

RECORD OF PROCEEDINGS

MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES MEETING

AUGUST 10, 2009

Pizzino called the meeting to order at 5:03 p.m. at the Jackson Township Hall with all Trustees, Fiscal Officer, Lyon, Fitzgerald, Neftzer and Ruwadi present.

Pizzino moved and Burger seconded a motion to go into Executive Session for Park Personnel (Appointment/Employment/Compensation) – Interview Park Citizens Advisory Committee applicant. **3-0 yes**

Pizzino moved and Burger seconded a motion to go into Executive Session for a conference with Attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action. **3-0 yes**

Upon return from executive session, Pizzino opened the Work Session at 5:55 p.m.

Work Session

ATTACHMENT 08/10/09 A

Fitzgerald explained the proposed SCOG funding agreement. Chief Neftzer explained how SCOG helps the police department. Gonzalez said there is a training tool owned by SCOG that is used by fire departments. Chief Heck said there was a trailer that was purchased with SCOG funds. Gonzalez explained how SCOG was funded and approximately what Jackson Township's cost was.

At 6:00 p.m., Pizzino called the General Session to order with all department heads except Carles Moore present. He requested that all cell phones and pagers be turned off at this time.

The Pledge of Allegiance was recited.

Public Speaks - None

Administration Department

ATTACHMENT 08/10/09 B

Walters moved and Burger seconded a motion to appoint Michael Moss to serve as a volunteer member of the 2009 Park Citizens Advisory Committee. **3-0 yes**

ATTACHMENT 08/10/09 C

Walters moved and Burger seconded a motion to adopt and authorize the placement of our signatures upon the attached Negotiated Agreement between the Jackson Township Board of Trustees and The Utility Workers Union of America, AFL-CIO, Local 568. **3-0 yes**

ATTACHMENT 08/10/09 D

Walters moved and Burger seconded a motion to adopt and authorize the placement of our signatures upon the Attached Negotiated Agreement between the Jackson Township Board of Trustees and the Fraternal Order of Police, Ohio Labor Council, Inc. (clerical employees).

3-0 yes

ATTACHMENT 08/10/09 E

Walters moved and Burger seconded a motion to accept the attached Web Upgrade Proposal with Infinite Cohesion.

3-0 yes

ATTACHMENT 08/10/09 F

Walters moved and Burger seconded a motion to accept the attached proposal from WRL Advertising for updating the Township Video.

3-0 yes

ATTACHMENT 08/10/09 G

Walters moved and Burger seconded a motion to approve and authorize the Board members' signatures on the attached Report to the County Auditor to place a lien upon the tax duplicate for mowing noxious weeds on property located on

1. Dromoland Circle NW, Lot #27, Wexford Estates, Parcel No. 16-21962.
2. Kilkenny Circle NW, Lot #5, Wexford Estates, Parcel No. 16-21940.
3. 9065 Paulding Street NW, Lot #165, Woodmoor Allotment #5, Parcel No. 16-11504.

and to approve and authorize the Board members' signatures on the attached Report to the County Auditor to place a lien upon the tax duplicate for administrative fees for noxious weeds resolution 09-057, property located at 7682 Oakdale Street NW, Lot #56, Oakdale Allotment, Parcel No. 16-20002.

3-0 yes

ATTACHMENT 08/10/09 H

Walters moved and Burger seconded a motion to approve the Division of Liquor Control, F Permit Application, for the 2009 Arts in Jackson Park, Sunday, August 30, 2009.

3-0 yes

Fire Department

ATTACHMENT 08/10/09 I

Pizzino moved and Walters seconded a motion to approve the appropriation transfer request from account code 210.210.5387, Disc. & Cont, to account code 210.210.5770, Electronic Comm., in the amount of \$1,077.44.

3-0 yes

Chief Heck told the Board that at the State of Ohio Chapter of the International Association of Arson Investigators conference held recently Deputy Chief Shreiner was awarded the Life Time Accomplishment Award. This award is made periodically not annually. He also said that Captain Tracy Hogue was given the Outstanding Investigators Award.

