RECORD OF PROCEEDINGS

MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES MEETING

APRIL 8, 2014

Hawke called the meeting to order at 4:36 p.m. at the Jackson Township Hall with all Trustees, Fiscal Officer, Lyon, Vaccaro, Hogue, Poindexter, Brink, and Bissler present.

Work Session

Fire Department
Lucas Chest Compression System Demo

Chief Hogue told the Board that in 2012 and 2013 two firefighters were injured in the back of a Medic unit while performing CPR because they were not able to be belted in. He said Deputy Chief Berczik, Michelle Caldwell, and Dan Craven, from Physio Control, worked on a grant through Workers' Compensation for two Lucas machines. Deputy Chief Berczik said the premise behind the device is to allow the medic squad of three to begin chest compressions sooner, if they are working in a confined space. He said during the 30 day trial period there were seven full arrests where they actually used the Lucas machine. He then demonstrated how the machine worked. He said the cost of one machine is $15,000.00. He said this is better for the patients and for the crews.

Lyon commended Chief Berczik, Michelle Caldwell, and the Safety Committee for all the hard work that went into getting the grant.

Police Department
Patrol Rifles

Chief Brink told the Board information has been reviewed in the past regarding patrol rifles. He said the weapons can be purchased and maintained by the Police Department. He asked the Board if they would like the Department to continue looking into the purchase of patrol rifles. He said the Police Department is a little behind the times regarding these weapons and asked the Board's permission to continue looking into sources and costs. He said they would like to provide a rifle for every cruiser.

Walters said he would rather the department have the rifles and not need them, than need them and not have them.

Hawke said it comes down to the protection of the residents and having the equipment to provide that protection.

Chief Brink said they will continue to look into the cost and will present that to the Board at the next meeting.

At 5:09 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

ATTACHMENT 04/08/14 B
Hawke reviewed attachment 04/08/14 B for the eighteen residents attending about the cell phone tower. He also explained that the decisions of the Board of Zoning Appeals do not go to the Trustees. He said the only recourse of the decisions of a Board of Zoning Appeals is to the Court of Common Pleas.

Carri Meek, 8674 Saybrook Avenue N.W., said we're not here, obviously because we're against cell phones or cell towers, we are against cell towers in residential neighborhoods when there are other options. Feeling very strongly, after sitting through the Board of Zoning Appeal, that the Board of Zoning Appeals members failed to act on our behalf, as Jackson residents, to protect the residential property and also characteristics of Jackson community. Because of regulations were not met I feel that there, it was obvious that they didn't do what they were actually empowered to do. There's no law requiring local government to permit a cell tower under this specific situation, they fall in the exception when you have that rule on that yellow sheet. This is the exception, they did not meet regulations in Section 304, where is says to protect property values, provide for and protect health and safety, protect residential properties from adverse effects of cell towers, promote co-location. Didn't do any of that. And what was most concerning to me is that they ignored the testimony to say that there wasn't even an established need. We were here as a community from that actual zone saying that we have great cell coverage, why are you doing this here? You can and which I'm glad you pointed out with your pins here, you can look there are several towers in the area. Some are very close. It says specifically under E, 304, and under E it says "promote co-location of wireless tele-communication in order to decrease numbers of towers". Before they even look for a place to put these towers they were to have researched thoroughly all the other options. That was not even discussed and we weren't able to ask questions about it because at that time the gentleman said 'I'll only allow one question'. So we have lots of things we were hoping to get out on the table that we didn't have an opportunity to do. Safety was an initially stated as a possible concern because I immediately called a board member and said why are they doing this here, our cell coverage is great. And they said well, safety. I talked to fire-medics, I talked to paramedics, and they said that no, we're good, we have great cell coverage in that area. And actually it was interesting because he said why are they putting it there? And then another gentleman came out and said don't worry it will never get past the Trustees. Again not knowing the procedure of how easily this can be put into place. When we were having the discussion of what we felt was compelling testimony as to why we find adequate evidence that this is detrimental to both property value and characteristics of Jackson Township, one of your zoning members actually said at the end, 'in my position' he and actually I'll quote it so I don't screw it up. But it says "If I own a property that Dr. Fike talked about, someday and he hopes to develop it, I wouldn't want it in my backyard". So he said that. Another gentleman at that same meeting said right in front of us, "I struggle to think I'd want it in my backyard". Somebody else at this very same meeting said "I don't know what that cell tower could really look maybe we could look at other options – maybe." There was a statement about a "utility company property, don't know if that's a possibility to you or not, I have no idea". These people have no idea. They admit they did not do any research. They didn't prove

the need for co-location or the attempt to co-locate rather than build a new tower. Yet they made the decision right there on the spot. To me that isn't being diligent and they're not doing their homework. One of the gentlemen, again we didn't get to ask questions so I called him to pursue questions on my own. And I asked him about the cell tower and I said you honestly think this is in the best interest of the Township when it's kind of turning people upside down and we're obviously demonstrating adverse effects left and right. And he said you know of course it's not a problem he has no problem with thinking it was the proper thing to do. And I said so you don't think it impacts on property value, he said no. I said, so if one was in your backyard, you don't think it would affect your property value, at all. No, I do not. I said, well did you research even the prospect if you think there's a health risk associated, especially young moms and young families, and we had several testifying to this, if you think it might be a health hazard, people aren't going to want to move there. You don't have to prove it's a health hazard, if you even suspect it might be, the perception of a health risk would deter people, and I asked if he researched that, which the answer was no and I asked if he researched, aesthetically to protect the character of the Township, which would include aesthetic eyesores, which would include noise at night, I said did you look into any of this, did you listen to what one sounds like. I had lots of questions. And I actually, I forget which one it was that he turned me off, and he said to me, he said, "madam, it's not my job to research cell towers." And to that I say, yes, it is. It's not only your job; it is a required component of your job. It's due diligence. If you're going to sit up there and make recommendations for something that changes our property, our livelihood, changes the biggest investment we will probably ever make, which would be the place that we choose to reside, you're telling me it's not your job to do homework, it's not your job to research. And actually as I looked into this closer, 802.3 says "referral to consultant, the Board of Zoning Appeals, where appropriate may refer to an application to qualified consultants for report if it deems, propose, or require a special study". Not only could they have studied this, but they could have even made Verizon pay for the study. They believe Verizon's drawing a picture of the diagram with some blue circles saying this is a dead zone; we have to put a tower here. Verizon's going to make millions off of this. It seems to me due diligence would say, you know, let's research that and make sure it's accurate. They admitted there was no research. Again, making a decision right there on the spot instead of saying let's hold out, let's take a break, we'll come back and convene in a week or two or whatever the time frame is. There was no need for them to rush this through in the manner in which they did and the fact that they have so many questions, they still went through and passed it. I'm not understanding how that is proper procedure. And I know, again, balancing competing interests is their job, they're not out to protect us, they're not hired to protect us, I get that. But part of making that balanced decision is having all of the information that you can. With that the co-location request is a big issue that I think needs to be looked into and proven. There are so many towers. Nobody made evidence that we needed that one; nobody explained how you know you need a tower of this size. As a matter of fact, when we asked about how many channels, they didn't even know. So, situation after situation, there were unanswered questions, yet the Board of Zoning pushed it through. I know at this point you're sitting here thinking, well, what would you like us to do about it. I can say one, I think you are responsible for appointing a Board of Zoning that recklessly made a decision that affects our entire neighborhood, and two, I feel very strongly that somewhere along the way, there should be a or needs to be a procedure in place so that this doesn't happen or happen again. I know that we have, you know, delayed sympathy about this predicament that we're in, but we elected you as leaders, our vote entrusted you to protect our Jackson Township

property, we trusted you to appoint quality zoning members, we trusted you to promise due diligence for the sake of our Township. We're asking that rights would be exercised to keep towers away from residential areas and we would expect you to be part of the remedy. That's all.

Hawke: Thank you. The next person for public speaks is Ken Manda. Would you step up please?

Ken Manda, 8422 Saybrook Avenue NW, I don't think I have all the code for the 304 and down the line; I think there's no sense in repeating this over again. I think she explained that very well. The biggest thing is at the meeting I'm in total agreement that the Board did not do their job properly. If they would have, the questions that were asked to them, as he said, one of the Board members said, it's not my job to research cell towers. If he's on the Board, it is his job to make a judgment call of the people in the Township of where it's going to go, it is his job to understand that and research that to the point to not throw it off line. The next thing is the Verizon group pushed heavily on that this tower is going to be in the middle of the property. Now the property is 84 acres. The tower where they want to put the tower is 75 foot off of our property lines, okay. At least 20 times in your minutes, you can listen, too, where he constantly said the tower is in the middle of the property, it's in the middle of the property. If the tower's in the middle of the property, and it's got to go, we can live with it, but is 75 foot off the property line is not even according to the zoning rules. The zoning rules say that if the tower is 200 foot tall, you add another 25 foot on it, so it's 225 foot off the property line. It's not even that. So how could the Board and we've talked about this, how could the Board approve 75 foot off when it's supposed to be a minimum of 225 and they stood here and promised and promised and promised that the tower is in the middle of the property and it's not in the middle of the property. That's a question I'm asking you guys now.

Poindexter: What you're referring to is there is a setback of the height of the tower plus 25 feet, except if the tower is the monocle type, which it is, and it's proven it would not fall and affect another property, the set back is 75 feet and that's the type of tower they are constructing and that's where they're actually 85 feet from that property line, so they do meet that required setback for that tower.

Manda: Okay, now I've talked this past week to half a dozen engineers, there's not one engineer that told me they would sign their name to that tower being 200 foot that as they were trying to explain it to us, the tower's going to shear off 15 feet at the top, 20 foot at the top and it's going to fall down. All the engineers said, there is not one of them that would sign a piece of paper saying that's what's going to happen. They said that tower can break 15 feet in the air, 25 feet in the air, 50 feet in the air, or the bolts can give way at the bottom and it can totally collapse over. The next thing is he said the towers have antennas on them that are like spears. If the tower decides to go down and the wind is blowing whichever way, he says its 200 foot up, that spear is not going to fall to ground. A spear can shoot itself over at least 200 feet or better to the surrounding area. So it could end up in the pasture, it could end up in the backyard of Laurel Lane, it could end up in my backyard, also. They actually gave you a piece of paper saying that an engineer wrote that out?

Poindexter: Well, they did say in their information that they submitted that it was that type of tower and that they had information that it would, I think they use the word, it would kink but it wouldn't collapse. And I'm not an engineer so I can't speak to that.

