearing on the street light petition for Glendale Village Phase 2. He asked if anyone wanted to speak in favor of the lighting district. No one came forward. Gonzalez explained that this is a new allotment and frequently the developer comes in at the beginning of the development to start the process. Gonzalez said there were only three signatures needed on the petition.

He then asked if anyone wanted to speak in opposition to the lighting district. No one came forward.

**RESOLUTION 19-092, ATTACHED
GLENDALE VILLAGE 2 STREET LIGHTING DISTRICT**

Hawke moved and Pizzino seconded a motion that a hearing having been had upon the attached petition requesting that the Board of Jackson Township Trustees take all lawful and proper proceedings to light artificially the streets and public ways in an unincorporated district in this Township, following notice and actual view taken, and the Board of Township Trustees finding:

1. That the petition was filed with the Township Fiscal Officer on March 20, 2019 and that the Board of Township Trustees was duly notified by him of such filing and a copy of the petition was delivered to it on April 5, 2019.
2. That the petition was signed by owners of more than one-half of the front feet of the lots and lands abutting on the streets and public ways of the aforesaid district, and that the petition complied with the law in specifying the metes and bounds of the district but included no lands more than 660 feet from, nor any lands not abutting on, the streets and public ways in such districts; and
3. That due notice of a hearing before the Board of Township Trustees on the petition for Glendale Village 2 was duly and timely served on all lot owners and corporation affected by the proposed improvement, and was duly and timely published as against nonresidents pursuant to ORC 515.04, and return of due service and publication was made according to law.

Be it further resolved by the Board of Trustees of Jackson Township, Stark County, Ohio, that the proposed improvement to light artificially the streets and public ways in the district is necessary, and the petition is granted accordingly; that the number of lights necessary to light properly the streets and public ways is 9, that the lights shall be standard street light lumens; that they shall be located at the places described in the attached print; and that the kind of supports therefore shall be as described on the print.

Be it further resolved that, pursuant to ORC Sections 9 and 515.08 and in accordance with the attached contract with American Electric Power and PUCO tariff schedule, we hereby contract with American Electric Power for not less than one (1) year and shall continue thereafter until terminated sixty (60) days after either party has given written notice to the other of the intention to terminate, for the installation and maintenance of the lights described in the attached plan in the amount of approximately \$7.78 per light per month for nine (9) 9000 lumen high pressure sodium lights. There will be no installation costs for these lights.

Be it further resolved that the costs and expenses of furnishing and maintaining such lights shall be paid from a fund made by special assessment against the lots and lands in the district semiannually equally per lot and the Fiscal Officer shall certify this Resolution and the assessment to the Stark County Auditor's Office. **3-0 yes**

Routine Business

Announcements

- Next regular Board of Trustees' meeting, May 14, 2019, 4:00 p.m., Executive Session and/or Work Session; 5:00 p.m., General Session, Township Hall.

- CIC, May 16, 2019, 8:00 a.m., Jackson Township Hall.
- LOGIC, May 2, 2019, 9:00 a.m., Safety Center Chiefs' Conference Room.
- Zoning Meetings:
 - Board of Zoning Appeals, April 25, 2019, 5:30 p.m., Jackson Township Hall.
 - Zoning Commission, May 16, 2019, 5:00 p.m., Jackson Township Hall.
- Jackson Recycling Board, April 24, 2019, 11:00 a.m., Buehler's Community Room.
- Coffee with a Cop, Jackson Township Police & Stark County Sheriff's Office, Wednesday, April 24, 2019, 8:00 a.m. – 10:00 a.m., Jane's Family Restaurant, 5386 Fulton Drive NW.
- Annual Fishing Derby, Saturday, May 4, 2019, 8:00 a.m., to 11:00 a.m., Jackson North Park Pond, Free event – register by Wednesday, May 1, 2019.

Old Business

Gonzalez said there were a lot of people from the neighborhood and asked if they understood what just happened. He pointed out that normally the Trustees would declare the property a nuisance then go in and clear all the junk out. He said the charge is around \$200 or \$400 an hour, a very large amount of money. He said that charge goes on the property tax and that is how the Township gets their money back. He said the rate is so high because they want to encourage people to do it themselves. He said in this case when he said he would put the stuff back, he's not paying anything; the amount would go on the property taxes and the foreclosure. He said in this case, there is no form of punishment. He said the Trustees' hands are tied and although the people in the allotment wanted a different result, they are trying to get the stuff out which is the ultimate goal.

Walters said that was his reason for asking the question of Mr. Vaccaro. He said when they declare a nuisance and go ahead and clean it up, the charges go on the tax bill. He said in this case the resident no longer owns the property so he won't have to pay it.

Vaccaro explained that the Township would only be able to remove items that were outside and not enclosed.

New Business

RESOLUTION 19-093, ATTACHED

FIRE DEPARTMENT CAPTAIN CONDITIONAL APPOINTMENT

Hawke moved and Pizzino seconded a motion pursuant to Steps F and G of the Jackson Township Fire Promotion Memorandum of Understanding, ORC Section 505.38, and the Township's Personnel Hiring Policy, we hereby appoint Shawn S. Parsell to the position of Full Time Fire

Department Captain, conditioned on successfully passing an evaluation by a certified psychologist as to the psychological condition of the individual as it relates to performance of the duties of the Captain's position. **3-0 yes**

RESOLUTION 19-094, ATTACHED

FIRE DEPARTMENT CAPTAIN CONDITIONAL APPOINTMENT

Hawke moved and Pizzino seconded a motion pursuant to Steps F and G of the Jackson Township Fire Promotion Memorandum of Understanding, ORC Section 505.38, and the Township's Personnel Hiring Policy, we hereby appoint Jason D. Robinson to the position of Full Time Fire Department Captain, conditioned on successfully passing an evaluation by a certified psychologist as to the psychological condition of the individual as it relates to performance of the duties of the Captain's position. **3-0 yes**

Public Speaks – Open Forum

No one came forward.

Walters moved and Pizzino seconded a motion to adjourn. **3-0 yes**

Todd Hawke

Randy Gonzalez