Manda: That's correct. You're not an engineer, nor am I, nor are any of the five on the Board. Okay. At that point, there's the 200 plus the 25 and because they said so, was not good enough. They should have had documents proving that. They did not come with the documents. They did not have the documents showing the collapse on the tower. They did not have anything of the tower. Nor did they even come to the Board saying that they looked alternate sites and they couldn't find an alternate site, there was no one that would accept or no one would partner with them or nothing. So it's, like Carri said, in 304 what was it six or something where it says that they had to at least put that effort out. So for the Board to rush that through like that without those proper documents this is going to happen again. This is going to happen in this Township many more times because I believe that they opened a door for this. It was too easy. And if you're going to make the zoning rules, then, like I didn't even follow them. It's okay, the tower's going to fall, I said it's going to fall, okay, well, it's not good enough for me and I guarantee you if any of you had this 75 foot off your property line you're going to say the same thing. So how could they make that decision? And how did it get 75 foot off the property line when, Joni, in the minutes they also said at least 15 times up here, the tower's in the middle of the property. The tower's in the middle of the property, that's constantly what they put through to all of us. How did that ride by?

Poindexter: Well, what they're referring to because the Board had the site plan, they know exactly where the tower is located. The Board had everything that was in the file, the Board had copies of, so they had all of that to review. They had all the answers to the criteria and everything but as far as them talking about in the middle of the property, you're right, it's not in center of the property itself, however, what they were referring to was if you look at it east and west, it was in the center that way, but it was not in the center north and south.

Manda: When you have a large piece of property like this and I don't care who it is, you don't have to be an engineer, and you say it's in the center, this is not centered.

Hawke: We're coming up on the end of your five minute time here, sir. The other thing is I will tell you, I went back through the transcript, I read the whole transcript, and one of the things that it does say that to, Mrs. Poindexter's point, is it says 'we tried to position the pole from east to west towards the middle of the property'. That's exactly what the statement was made by the gentleman.

Manda: Tried. Tried.

Hawke: Exactly what she said. But he didn't say center as you're talking center. That's what she said it says and that's what it says. They did middle, east to west. So that was what they were saying.

Manda: Seventy-five foot off of the back corner, or 85 foot, which they got approved for, okay, is not the center.

Hawke: I'm not here to debate that with you or argue that with you. I'm just telling you what it says in the transcript. They did not say we put it in the center of his property from corner, corner, corner, corner, to the center circle. They said that they moved it, they tried to get it, tried to put it, and it says tried; you're exactly right, to the middle between east and west.

Manda: I think the Board should ask how do they try because try means that whole parcel, they could have moved that tower to the center of the property up to the front part of the property. Try means where they wanted that tower to be is where they got that tower.

Hawke: I'm not debating try or where they. . . all I'm telling you is that's what it says in the transcript. To Mrs. Poindexter's point, that's what they were trying, trying to convey was that they were looking middle of east and west. That's all I'm trying to say to you. I'm not saying it's, you know, that you had a different view of it and you felt center meant center of the whole property. I would probably, could think the same thing. But (indecipherable).

Manda: That's exactly what he pushed out on us, nonstop. Okay.

Hawke: Again, I'm not here to debate it with you.

Manda: I understand.

Hawke: Here's what it says in the transcript, the center, the middle of east and west.

Manda: Okay.

Hawke: Any questions at this point? If not, if anyone else would like to speak, come on up.

My name is Craig Henzel, I'm also a resident of the neighborhood, you know, just adjacent, I should say.

Hawke: Address.

Henzel: 8638 Saybrook. The question I have, too, is, I know there is another tower that was supposed to go up near Lake Cable sometime ago and that one was disallowed, or shot down. Why did that one change, I guess?

Pizzino: It was on school property and the school decided not to let the tower go up. It never came before the Board.

Henzel: Okay.

Hawke: They never made an application for it.

Poindexter: But they would have to apply to the Board of Zoning Appeals also.

Henzel: Okay.

Pizzino: The school itself, the superintendent, (indecipherable). The school board (indecipherable), ask them why they did what they did. They decided not to go through with it.

Henzel: Okay. I just didn't know why that one wasn't or why it didn't go through. I guess the only other comment I have then is as far as height goes. We just got back from Florida visiting our parents on spring break and they're in Englewood, Florida which is Gulf side but the point was is down there this is when I first heard of this issue was less than two weeks ago. And so I kind of looked around down there. There they do things a lot differently, there. The (indecipherable), they're shorter and they're a lot harder to see and pick out so, I mean, not much of an eyesore so I don't know if that, you know, has even been discussed or a possibility as well aside from like I said a monstrous 200 and some foot structure but. I know like I said visually, and I'm sure they've mentioned it, too, it's not one of those things anybody wants to look at in their backyard and you get the perceptions, too, of health concerns and property values. So, whether real or perceived, you know, it's, that's the issues I know that we'll face. So, I just want you to take that into consideration. Thanks.

Hawke: Thank you.

John Weston, 8540 Saybrook Avenue: I understand I'm not mad at Verizon or the property owner for this, I mean, it is business. At the same point, a part of a township there, I have a strong agreement with the others that spoke, there is great coverage, there is nine towers within a three mile radius of our street. There are other options. I understand, like, you know, over on Portage and Wales there's an AT&T tower and Verizon, of course, would not want to be giving money to AT&T tower and I understand that they may have contacted them, they may have said no, there's other towers, they may have been all full but a lot of times because of lack of either a Trustee's part or a property owner's part to actually look into that to ensure that Verizon did actually, you know, getting the information from Verizon, say yes we did for sure contact AT&T, we contacted Sprint, you whatever other carriers are in that area to ensure that there was no other options and there was no, sometimes I found that is the case. And also to this gentleman's point, I just feel as in part of the Township, and, you know, I'm sure we've all done some reading on this and understand it and there's been several cases throughout the country where people have then fought this and grouped together afterwards and then had some towers taken down once, you know, it went to an appeal. I guess I just think in terms of Jackson Township and the future of this and obviously there's a stir here where we are in right the location, like why couldn't it have been closer to Strausser and Arlington instead of right into the neighborhood. You know this, our neighborhood is a single road going in, everybody's going to see it going in, opposed being on, you know, the Jackson, Strausser side, there's no worries of tips there. You know, the next house, you know, on every corner is set back and as it's like you know if we could just say fine, you know, if you want a tower, you want to increase coverage, even though the coverage is great and you want to do that, then this is what you want to do, let's make it more amicable for everybody or let's look at the decorative towers, the ones that look like large trees or something like that. And I think just as a consensus for our Township to know, hey, when these things go forward, when we do this in the future, other Townships, other neighborhoods to know, because if, you know, some day there may be a loophole and there may be a stronger fight. There may be somebody else that says no, we're actually going to rally behind this and we're going to get this thing taken down and it's happened. There was a case in

Santa Cruz where a pre-school closed; it was a privately funded pre-school, because of the perception. And I understand, I mean I talked to engineers as well, and I understand that there is not really a radiation risk because it drops fast, but there is a perceived, especially around children, and you know around schools. I can understand why Lake Cable school wouldn't want that and whether real or not it's you know it's unfortunate but I guess in my own you know concerns to (indecipherable) you know in favor of the Township I mean we're not a you know our Township doesn't really need another tower. I mean I think we could say that we all have access to broadband; the tower's not serving a highway. If we don't have cell coverage on our house there's options from Verizon, AT&T, Sprint, too, have a little a you know something that punches into your home network and broadcasts locally with little GPS things, very simple, I mean, anybody can you know plug it in. So there's other options for home coverage and for broadband coverage we have it through Massillon Cable, Time Warner. So there's not really a true need for the Verizon 4G signal. There's not really a true need for the Verizon voice you know connection. So there really wasn't a need for this in the area and I think knowing that and I think a group of people here knowing that, the next time this happens somewhere else we may be a little bit more inclined to you know feed the next group if that's the case. And I guess I just in my own opinion I mean I know there's not a lot we could possibly do now. I understand we can go to Common Pleas Court and that would be on the, you know, the case of the closest property owner and I understand (indecipherable). But it's just I guess as a resident who cares, who loves the community, loves the Township, to think, hey, you know this happens in other communities, we may be the ones who you know feed the next people to may be more of a fight. Maybe I would hope to count on the Trustees to say hey, let's let our people be a little bit more informed to say, not just let it smoothed over and not just let you know zoning take it in and look at it a little bit more objectively. Thanks.

James Meek, 8674 Saybrook Avenue: As I look through some of this stuff and I've heard the testimony and I was at the Zoning Appeals meeting, I think the part that really bothers me about this is I'm and I won't quote it but there's three sub-bullets to the Jackson Township Zoning Resolution that refer to property values. Section 304.1 intent Subsection A is to protect property value, Section D is to protect residential properties so on and so forth from the adverse effect of towers and related facilities, and the last section is the one that really stuck to me was Section 304.6 which is all wireless telecommunication towers and facilities shall comply with the following standards and conditions: A. Towers shall be located to the extent possible to minimize any adverse impacts on residential property. So that's the kind of thing that stuck in my mind as I was looking back through the testimony, the transcript from the meeting the other day. So when Mr. McDonnell was addressing the gentleman that represented Verizon, he was referring to Section 431.2 and he asked the question 'Is your testimony that this will not be detrimental to the property values in the immediate vicinity'? And the gentleman proceeded to reference a large parcel of land and I quote by 'putting it towards the middle of that parcel with respect to surrounding residential development'. And I know we've already had the discussion about east and west, this is really a north, south question. That tower is located 85 feet from the north line, 2900 feet from the south line. So they then went on to talk about how the reduction of property values and I understand I'm not here to argue that it is a black and white thing, that I can prove that it's a detriment to property value. The proof that the gentleman from Verizon presented was a letter from the auditor's office that basically said they had never reduced a property value because of the presence of a cell tower. I mean, I could interpret that a lot of

different ways and I had all kinds of problems with the fact that we didn't know who this man was and there was some statements, statements from Mr. McDonnell as to the Board does not normally take written testimony on sworn without cross examining. And his last statement was, we'll take it for what it's worth at face value. I wasn't sure what that meant but I don't know it's either admissible or not admissible and I was unclear as to whether it was. So that was basically the crux of their argument as to the fact that a cell tower is not detrimental to and of course you know like everyone else here I went looking for that golden study that said hey, this is going to kill everyone and you know the thing you could hold up to say this is it. And it just doesn't exist. The FCC obviously says this is safe. There are people all over this country that say it's going to kill us. The truth is somewhere in the middle and to be quite honest with you, I don't think we know. There was a point where Phillip Morris said there's no link between cigarette smoking and lung cancer. We don't believe that any more. So you know those are the kinds that kind of bother me so what I really wanted to try to do was to focus on the area where the Zoning Committee asked the proper questions. Why couldn't this be moved further south? Okay. Now first of all, I'm not going to argue about whether the tower should be on the north end or the south end and I'm not proposing that we move it there because I understand there are people that are affected there, too. The question here is about Section 304.6 which is the, shall be placed in a position where it's least impactful, the least adverse effect, on the property owners. And so when they ask, I believe it was, Mr. Batalia asked the question, why can't it move further south on the property, I had a problem with the way Mr. Wyngarden responded. And it says basically where we are now does meet the standards, the tower can be placed anywhere on the property. So as far as can it or can't it, he said it twice. He could place the tower on any part of the property. It would likely, it would be just, I'm sorry, it would just be likely to cause different concerns from different people. Okay. That's anecdotal. That's an opinion in my case. So what I decided to do was I actually took a plot of the property, superimposed on Google maps so I could see where the houses are, so we can't make a statement about the effects of property value directly based on proximity but I don't think it's far reached to say that the closer you are to the tower the more adverse effect it would have on you. If you live 85 feet from a tower, versus 2,000 feet from a tower, I think it's a reasonable argument that you would have move adverse effect. So basically what I did was I took the, I took a just a random, not random, but an arbitrary distance and drew a circle around the present tower. I picked 400 meters, which is about a quarter of a mile, what I then looked at was the number of houses that fell in that quarter mile based on where the tower's proposed right now. It currently hits, there are 77 houses that fall within that circle. Should we should that tower have been proposed on the corner of Arlington and Strausser in that southern field, still with the same set I mean with all the legal setbacks, 200 feet back, I could draw the exact same circle and I touch 19 houses. Okay. So the argument isn't, let's move it to the south field, the argument is there was a position there is a viable potentially viable position where the number or the immediate impact of the tower is felt less than it currently is. And I thought the Board asked the questions and then did nothing with the information. They didn't, they didn't, it's almost like, you know, if I were, if I didn't know better it's almost like well, we need to ask these questions because that's what we need to do and then we're going to decide this. So, I'm not claiming that, I'm just saying. You know, land owner desire was one thing. Well of course, the landowner you know he doesn't want to mess up his farming field. The fact is is that Verizon wanted it up at the top of that thing because it's easy. There's electricity there, there's an access road. But easy and they didn't admit that I'm speculating easy and cheap for Verizon is different than it could be placed in a different position

that would have less impact than on immediate residents. And then you know if there's any question about the Board's perception of that value or of that of the property value effect I think Carri spoke, she quoted that where we had some folks that said such as Mr. Vitale said 'Mr. McDonnell and I understand that nobody wants this in their backyard. I struggle to think that I would want it in my backyard'. Okay. And he also said 'if I owned the property that Dr. Fike talked about someday he hopes to develop it. I wouldn't want it in my backyard of a new residence'. So I struggle with some of the arguments, you know, that we have heard here today. The fact is and Dr. Fike has probably the best argument that property is his property that he would someday develop is 85 foot from that tower. Can anybody tell me they would consider purchasing a piece of property that is sitting 85 feet away from a tower – a 200 foot tower? I think the argument that that property values is affected by where that tower was is I don't know how you can question it. And again, it's not about the placement of the tower it's did the Board in the best, act in the best interest of the Township in enforcing that zoning code. I believe they asked questions but I don't believe that they effectively or got effective answers and used the answers they got to establish the fact that 304.6 was completely satisfied.

Hawke: Okay, anyone else?

Gonzalez: Really?

Walters: Come up if you want to.

Gonzalez: Yes.

Unidentifiable: Come on up here.

Gonzalez: I see her, she's smiling back there.

Rick Vannan I live at 8509 Foxglove Avenue in Springmill Allotment. And I wanted to ask a question about what could happen next. Is there any are you guys aware of any minimal acreage that a cell tower can be placed on. Just how small a lot.

Poindexter: No, there's no minimum acreage however they would have to meet the setback requirements.

Vannan: So we have a, our allotment I think the smallest lot is two acres. And so if one of the members of our allotment decided they wanted a cell tower they could have it as long as it met the minimum setbacks?

Poindexter: Well, they would have to go through the Board of Zoning Appeals and through the conditional use process.

Vannan: Each time you go through the Board.

Hawke: Correct.

Poindexter: Correct.

Vannan: Of Appeals.

Poindexter: Yes.

Vannan: But there's no minimum other than the setback. That's it.

Poindexter: That is correct.

Pizzino: That's privately owned. If a utility owns that property.

Vannan: Well, in our allotment it's all privately owned but I'm sure that we would have a lot people sitting in this room if you and we have a small allotment. I think if more people knew about this, you would have this place hopping. I mean we were, we luckily found out about it. You guys did not do a great job of telling everybody about this whole thing. So

Poindexter: Well, legally we have to notify all the surrounding property owners to that property and that's who we notify.

Vannan: But you have some responsibility to Jackson Township greater than just the people around the tower. I would think.

Poindexter: Yes, yes, all the meetings are on our website also.

Vannan: Okay. I didn't really come here to argue. I just wanted to find out what the chances are of it happening. Because we have to go back and report to our allotment and if we have one person that decides they want it there's very little legally that we can do about it. If you're going to allow this particular one to be a 225 foot tower to be 85 feet from a property line, so it will fall on Manda's property quicker than it will ever fall on the fellow's property that owns it. I mean that seems a little

Poindexter: Well, per the regulation, they couldn't have a 225 foot tower. Number one the maximum height is 200 feet that they are permitted and that is per the zoning regulations and the conditional use permit requirements. And then again if they don't demonstrate that that tower will in fact not fall then it would have to meet the height of the tower plus 25 feet.

Vannan: I noticed there were a lot of non-engineers here, I happened to be a mechanical engineer and so is my friend; we worked for Goodyear for a long time. And I can tell you that there is no way any engineer can predict that a 200 foot tower is going to break off at some distance and it will not ever fail in the bolts. It can go 115 feet onto the other property. You know I think it's absolutely ridiculous to allow anything with a setback of 85 feet that's 200 feet high. Anyway, we're just trying to get information to go back and tell our constituency so that they can take the appropriate action.

Hawke: I just want to point one thing out. You made a very good, had a very good question. Anytime, anytime this happens or anytime that someone wants to do something like this, they do have to before the Board; it's a separate conditional use for each one. This isn't a blanket.

Vannan: Doesn't sound like the Board is looking out for us.

Hawke: I'm just telling you they have to go through the process and that's all I can tell you at this point. But that it's not a blanket because

Vannan: I mean our only action is at election time with you guys. That's about all we can do. I don't if people can be recalled on your Trustee group or not but

Walters: There's also the (indecipherable) Common Pleas Court (indecipherable).

Vannan: But the thing that we can do to get you guys attention is we can write lots of letters to editors and we can make a deal about how this Zoning Board did something that we feel is not responsible.

Walters: I can assure you, you have our attention.

Vannan: Okay, okay. Well, thanks for answering my question.

Hawke: I don't think attention is the issue. We all, we listen to everything you guys have to say. I've talked to a number of you on the phone a couple different times and I'm happy to do that. You know, I mean, I'm happy to when we get through this because when we get through this part if you we'll be around afterwards if you want to stay and have some individual (indecipherable) we'll be happy to do that.

Vannan: The point is these people, I thought they did a great job of explaining, making their point, way better than mine. However, is it just going to be getting it off our chest and then nothing gets done. I mean is there any way what action could you guys take. What could you do to get – what would it take for you guys to get involved with the Zoning Commission? I mean, they do report to you, I believe?

Gonzalez: No, no they don't.

Walters: In fact it's against State law, correct me if I'm wrong; it's against State law for us to try to influence them.

Vannan: Who appoints the Zoning Board?

Walters: We do.

Vannan: That's what I mean.

Hawke: But it's meant to be independent.

Vannan: Suppose you have a member of the Zoning Board that has gone renegade and is doing crazy things. Whose responsibility is it to take care of that person?

Gonzalez: It is very difficult to remove one.

Vannan: What?

Gonzalez: It is very difficult to remove a Zoning Board person. They're almost like the Pope. I mean, they get appointed to a seat for so long and to have them removed, I know, I went through it one time as a Trustee. It's very difficult to do. If I could just chime in for a minute, I'm not a voting member here. This is the Board of Trustees, I'm the Fiscal Officer, but I've been following this close and I've been around Jackson Township for a long time. I don't think anybody up here disagrees with your argument. Would we much rather as a Township be in a position that we're defending you instead of a cell phone company if this goes to court? Yes. It would be much better for us to be in that position. But this is what's happened. And to talk about the hearing and to reiterate all the bad things that happened, the answer of the one question you asked is absolutely right – there's nothing this Board can do. It has to go to Common Pleas Court. What we should be focusing on – fixing it so it doesn't happen again. Because the issue somebody said it might set a precedent. Yes, the Zoning Board approved them and we could have a lot more. Those are all issues that we have to take on and make sure that we can protect the Township in the future. And it might be too late for you but I'm not saying you can't win the case in Common Pleas Court, either. But that is unfortunately the way its set up and the true problem here is and I talked to Representative Schuring about this because I'm sure some of you guys will write letters to him and we've gone through this in the past. Any time that our system set up that the utility companies can pour millions of dollars into political campaigns they're going to get laws like you got. Those laws that are protecting that cell phone company instead of you. And nobody bitches about those laws until it's in their backyard. And that's where we're at right now.

Vannan: Most people don't know.

Gonzalez: Exactly right. That's my point. And that's where we're at right now. And if you think about it, it is ridiculous that if you know a hundred years ago when they put up telephone poles if then they said well you have to put up a power pole and then a cable pole and we'd have three telephone poles in everybody's yard, correct. But no we've allowed them to just instead of forcing them to share those towers, just put them up. Those are all very legitimate problems but I really believe if you really want to focus on two things right now it's to get in the Court of Common Pleas, if you want to win the case and then secondly, that we should work as a Township to see that we have a maybe a better system in place. But I think our Zoning Board unfortunately followed the laws that were in front of them, that's the problem with it. If they didn't, then that's your argument in Common Pleas Court, that's how you could win.

Hawke: Anything else? Someone new? Again, as I said we will be here afterward if you want to discuss anything individually with us.

Stephanie Weston, 8640 Saybrook Avenue: I'm not here to rehash anything. I just wanted to speaking, to being proactive for future situations like that. I was at the last hearing and I felt like one of the disadvantages that we as citizens had was that the only people who knew about the cell phone tower were the people whose property it was directly affecting. And because we live further down the street we had no idea. The only reason I found out was because Mrs. Meek was kind enough to stop by and tell me one day when I was outside and I think it definitely caught our whole community, our little area here, off guard. And had we been more informed and had more time to research and really understand the process and what was going on, I feel like we would have had a much better chance of not being here right now, but have winning, you know, this battle a couple weeks ago and not having to, you know, further rehash and say, well you know, how can we fix this now. So in that vein, I would, I am interested to know is there a way to increase the radius. If a proposed cell phone tower or similar structure is proposed to go up, how could we increase the radius of the residents that are to be notified about that kind of activity so we could be better prepared in the future.

Hawke: That's a great question. And actually as you were talking that was the thing that was running through my mind, was exactly that same question. So I'm going to let Mr. Vaccaro speak to that as far as how that could happen.

Ms. Weston: Okay.

Walters: State law defines the minimum, right?

Hawke: Right.

Walters: But that doesn't mean we have to stick to the minimum?

Vaccaro: No, they have to meet just that minimum requirement. So as is currently written, in 519.211, they have to notify the contiguous property owners and across the street. The only way to

Walters: But we can choose to do more than that, right?

Someone from the audience asked if that was just ORC code?

Hawke: That's what. . .

Vaccaro: Right and that would trump, you know, there's a hierarchy of law. So that would trump, you know, I put this together, there's a key point I want to make. Had no one objected, okay, there was a resident who shot off an e-mail right away and we use that as the first objection. I would have had to come to the Board and say, 'We've received no objections I need to know, put the telecommunications company on notice that they don't have to comply with the zoning law'. It requires an objection. So when you get that notice you have to take the further step of objecting or standing silent. And if you stay silent, zoning doesn't even apply, they're exempt, they move forward and build.

Walters: But to come back to her question, which I think is a very good one.

Vaccaro: Yes.

Walters: So State Law tells us who we must notify.

Vaccaro: Right.

Walters: Can we, can we as a Board, if we wanted to decide that we would want a larger area that we would notify? Or does State Law not allow that.

Vaccaro: I would say at this point it not allow it because the zoning code doesn't kick in until the objection.

Unidentifiable: Oh, I see.

Weston: But, okay,

Vaccaro: You see what I'm saying, the key thing is the – it's a series of steps.

Weston: But if nobody knows how can someone object.

Vaccaro: Well in their notification. Right. Where you're positioned at, you personally, you're not contiguous property owner.

Weston: Right. Yes.

Vaccaro: So, when the contiguous property owners got notice, in their statement the law requires the statement to the contiguous property owners to state a number of things and one of those is the deadline for objection, how to object, who it needs to go to, etc.

Weston: Okay. Got you.

Hawke: I can tell you that I discussed this with a resident who's not contiguous before everything and I let her know that the letters were coming out and said you need to go talk to, I believe she talked to Mr. Manda, that you need to talk to one of the neighbors who have received that.

Walters: Who can object.

Hawke: Who can object for you. So I mean I guess to Mr. Vaccaro's point what he's saying is the law that comes from the ORC says you send it to the contiguous for the objection. Now I think what your question then is once the objection is made can we create something that asks it to be sent out to more folks?

Weston: Yes. It does

Walters: Can we choose to notify more people though?

Vaccaro: I think, once the first objection is made then I think you could look at putting something into the zoning code about we want to increase our expansion

Walters: But we didn't notify – you know, we find out that these notices are going out, right?

Vaccaro: Yes.

Walters: Do you think right now, that we as a Township can't at that point before an objection choose to notify a neighbor – the whole Township is we wanted to.

Weston: Yes.

Vaccaro: You would essentially be saying the State has taken the position that this is more than just a local issue, it is a State issue, so you can't require more by a resolution than the State requires.

Hawke: Is that

Vaccaro: Now once the objection has been made and zoning kicks in and you want to add on additional notification requirements, I think you're within your right to do so.

Hawke: Does that follow that can't be more restrictive than the State?

Vaccaro: Correct.

Hawke: We can't be put a regulation that's more restrictive than the State's.

Vaccaro: Right.

Weston: Okay.

Pizzino: (Indecipherable) two weeks before the hearing it's on our website.

Poindexter: And it's in the newspaper. It's actually on our website as soon as I get a hearing in for something; I put it on our website. I schedule, as soon as I get the meeting scheduled, it's on our website. And also all of our meetings are advertised in the newspapers, they're on Thursdays, they're in the newspapers and that website and that newspaper ad spells out exactly what that hearing is about.

Walters: I know but and that's all right and I mean I get that. I understand that. But, I mean, come on, people aren't randomly checking the website to see if there's a meeting about a hearing potentially affecting their property. And that's why I'm trying to, you know, pin Mr. Vaccaro down a little bit which I you know if I could pin most of the lawyers down most of these problems would be solved. But that's a different debate for a different day. You know, it seems

absurd to me how often I say that when asking these questions, you know, that we can't notify a larger portion of the Township, you know.

Someone from the audience: (Indecipherable)

Walters: That's what I mean. That's what I mean when we're. That's what I'm asking Mr. Vaccaro. Yes, it's only three or four times a year. But that's what I wondering, they have to notify us. Okay. They have to notify us and that's what I was just asking. Well, when we find that out when we get that application can we notify a larger group than just the contiguous property owners and if I understand what Mr. Vaccaro is saying, is that that appears to be in violation of State law. Is that what. . .

Vaccaro: Until you have the objection ready,

Walters: No. Before there's an objection.

Vaccaro: Yes, if you're requiring the applicant. Well there's not even an

Walters: No, I'm not requiring the applicant. I'm saying why don't we do it. We, Township. We got it let's send it to the whole fricking neighborhood.

Poindexter: I think we could change our zoning regulations that say that we notify more property owners based on. I mean that would be our notification not, but I think, you're talking cell tower correct.

Walters: I'm not saying require them, I'm saying let's do it, I mean we're trying to serve the public.

Hawke: I think, you know, what I'm

Walters: I think that's the best question you know

Hawke: I think that's the issue that we're talking about here is for us and you asked the question, sir, what can we do now. What you just said is what we can do now.

Question from audience: Not distinguishable.

Walters: No it doesn't.

Hawke: I understand that.

Walters: You're right Carri it doesn't.

Hawke: But for yours, for yours, what you can do as Mr. Gonzalez pointed out is go to the Court of Common Pleas and go through that process. I'm not saying it's the right process, I'm not saying it's a great process but unfortunately it's the process we have. You know, I made that

point I had a discussion with I don't live that far from you, okay, and I had a discussion with one of my neighbors about this situation as well. And that's why I brought up the Zoning Commission versus the Board of Zoning Appeals. Do we wish that you could be standing here and we could have a say in this thing? I'm going to tell you, I'm going to speak for these two even though I'm not supposed to and tell you that we probably absolutely definitely do wish we had a say in this situation. But we don't. So you know, it's not that we're trying to say you know, we don't want to hear it. It's not that we're trying to say we can't but as Mr. Vaccaro did point out too you know there's case law that we can't appeal our own Board from that side, so we can't do that. You know we don't have the authority to override their situation. So –

Someone in audience: Can they?

Walters: No.

Hawke: No. It has to go to the court.

Someone in audience: What, it's already, let's say it when through (indecipherable) under (indecipherable) what I thought before (indecipherable) Federal Law (indecipherable) it says any (indecipherable) by State, local government or (indecipherable) thereof, to deny or request to place construct or modify (indecipherable) or modify personal wireless service facility shall be (indecipherable) and supported by the (indecipherable). So could they in written record modify what they (indecipherable) personal wireless service facility.

Walters: I don't even think the Zoning Appeals Board can go back and say, oops, we screwed up, right, can they?

Vaccaro: That's it.

Unidentified: Modified it before they made the decision.

Walters: That's what I mean. At this point, sitting here today

Vaccaro: They can't appeal their own decision.

Several people talking at once.

Vaccaro: They cannot. They cannot.

Vaccaro: I want to just take that one step and suppose you take it to the Court of Common Pleas and you win, the BZA can appeal that decision. Okay. So and there's the small

Weston: I don't want to be rude and just (indecipherable). Okay, thank you.

Laughter.

Pizzino: See what you started.

Laughter.

Gonzalez: Sir, we have to get you up here though because believe me if this goes to court you'll want it on the record.

Hawke: Let me address one thing though. I think, and correct me if I'm wrong I think the modify in that doesn't and I could be wrong he's the attorney not me is not modify their decision, it's modify the location or (indecipherable) tower.

Gonzalez: Tower. The tower. Modifications to the tower.

Someone from the audience asked a question that was inaudible.

Hawke: No, no, no, I think it's the actual

Gonzalez: Afterwards

Hawke: Modification to the tower. Like

Poindexter: If the tower company decided, okay, we're going to move it further south on the property they would have to come back to the Board of Zoning Appeals and get a revision to that approved conditional use permit. Because that conditional use permit is based on that site plan that was presented. So they have to build it according to that site plan or go back to the Board for a modification.

Manda: Another point that was brought up a couple times and then left back, at the meeting when Verizon had the chance to come up here and have their talk and present their case okay then each of us got a chance to come up here and we got the objection to it. Okay, all right. After our objection, basically they came back up and they got to rehash everything they said again which was no more than what they said in the beginning but if there was another question that should have been brought up to the Board of what they said none of us people had the right to come back up and speak again. Its Verizon had the last word, we had no more words. We had our limited amount of time to talk, we're done, okay, our decision, you're over with. Now so they had this meeting lasted for three hours okay we each got a short spot of time these guys were up here for a couple hours just one thing after another after another after another. You said and, you said to us, well you know your mistake is you didn't have anybody representing you as far as a real estate person saying that your values were down okay. Number two

Pizzino: Not in my opinion.

Manda: That is your opinion okay. But that's the opinion else wise okay. Number two is you didn't have an attorney come in here that was attorney in the zoning issues okay.

Pizzino: I didn't say that.

Manda: No, that was someone else.

Hawke: I didn't say that.

Manda: This is what was told to me. Okay. Now that's all fine but when we had the first meeting came about and what was said was they don't have their proper paperwork in line so no more talk is tabled. Correct? And it went to the following month, okay. At that point in time you're dealing with a house builder, okay, I don't know nothing about towers, where they should go, how they should go or anything like that. These are residents know nothing about towers or what attorney we should have or what we should or shouldn't have or whatever. We can't really represent ourselves if we really don't know what we're representing or what we're against. The meeting was up they pounded their point they listened to us for a little bit they really didn't look at the points of property values of other locations that they did not take any of the code and really meet the criteria but that was what the five board panel is job is. Okay. So where was, one attorney said to me you had the right to cross examine Verizon. No we were not given that right. We were not allowed to ask Verizon nothing. We were not able to bring points up to them, we were not up to argue their points of location what they're doing. We had none of those rights. So you know it's a one sided meeting. It's really not for the people, it's really you know that the people really don't have a real say. They get to speak a little bit but it's basically a decision between Verizon and the five board panel and if we made a comment we were told to be quiet.

Walters: You know I think the one point that you make is an interesting point. And that is you know if we don't know our rights we might as well not have our rights.

Manda: Correct.

Walters: So that I mean that has me thinking along the lines of you know again you know can we notify greater numbers of people can we provide greater information to folks you know who are going to be coming into a hearing like you all that we can say hey, listen this is how this is going to work. You know and provide a greater level of education because I mean none of us know about this until we're smack in the middle of the situation right. So you know I mean we know where we are here but to look forward like you said and I think which is a great point to look forward. I think there's probably some things that we can do and I you know I think we should definitely look into that because I think that a great point.

Manda: Indecipherable.

Walters: If you don't even understand what's at stake

Manda: Here's the real down side

Walters: Then you're, you know, yes exactly you don't understand what's at stake then you don't have a chance.

Manda: Here is a real down side on the whole zoning meeting. Is that now that it got approved by them, okay, the only alternative we have is going to the Common Pleas Court. Okay. Now the Township zoning appeals board is supposed to be looking for the behalf of the Township, not

for Verizon, telecommunications, any of those people. Okay. It's the Township they're supposed to be looking to. They passed this.

Walters: Mike, is that a fair statement. Is that an accurate statement and I'm asking this generally. Is the job of the Board of Appeals to look out for any particular interest?

Vaccaro: I would say no. I mean they're to follow the Comprehensive Code that was adopted by the Trustees.

Walters: See that's one of the, that's a fascinating point because

Vaccaro: But you would not, you won't find that in statute.

Manda: But if they didn't meet all the criteria

Vaccaro: That's the point that I think that you know Mr. Gonzalez said and I'll say to you, if you feel they didn't meet the criteria that's in the current code, that's the appealable issue and there might be multiple within that transcript.

Manda: Okay, now the next part is we, we as the people as myself or the Doctor and whoever, our only thing now is to go the Court which I've talked to an attorney, he roughly wants $10,000.00 a retainer fee. That's a burden on myself and whoever else will share to me which more than likely will be nobody. Okay. That is a burden that the five board panel put on the property owners by not properly having the documents that should have been in line.

Poindexter: Can I jump in here a minute.

Manda: Absolutely.

Poindexter: I just want to tell so everyone knows a little bit how the Board's meeting is run. You are correct in some of the things you say, the Board opens the meeting, the Chairman always reads the applicants name, property owners name, everything in the file, but he always states you know that if someone doesn't agree with the decision they have the right to appeal to the Court of Common Pleas and also the way they run the meeting is the applicant always goes first, gives their testimony, the Board asks them questions, then they ask if anyone else wants to speak in favor of the appeal and they give everyone that wants to speak in favor of it a chance. When everyone's done speaking in favor, they ask if anyone wants to speak in opposition to it. Anyone can speak in opposition, after everyone is done speaking in opposition, they always call it they give the applicant the last bite at the apple. And then they do ask the residents that are speaking in opposition or even for it to address all their questions to the Board. And then when the applicant has the last bite at the apple the applicant can come up and the Board can ask the applicant to address some of those questions. He is correct then the Board does close it to public input and the Board does not let anyone else speak after it's closed or after the applicant has come up last to address things. So that is how the Board works the meeting.

Manda: So

Poindexter: But again just so everyone knows that does get the notices and what's in the newspaper and such it does say in there so everyone knows for future that the files are available here at the Township Hall and anyone has the right because everything's public record to come in and get any copies or look through any file that we have on any case just so you know that for sure for future reference.

Manda: Correct. But when the applicant get the last bite of the apple he can also bring up a couple other things that he puts to the Board that as a people we have no way to get a question to the Board to ask him a question of is this right this wrong is this fact what he's saying. Do you understand what I'm saying? There's very limited you know if

Walters: Mike, the way the hearings are run is that how that is proscribed. Is that proscribed by State Law?

Vaccaro: Actually, it's not. There's a recommendation, there's a zoning law treatise put out that's widely used in the State and they recommend essentially what we do.

Gonzalez: It's a quasi-judicial

Vaccaro: It's quasi-judicial so there has to be you know a chance for the applicant and their response.

Manda: I really believe that as the people speak or anyone opposed to it once they get up they get another half hour added I really think it clouds their mind that they're not really thinking about some of the stuff that we proposed to them. And if that's not put back in front of their face I don't believe that they can make a judgment call.

Pizzino: At the end they're supposed to come back up, the applicant, and just address concerns, your concerns. I don't think its new testimony, is it?

Poindexter: No, they're addressing concerns that the residents had and also the Board may have things that the residents brought up the Board may have a question for the applicant as to you know well so and so brought up this point you know what is your answer to that.

Manda: But there are other points that if they were brought up to the Board that they have said afterwards that we have no way to defend against what it so it's basically they're speaking to the Board and if the Board doesn't think to ask a question or we have there's no way that it's going to get.

Gonzalez: You know, Ken, the issue is that it's a quasi-judicial; you do the same thing in every criminal case, civil case in this country. Are they to go on forever? You just go back and forth, there's some issues here that you guys have really got to that are great issues. The things that really went wrong here was first of all they walked in with a high priced attorney and you walked in with your hands in your pocket because you didn't know, correct?

Manda: Correct.

Gonzalez: So we know we have a problem right now.

Manda: That's correct.

Gonzalez: And Jamie's talking about and I think Todd's got some more ideas so that again this isn't your salvation but hopefully if we had people that somebody said I don't know if you was one of you said how are we supposed to come in if we don't about it, if we expand that and you have an idea that you might need an attorney or you call in to see what's going on, I can tell you and I'm almost embarrassed by this, I've been an elected official since 1988 and when this all started coming in and I was getting all your e-mails, too, and they were coming to me, I said, it's no big deal the Trustees can fix this. I thought that myself. That and he told me, no, it doesn't come back in front of the Trustees. Now if I've been around since 1988 and I didn't know that how the heck are you supposed to know it right?

Manda: Well, that's the point.

Gonzalez: That's the point. Now we need to fix this.

Manda: The burdens on myself or if someone else wants to take the burden on with me on this case. And the only thing we can do is take this on and made a precedence of it that will later on help the Township, but it doesn't help us any. It's still our burden, it's our loss.

Gonzalez: You're exactly right. But if we can do better notification, which I think the Board's going to discuss here in a minute, that would have helped a great deal and it sounds to me the biggest legal flaw in the whole thing was you didn't file a legal objection which would have kicked the whole process in. Is that correct?

Manda: What is our legal objection?

Vaccaro: They filed they're objection, which then kicked in Zoning.

Hawke: Correct.

Lyon: Triggered the BZA.

Gonzalez: Okay.

Vaccaro: Right.

Pizzino: They did that.

Vaccaro: Yes, that part.

Hawke: You did everything that the steps were there for you. That's to do. The question is and I think that's what the questions a lot of you guys you all are raising is are the steps right or is there something else that we're doing.

Manda: The biggest thing is that there are a lot of flaws here and the Township won't help us. You know.

Hawke: Let me address that because I will tell you right now I will do anything I can to help any one of you at any time. You know my wife asked me when I get home from things like this why do you do this. I will tell you a hundred times over I do it because I believe that I can help people within the best of my ability. Now when my hands are in a situation where I am not able to do it, there is nothing I can do and nothing hurts me more than the fact that I can't do anything about it. Trust me on that.

Manda: I would rather you

Hawke: You can only take my opinion for that. But I'm going to tell you that. If I could do something for you, to make you know, these guys will tell you. If there's one think that I get in trouble with it's trying to make everybody happy. And I will.

Manda: Okay, in this situation

Hawke: Hang on a minute.

Manda: Okay, go ahead.

Hawke: Okay, so you know to sit here and say that we won't help you, I really, you know, I'm here to help you, I have listened to all of you, I have let everybody longer than the time you were allotted because I think it's important and I think its only fair to you. But to say that I'm sitting here and saying I won't help you I think is unfair because I'm trying within the law that is proscribed to do what I can to help you. And I will.

Manda: Here's what I'll ask you guys then. You have those zoning laws, you have the stuff there, I'm going to have to contact an attorney. And attorney is going to want to drag this out and drag this out because the more he drags it out the more he gets. What all is in the laws that we can use that I don't have to rely on him to keep spending hours flipping through papers that I can get to it. Find maybe one guy that is willing to step into this and not drag it out you know into costs. Okay. Because everyone here has that I don't have okay so if you're willing to help, help me.

Hawke: We will give you any I mean we've cited all if you take the yellow page with you, we've cited all the codes that come back for those situations. You have our zoning resolution and zoning book is available to anyone who wants to see it. I believe it's on the website out there direct. And so you're welcome to any of that you want. If you have questions, and need to know where to go to ORC I mean we can point you to that, I actually had Mr. Vaccaro insert a link in the e-mail letter backs that you guys could go directly to that because I didn't want you to think that we were just telling you this is where it was that was one of the things I asked was that you know if I get a letter I want to know that I can go and check on it. I want to know that I can make sure what you're telling me is fact. So I get that. So what we're happy to tell you

anywhere, any site, anything that we can give you to any of that information, we will be happy to do that. I mean I would

Pizzino: The only wrong thing about this and yes there were a lot of good points came out of this, it was the Zoning Board and new evidence came up like you're telling us tonight, we have the ability to override that because of the Ohio Revised Code because it's a Zoning Commission they don't give us that authority. Okay. That's the problem and I don't, they're never going to change the Ohio Revised Code. But they basically don't give us the power as they do with the other Board to override that. And there's a lot of times to be honest with you, Ken, that the Board would hear it and then when you attend this meeting here there's new evidence come in front of us and we did a number of times overturn that Board. But in this case here, you know we'll do what we can, we'll provide you with all the documentation

Manda: Well, I think, one of the really things now with the Zoning Board it's the five members there. I think there maybe might need to be a change of a few and you say it is almost impossible to get rid of one guy or two guys or whatever. Maybe it's time to make the impossible happen.

Pizzino: Every year one drops off. Now it's a five year term so every year somebody drops off five years so next year somebody's going to come up this November, somebody's going to come up next November that's how that works.

Hawke: There's actually, Mr. Pizzino's correct, there's one who has their term come up every year and the alternate is a year (indecipherable). So again that's another application or posting that goes out, anyone can apply.

Manda: I've made application for that already. And I'll do it again because I think they're just, Mr. McDonnell, I just don't think that he, ah, he looked at the codes on there but I don't think he read through them hard enough. I really don't.

Gonzalez: In fairness to them, Ken, every year like they said we ask for applications, there's years we don't even get applications. It's a volunteer job. They get paid for each meeting like $30 or $40.

Manda: That's not the point. It's the point of representing the Township.

Gonzalez: I'm not arguing that part. What I'm telling you is there may be times there's nobody else that even applies. It's not like there's this laundry list of people said, 'Hey, look lets replace these guys'. You have to replace them with somebody. It's a tough job to even find, believe it or not, sometimes.

Man from audience: How are they decided upon? How are they selected?

Gonzalez: They're interviewed. The Board of Trustees does very extensive interviews with them.

Man from audience: The Board of Trustees.

Gonzalez: This Board of Trustees does a very extensive process through that.

Hawke: If there's applicants to interview.

Gonzalez: And I can tell you over the last 20 years this Board's been one of the best because there was too many times we had people that were tied to some type of developer or something were on those Boards and these guys have really looked at that over the years to make sure that we're getting as close to the everyday citizen on that Board that they possibly could. That's why this is really a misfortune the way it went down. It really is. I think when you guys started sending stuff in I think every person in this Township, these three guys, the law director, Marilyn, we all started looking at a way to correct it. We've been working on that ever since this started. We've been trying as hard as we possibly can, all of us. It's something we have to fix.

Lady from audience: (Indecipherable)

Hawke: Sure.

Lady from audience: As a group, you (indecipherable).

Walters: Well, Mr. Vaccaro's going to tell me I shouldn't say anything, so I will not say that it seems patently absurd to me that it wouldn't impact property values.

Unidentified man: But I won't say that.

Walters: Mr. Vaccaro said I shouldn't.

Gonzalez: If you hire an attorney, I would tell him to subpoena me as a witness. You hit it right on the head, I think your analogy is absolutely right and that why I kind of chuckled when they said they came in and they no record from an auditor that said that their houses, no kidding. But you know what exactly what you said is if somebody's going to buy that house and they'd say, 'Gee, it's a beautiful home, I'd like to have it but I don't like that cell phone tower', did that devalue your property? Yes, it did. Because that person wasn't going to buy it and out of every hundred people there's probably I don't know a good percentage who'd say 'I'm not going to buy it because of that'. And I think if you had a realtor there, a realtor would probably say that and those are the types of things again if you were there with an attorney, had the case prepared, you would have had a much better chance but the problem was as we know you weren't, enough people weren't notified so we'll try to fix that.

Man from audience: We didn't what to bring to the table.

Gonzalez: There you go. No one told you.

Walters: Not enough people knew that there was a hearing and even the people who knew the hearing didn't have a full understanding of what needed, you know, how you needed to represent your interests at that hearing.

Man from audience: We got a letter saying show up.

Walters: Yes, and that's something we have to fix. And again it doesn't help you guys and that's not good but you know at least maybe we can make it better you know for those that follow you. I mean it's not a great answer but I honestly I mean

Lady from audience: But because of that debacle of the Zoning meeting now we have (indecipherable) cell phones (indecipherable).

Walters: No, you have an appeal in the Common Pleas Court is what you have.

Man from audience: After (indecipherable).

Gonzalez: What you need, you needed a lawyer in the neighborhood, that's what you really needed.

Man from audience: We don't have one.

Gonzalez: Yes.

Man from audience: (Indecipherable).

Gonzalez: I don't know if Ted and Graham is

Man from audience: What verdict can we ask for in the Court of Common Pleas. Can it reverse the decision on the whole cell tower?

Pizzino: Absolutely.

Walters: Yes.

Hawke: That's what we're telling you, that's what the remedy is to go to

Man from audience: (Indecipherable) a lot more people than the people that are contiguous (indecipherable) are interested in this. If this precedent is set, you're going to have everybody in Jackson Township on his side, on their side. If the word gets out, but you guys have not got the word out very well. You admit it. Next time will probably get better. This is a big deal. This is a. . .

Hawke: But what we said to you was, we put out what was under the prescribed law that we were told we had to do and actually, we don't have to give out anything. That comes from the people who are requesting it. So what we're saying to you is you know we're looking at you,

you're sitting in here, you're talking to me, we realize that not everybody is contiguous to the, the person I talked to was not contiguous to the property, you know, and you know the question she asked me when I first spoke to her was 'Do you know where we're talking about'? Absolutely, I drove past where you live already and I went back down Laurel Lane because that's where she lives, went through the cul-de-sac looked at the property, I would never call you, anytime a resident calls me, I go and look at the situation before I answer any question. Because I want to know. So we did that from that perspective but to your point you know you're coming to us saying it's not getting out there enough. I hear you. So the only step that I have now is make sure that it gets out there in a different way. So you know whether it's you know finding out if under the codes we can put up signs like we can for re-zones, you see the white signs with red lettering that says this property is up for re-zoning, is it something like that. I don't know if that's the answer. Our job now is to figure out how to help you with that.

Unidentified man: It's a start.

Unidentified man: Yes.

Lady from audience: Even if there were 300 of us in that room, (indecipherable), they already had their minds made up and they granted this (indecipherable). You know I'm saying the problem wasn't that there weren't enough (indecipherable) in the room, the problem was that Board did not follow the rules.

Man from audience: (Indecipherable) we had an attorney who was familiar with the zoning law or somehow work with the Zoning Board, they had the right arguments and a better understanding of any average citizen to file an extension for further

Gonzalez: Well, you could do that right now. If you get into the Court of Common Pleas, I'm not going to tell you how to practice law, don't listen to me, the first thing you would do is you'd go in there and get an injunction to try to stop it. They could put a stay on that, the Court could rule on that. But again you got to get to an attorney.

Man from audience: And we do have thirty days, correct?

Hawke: Correct.

Vaccaro: Thirty days. And let me just say on that point that clock is ticking already. All right so I'm thinking
Man from audience: (Indecipherable)

Hawke: It was the 27th, I believe.

Vaccaro: Did it go out, well, it actually would go from the time the Zoning Board issued their decision and I'm not sure what date that was.

Man from audience: (Indecipherable) seven days from right now.

Hawke: What I have was it starts, that Common Pleas within 30 days of the decision if the decision's made this evening, that was how they put it out that night. The 30 days starts today.

Poindexter: Right, they always say 30 days from the date of the decision itself.

Vaccaro: In writing.

Gonzalez: And by the way, what you've done you've done tonight – I'm sorry, by coming in here you've accomplished a lot because whether you know it or not the Repository and the Independent and the Suburbanite are here. There's going to be plenty written about this story in the paper for your neighbors and everybody else to see, so your argument of trying to get more people involved, there's certainly going to be more people know about it.

Man from audience: The only reason our allotment is not involved is because the only way we knew about it is somebody put this article in my mailbox. I wouldn't have known anything about any of this. (Indecipherable).

Gonzalez: Yes.

Laughter.

Too many people talking at once.

Gonzalez: Those are Federal laws.

Poindexter: I just want to make it a clarification about how the Board does their decision. The Board does not base their decision on a variance, a conditional use permit or anything, even re-zones on how many people are for it or opposed to it. The Board bases their decision on if they feel that it meets the criteria per the zoning regulations. So you could have a whole roomful of people that's even in favor of something and the Board may deny it if they feel it does not meet the regulations. And just so everyone knows we had a cell tower, a conditional use for a cell tower, this has been several years ago, for a residential district down on Stuhldreher and the Board felt that they did not meet the criteria for the conditional use permit, that they did not do their homework because there was a commercial property that was right up the road from where they wanted to put it was at Stuhldreher and Hills and Dales, there was a commercial property at Wales and Stuhldreher where they could put that cell tower. The Board felt it did not meet the conditions for the conditional use permit. They denied it and that cell tower did in fact move to a commercial property which actually that commercial property is totally surrounded by residential and because it was in commercial we had no control over it whatsoever as far as setbacks or anything. That cell tower is maybe 30 feet from a residential property line because we have no control over it if it's in a commercial district. So just to let you know, you know, the Board, they do look at 'Do they feel that the criteria's been met', now you know the vote was four to one and so evidently one of the Board members felt that the criteria wasn't met but the other four Board members did. So I just wanted you to know that, that the Board doesn't base it on you know how many people are for it or how many people are against it. They look at you know does it meet the criteria to allow the use.

Man from audience: The Board is not (indecipherable) look after the interest of the residents or the Township. Is that what you're saying?

Poindexter: No, what I'm saying is the Board needs to follow the regulations.

Man from audience: (Indecipherable) you're saying

Poindexter: No, that's not what I'm saying.

Man from audience: Well, (indecipherable) is part of their job to look after the interest of the

Poindexter: I think Mr. Vaccaro answered that question.

Man from audience: You know what I want to say that as far as

Hawke: Can you come up here please. Appreciate it. Got to get it on there. That's my job.

Walters: I think (indecipherable) good comments so I want to know (indecipherable).

Pat Offredo, Laurel Ave.: Before I start, my wife talked to you, you drove down in the circle and you told my wife, you won't even see the tower.

Hawke: I did not say that.

Offredo: Well, she didn't make that up. But I'd believe my wife before I'm going to believe you.

Hawke: That's fine but I (indecipherable)

Offredo: Because I got to live in that house.

Hawke: That's fine for you but I did not say that.

Offredo: Now you three gentlemen are to look out for us, the residents of Jackson Township. Is that correct?

Hawke: Residents, business (indecipherable)

Offredo: And as looking out for us

Hawke: (Indecipherable) all three.

Offredo: And as looking out for us, you elected or appointed which, Mr. Gonzalez said not too many people apply for the Zoning Board. So you appoint those individuals, correct?

Hawke: That's correct.

Offredo: And their job is to look out for the best interests for the residents of Jackson Township, correct?

Hawke: Their job is to

Offredo: Now wait a minute, just answer that part of it. Just answer that part of it first.

Hawke: The answer to that which Mr. Vaccaro answered for you. The answer

Offredo: I'm not, I will address Mr. Vaccaro but first of all you answer my question.

Hawke: The answer

Offredo: Is the Board, is the Board

Hawke: Sir, you asked me a question, let me answer it.

Offredo: Is the Board

Hawke: As Mr. Vaccaro stated earlier, that Board of Zoning Appeals, their responsibility is to follow the law, read the conditional uses and see if it fits. Their description does not say to answer your question, their description does not say to serve or protect

Offredo: To look out for the interest of me.

Hawke: Correct.

Offredo: So then I want to commend Mr. Vaccaro because legally everything was done except for the points that Mr. Manda and Ms. Meek brought out. None of those were addressed. The points that they brought out and their arguments earlier but they followed the legal, you know boom, boom, boom right down. So now you're saying that you guys have a recourse. Go hire yourself a lawyer for 10 grand. That is not looking out for the interest of the residents of Jackson Township. This gentleman over here, you're going to have a cell tower if somebody wants it on their property. If they want to make 30 or 40 grand a year, if they have enough land, they'll be able to do it because Mr. Vaccaro said all they have to do is meet these requirements. And Verizon came in and said we met them. And the Board says okay you met them. You're granted. So if you guys opened the floodgates, you want it in a residential area over there or wherever, and I feel sorry for Dr. Fike that he's had that property for investment and all these years. Now he has a cell tower right next to it and his investment went right down the tubes because of our Zoning Board that does not look out for the interests of the residents of Jackson Township. And I think the Zoning Inspector should probably go over to that farm and start looking at some of that property what's going on over there.

Poindexter: But I don't make the decision

Offredo: Yes. Talk to Mr. Vaccaro he can tell you what you can do. Thank you.

Man from audience: Can I ask a question regarding your answer.

Offredo: One other thing, I want to commend Jackson Board here, somebody from Jackson School Board.

Hawke: Mr. Douglas.

Offredo: I want to thank you guys for withdrawing that application because evidently you probably you listened to the residents in that area.

Man in audience: It never (Indecipherable).

Offredo: That's but they probably thought about it. It was in the paper, it was in the paper. And I'm sure the School Board heard some objection to that and they were smart enough and concerned about the residents in that area and said no. And I know for a fact there are a lot of football stadiums that are putting antennas on top of their light towers for income. Thank you.

Hawke: One quick thing and we're going to wrap this up and we can talk. Go ahead.

Man in audience: It's a real quick question regarding your answer and your answer about what the Board, the Zoning Board, (indecipherable) Board is responsible for. And I think what I'm hearing is they are solely responsible to making sure the applicant is within the letter of the law. This whole thing is within the letter of the law.

Mr. Vaccaro: Well, and they have to interrupt what the applicant has submitted as evidence on those particular conditions. And that requires them to analyze that evidence substantial ev

Unidentified man: They are not required to act in the interest of the constituency of the Township.

Gonzalez: The best description I can give you, I've said it before, it's not the proper answer but the true answer. It's a quasi-judicial board. Would you want a judge to be predetermined in any way? Now I'm hearing opposite, you're saying you thought they were had their minds made up before they got there. But it is a quasi-judicial board, they're supposed to do their due diligence to read those laws and enforce those laws. And it could have been you they could have been protecting. And I'm not saying its right but somebody's selling this plan to them. Somebody's making money off of it. Obviously, he had his rights too, now were they defending him, yes, I guess they did in this case. The numbers are the people, I agree with that but

Unidentified man: So they should have done all their due diligence before this last the hearing on the 27th. They should and they had established evidently that it was within the law pretty much before the hearing they knew what they were; they knew what the applicant was going to say.

Pizzino: No, I don't think so.

Unidentified man: Okay, well at any rate they decided the main role is to decide if it's within the law. It's not to listen to what the people say and react.

Gonzalez: Yes.

Hawke: Well, it would be to listen if you're making arguments that say it's not within the law.

Unidentified man: About the law.

Hawke: Absolutely.

Unidentified man: Oh they do have a responsibility to listen to the people's objections.

Walters: Yes.

Hawke: Because that's the interpretation of the law (indecipherable). If you make the argument that that doesn't fit the condition because of X, Y, and Z, they're responsibility is to listen to that. It's not what I'm saying in answer to the other questions is it's not just to say they may feel comfortable not comfortable with it personally but if it fits the law and they've proven that they met all the conditions then it has to go by that.

Unidentified man: Well, then why even have the hearing? Why even bring people in here to object if they're not going to pay, if they're only obligation is to meet the letter of the law.

Hawke: Because if you can prove

Unidentified man: Just let them do it and we don't have to be involved.

Hawke: This would be the same issue with any legal proceeding. If you can't, if you can prove that they're not following the law, then you don't get to have the conditional use permit. If you had proven to that Board as they read it that they hadn't done all the options and looked at everything and didn't as Mrs. Poindexter pointed out earlier, there was one earlier where they moved it and it made them go to a business area because they knew there was one open. That's exactly what happened there. The presentation on the opposition side said 'you didn't do everything' and then that Board, the Board of Zoning Appeals said 'you're right, you didn't fit the law, you didn't do everything so you're not going to get the conditional use permit'. You got to go find something else to do. So that's why it's there because had that come to this point and I'm not here to speak to whether they made their decision ahead of time, I'm not going to put words in someone's mouth and make their opinions of what they were, I wasn't there to see them make that, I'm reading the transcript from it. But that's where to your point that's why you have those hearings is to say 'they're saying we fit the law', you're saying 'you don't fit the law and here's why'. Just like you would in any other judicial proceeding.

Man in audience: One thing is the tower is 85 foot off of the line.

Hawke: Right.

Man in audience: Because they said the tower, (indecipherable) a tower that it's not going to fall, it's not but they never actually gave you a signed document of that, of that the tower is that.

Gonzalez: Well, Ken, if that's true that you have a transcript that's your. Let me use this analogy.

Manda: But I just but that's another part that they should have looked at and if they would have maybe the tower wouldn't be in the location it's in, and maybe we wouldn't be here today.

Gonzalez: You might be right. But the fact of the matter is if you

Manda: But because of that letter (indecipherable) and just taking their word we have to defend ourselves.

Gonzalez: Well, let me put it to you this way. If you got picked up for DUI would you go to court without an attorney? That's exactly what happened. You went in and you let the prosecutor present his case and you were sitting there trying to make your own. That's the problem.

Man in audience: Because you guys (indecipherable) tell us what was going to happen

Gonzalez: And that's why we're trying to fix that.

Too many people talking at once.

Gonzalez: I'm just talking about a quasi-judicial things what I'm trying to tell you. They had an attorney making their argument, legal arguments binding the law.

Man in audience: (Indecipherable) never said in those letters, a document letter from an engineer by rights we (indecipherable) and the Board should have said 'no, it's going to have to set back 225. Okay. If you were there or any of the other (indecipherable), I believe that vote would have happened because it's just their word. The Board took their word instead of what their job was and should have had a document actually back it up what they said. And if they didn't then they should have denied it in that location.

Hawke: And again I'm not going to I can't speak to that point. If this were a Zoning Commission issue, we'd be sitting here where you'd be telling me this and I'd be able to say yes or no.

Man in audience: Correct.

Hawke: And believe me as I just said to you earlier when you were up here and I am, I think you kind of got that, I'm pretty passionate about that. I wish I could say yes or no and have a say in it, but I don't. So you know I mean that's what we're telling you, you know, and again I would do anything for anybody, you know, when I go up to talk to a resident at 9:00 at night because he wants to tell me there needs to be a stop sign by his house and it needs to be moved and it needs

to be a different corner, that's part of my job, that's part of what I signed up for, I'm happy to do it, I want to help you, that's why I talked to your wife and we had a lovely conversation, I enjoyed my conversation with her. You know, I mean, that's fun, that's the part

Person in audience: (Indecipherable) the Zoning Board represented the people of Jackson Township and they don't all they do is (indecipherable).

Hawke: But hold on, in all fairness, too, the gentleman who's putting the tower on his property is a resident as well. I mean I just

Several people talking in audience.

Man in audience: (Indecipherable) the installer of the tower

Hawke: No he's not.

Man in audience: (Indecipherable) the company's that building the tower. Sounds a little

Hawke: That may be, but it's his property.

Man in audience: (Indecipherable) you know.

Hawke: You know, I mean it's the same thing.

Man in audience: (Indecipherable)

Hawke: It's his

Man in audience: (Indecipherable) our opportunity now because of all this (indecipherable) right he is a resident (Indecipherable) whether our land is a contiguous neighbor, to bring an attorney to the (indecipherable), I'm not an attorney by any stretch of the imagination, but we have due process, we have the ability to go through the next part of the you know the Court of Appeals and that is the process and this is why people are (indecipherable). And this is why people (indecipherable) and this is why case law is negated in every state and that's why (indecipherable) because there's a law that may be inferior at one point in time and it's brought through (indecipherable) into trial into a case, case law is then brought in to create it and now it sets a precedent for (indecipherable) Township or the city.

Poindexter: But just remember that the clock is ticking. If you're going to file an appeal in the Court of Common Pleas, you only have the 30 days to it.

Man in audience: (Indecipherable) we need I'm more than happy to put money to it as well because I will work gladly with you sir to be honest (indecipherable). But I think we could really gain something together for to make a change (indecipherable) in the immediate case as well as in a future case.

Man in audience: I think one of the things that bothers me about this is, who is this Zoning Appeals Board accountable to and let's say the Appeal Court said they were grossly negligent. Who are they accountable to? I think that's what frustrates us as citizens, right? We can always lash out at you because (indecipherable) we pay you (indecipherable).

Hawke: Absolutely.

Man in audience: (Indecipherable) This group is basically impossible to remove, they drop one member a year and someone mentioned that these are just normal guys, well I appreciate that. I don't want them making a judicial decision about my property value if they're just normal guys because the fact is they don't know (indecipherable) more about

Gonzalez: And that is exactly why what he just said is true. The next course is to take it in front of a judge. That's exactly why the law's written.

Man in audience: (Indecipherable). The (indecipherable)

Gonzalez: You'd have to change the State law to do that. And that's not a bad argument.

Man in audience: Yes. All that we want is for people to understand. Most of the people went into this meeting assuming that there was somebody looking out for our interests. I personally didn't realize I needed to take a lawyer to a zoning board meeting. I was naïve, okay, so most people under, most people would make the assumption that, well, you know, the Trustees would watch out for us, the Zoning Board would watch out for us. Not true. That's a tough lesson to learn. And you know most people believe that you know there's a hierarchy there's something that's going to keep this from happening, this from happening, and that reasonable evidence is presented it will get considered and applied. And so you know of course it didn't (indecipherable).

Gonzalez: But that's a great (indecipherable), Mr. Meek. The issue here is the law is a problem because just the, what you just said. I mean the fact that I discussed this with one of the Board members we were talking about one night socially the fact of the matter is you expect your government to take care of you and now you're going to have to go pay money to get this done. That's the law. I mean that's something you should be talking to State Legislatures about. The easiest fix to this whole thing would be could Townships just say 'You can't put cell phone towers in a residential neighborhoods'. Wouldn't that be the easiest fix, protect all the residents forever. Doesn't happen, the Federal Law's never going to allow you to do that.

Hawke: Right.

Gonzalez: There's a lot of issues that you guys uncovered but the fact of the matter is the notification one is a big one to tackle right now.

Hawke: Yes. All right, well, I thank all of you for being here and I think it's a big thing that comes out of this you all are here. You know you came to talk this is part of the process to let us know what's going on so that we can be involved with you and help you to that extent as much

as we can. And you know I don't know how many of you actually knew each other before you walked in here but it's you know you got to be together I mean that's a good thing. So there not from your feelings I know there's no good thing out of this but at least it was one of those things were you're together, you're giving us information and feedback that we can look to make changes and we're happy to take that from you and I appreciate that. You know and again, I've told you, you know, someone asked me that (indecipherable) how do I get a hold of you. My cell phone number's on the website. You can call me anytime you want, you know, so I would be happy to talk to you guys anytime if you want to sit down and have a conversation, I'm happy to do that. You know, we'll work through as best as we can and, again, the next recourse is to move on to the Court of Common Pleas.

Lady from audience: (Indecipherable) are you guys allowed to testify on our behalf?

Hawke: I don't believe we. . .

Vaccaro: Well, you get a subpoena,

Man from audience: (Indecipherable).

Vaccaro: You get a subpoena, if they get a subpoena,

Man from audience: I got it.

Hawke: But, keep in mind, this has always been pointed out to me, aside from being a Trustee, I'm a resident, so I have my own opinion as a resident that I can share in those situations.

Walters: And remember I didn't state my opinion earlier because Mr. Vaccaro told me not to.

Man from audience: Mr. Vaccaro, can I ask one question, real quick, I won't (indecipherable).

Hawke: Yes. No problem.

Man from audience: If we went (indecipherable) and win, can they appeal the appeal or is it over?

Vaccaro: The BZA can't.

Hawke: Verizon. The Board of Zoning Appeals.

Vaccaro: I'm sorry, the Board of Zoning Appeals. Verizon could try to take you up to the next level which would be the Court of Appeals. And, you know, I think in launching an appeal you may not get through the process because Verizon may and really I shouldn't say Verizon it's Faulk and Foster may be motivated to get to a settlement to avoid spending those litigation dollars. So look at that process very closely.

Man from audience: (Indecipherable) cell tower down the road.

Vaccaro: Oh, okay, there is, there is a tower, a 130 foot mono-pole tower going up at the Dale substation which is on Arlington. It's kind of buried back there and if you're not aware it's there, it's hard to see from the road even in the fall time.

Man from audience: North and south, which way is it off (indecipherable).

Vaccaro: It would be south of the current proposed location. So closer towards Portage.

Hawke: Portage.

Vaccaro: I've talked to Faulk and Foster, I've talked to Mr. Arnold, who represents one of the residents who I do not see here tonight and you know, I basically suggested and I'm sorry, I also talked to First Energy to let them, bring them into the loop, that they needed to explore that as an alternative site for the location of that.

Hawke: So in answer to your

Vaccaro: I would suggest that the appeal might bring Faulk and Foster to that table a little faster. Okay.

Lady from audience: (Indecipherable).

Vaccaro: That an appeal might bring Faulk and Foster

Walters: He's telling you to go file in court.

Lady from audience: (Indecipherable).

Walters: They have no motivation to do anything until you file.

Vaccaro: Exactly.

Hawke: So in answer to the other question of the part that we didn't really answer. Now that we've explained that situation, is what are we doing to help you. That would be part of it. Because we're looking for, we're trying to find another way to push them to a different location on your behalves as well without being involved where we can't be.

Man from audience: They are requiring you, they got their approval, they can move forward. . .

Pizzino: Yes, but it's a cost saving event.

Vaccaro: Right but it would. Right, I mean, even First Energy realizes that if they could get together they could probably share the costs of the construction. So there is a benefit there, potentially, for them. Its. . .

Man from audience: The only ones not happy is the (indecipherable).

Hawke: Well, the one resident that. . .

Man from audience: Then you'll have him sitting in here (indecipherable).

Vaccaro: Right. Right. We will revisit this process. Yes.

Gonzalez: If you file and get an injunction and the Court would issue a temporary restraining order to keep them from going forward, that's going to hold the whole process up and like they said maybe they'll start looking at other sites.

Lady from audience: (Indecipherable).

Vaccaro: No, that whole

Lyon: Public utility.

Hawke: Public utility.

Vaccaro: It's a public utility.

Lady from audience: What happens if they don't have to go through all. . .

Vaccaro: They don't, because they're exempt.

Hawke: They (indecipherable) put it on.

Vaccaro: They're exempt because they are not First Energy is not a tele-communications company. So of those five criteria that's how First Energy gets around not having to go through that process. It's my understanding First Energy plans to use that for some form of communication equipment for themselves and that was the original intent of the pole. And it's a mono-pole, one third.

Hawke: So that's the other answer to your question. All right. Okay. I appreciate you all coming in. Thank you.

Man in audience: Thank you for listening to us.

Hawke: Absolutely. We have to move along to the next order of business, so Fire Department, good evening, Chief.

Fire Department

ATTACHMENT 04/08/14 C
Walters moved and Hawke seconded a motion to proceed to purchase Budget Module 210-14-08 for Fire Hose Replacement in the amount of $15,000.00. **3-0 yes**

ATTACHMENT 04/08/14 D
Hawke moved and Pizzino seconded a motion to accept the attached resignation from Curtis Russell as a part-time firefighter effective January 16, 2014. **3-0 yes**

Hawke moved and Pizzino seconded a motion to accept a $100.00 donation to the Fire Department from Doug Means on behalf of Susan Means for Don Means. **3-0 yes**

ATTACHMENT 04/08/14 E
Chief Hogue told the Board that in June of 2013 the Insurance Service Office came to re-evaluate the fire department. He said in 2007 Jackson Township received an ISO rating of 3. He explained that the rating goes from 1 to 10. He said this year Jackson Township has received a rating of 2. He said currently there are no Class 1 fire departments in Ohio and there are 32 Class 2's.

Legal Department

ATTACHMENT 04/08/14 F
Walters moved and Hawke seconded a motion to adopt and authorize the placement of the Board President's signature upon the attached Agreement with Canton Chair Rental, Maloney & Associates, Inc. for the Community Celebration. **3-0 yes**

ATTACHMENT 04/08/14 G
Hawke moved and Walters seconded a motion to approve the appropriation transfer request from account code 101.140.5220, Hospitalization, to account code 101.140.5310, Education Expenses, in the amount of $600.00. **3-0 yes**

Public Works Department

Highway Division
ATTACHMENT 04/08/14 H
Hawke moved and Walters seconded a motion to approve the appropriation transfer request from account code 211.310.5387, Discretionary, to account code 211.31.5806, Election Expenses, in the amount of $10,288.12. **3-0 yes**

ATTACHMENT 04/08/14 I
Hawke moved and Walters seconded a motion to adopt and authorize the placement of the Board President's signature upon the attached OVI Countywide Task Force Memorandum of Understanding for the Public Works Department, Highway Division, and further ratify the same Agreement for the Police Department. **3-0 yes**

Park Division

ATTACHMENT 04/08/14 J
Hawke moved and Walters seconded a motion to approve the appropriation transfer request from account code 214.510.5220, Hospitalization, to account code 214.510.5806, Election Expense, in the amount of $10,508.53. **3-0 yes**

Hawke moved and Walters seconded a motion to accept a $250.00 sponsorship donation to the 2014 Community Celebration from Chevalier Chiropractic, Inc. **3-0 yes**

Central Maintenance Division

ATTACHMENT 04/08/14 K
Hawke moved and Pizzino seconded a motion to approve Budget Module 14-3 for Current Service Level – Operations in the amount of $1,440.00 for computer replacement. **3-0 yes**

Fiscal Office

ATTACHMENT 04/08/14 L
Hawke moved and Walters seconded a motion to pay the bills in the amount of $871,855.04.
3-0 yes

ATTACHMENT 04/08/14 M
Hawke moved and Pizzino seconded a motion to approve the minutes of the March 25, 2014 Board of Trustees' meeting. **3-0 yes**

ATTACHMENT 04/08/14 N
Hawke moved and Walters seconded a motion to approve the March 2014 Financial Reports.
3-0 yes

Routine Business

Announcements

- Next regular Board of Trustees meeting, April 22, 2014, 4:00 p.m., Executive Session and/or Work Session; 5:00 p.m., General Session, Township Hall.
- CIC, April 17, 2014, 8:00 a.m., Township Hall.
- LOGIC, May 1, 2014, 9:00 a.m., Jackson Safety Center, Chiefs' Conference Room.
- Zoning Commission, April 17, 2014, 5:00 p.m., Township Hall.
- Board of Zoning Appeals, April 10, 2014, 5:30 p.m., Township Hall.
- Citizens Advisory Committees:
    - Highway/Traffic, May 21, 2014, 6:30 p.m., Township Hall.
    - Community Celebration, April 9, 2014, 5:30 p.m., Township Hall.
    - Park, April 9, 2014, 6:30 p.m., Township Hall.

- Friends of the Park, April 9, 2014, 7:00 p.m., Township Hall.
- Jackson Township Recycling Station Board, April 23, 2014, 11:00 a.m., Buehler's Community Room.
- Annual Community Easter Egg Hunt, Saturday, April 12, 2014, 11:00 a.m., Jackson North Park, Children from crawlers through 4th grade.

Old Business – None

New Business – None

Public Speaks – Open Forum

No one came forward.

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

Todd Hawke	**Randy Gonzalez**