Highway Department

ATTACHMENT 08/10/09 J

Walters moved and Burger seconded a motion to adopt and authorize the placement of the Board President's signature upon the attached Cornerstone Electric, Inc. change order No. 3 for the Fulton/Wales Streetscape Project. **3-0 yes**

ATTACHMENT 08/10/09 K

Walters moved and Burger seconded a motion to adopt the attached Easements and Temporary Right of Way Agreements for the High Mill/Lafayette Project and further authorize the payment of the consideration described therein. **3-0 yes**

ATTACHMENT 08/10/09 L

Pizzino moved and Burger seconded a motion to approve Budget Module No. 2009-21-A for the High Mill/ Lafayette Intersection Improvement in the amount of \$1,570.00. **3-0 yes**

ATTACHMENT 08/10/09 M

Pizzino moved and Walters seconded a motion to approve the appropriation transfer request from account code 324.310.5387, Discretionary, to account code 324.310.5711, High Mill – Lafayette Right-of-Way, in the amount of \$1,570.00. **3-0 yes**

Legal Department

RESOLUTION 09-060, ATTACHED TERMINATION OF SUBLEASE AGREEMENT

Walters moved and Burger seconded a motion to adopt and authorize the placement of our signatures upon the attached Termination of Sublease Agreement with the Board of Commissioners of the Stark County Park District. **3-0 yes**

Park Department

Walters moved and Burger seconded a motion to accept a donation of an Autumn Blaze Maple Tree planted in North Park in memory of D. Fremont Montgomery (Monty) from Mr. Montgomery's family. **3-0 yes**

Walters moved and Burger seconded a motion to accept a \$645.00 donation to the Park Department from Jackson Youth LaCrosse Association. **3-0 yes**

Walters moved and Burger seconded a motion to accept a \$500.00 donation to the Park Department from Jackson Jayhawks. **3-0 yes**

ATTACHMENT 08/10/09 N

Pizzino moved and Burger seconded a motion to approve Budget Module No. 09-10 for Storage Building Kit in the amount of \$45,000.00. **3-0 yes**

ATTACHMENT 08/10/09 O

Pizzino moved and Burger seconded a motion to approve the appropriation transfer request from account code 214.510.5387, Discretionary, to account code 214.510.5762, Park Projects/Improvements in the amount of \$36,000.00. **3-0 yes**

Police Department

**RESOLUTION 09-061, ATTACHED
RENEWAL OF AN EXISTING 4.5 MILL POLICE LEVY**

Walters moved and Burger seconded a motion whereas, upon due investigation and consideration, the Board of Trustees of Jackson Township has determined that the amount of taxes which may be raised within the ten (10) mill limitation in and for said Jackson Township Police District, Jackson Township, Stark County, Ohio, for the next five years will be insufficient to provide an adequate amount for the necessary requirements for said Jackson Township Police District for the purpose of providing and maintaining motor vehicles, communications, and other equipment, buildings, and sites for such buildings used directly in the operation of a police department, or the payment of salaries of permanent police personnel, including the payment of the police officer employers' contribution required under section 742.33 of the Revised Code, or the payment of the costs incurred as result of contracts made with other political subdivisions in order to obtain police protection for the Jackson Township Police District; and

Whereas, by reason thereof, this board has determined that it will be necessary for the renewal of an existing tax of four and one half (4.5) mills, which is in excess of such limitation, for the purpose of providing and maintaining motor vehicles, communications, and other equipment, buildings, and sites for such buildings used directly in the operation of a police department, or the payment of salaries of permanent police personnel, including the payment of the police officer employers' contribution required under section 742.33 of the Revised Code, or the payment of the costs incurred as a result of contracts made with other political subdivisions in order to obtain police protection for the Jackson Township Police District, Jackson Township, Stark County, Ohio; and

Whereas, pursuant to the requirements of Ohio Revised Code Section 5705.03(B), this Board as taxing authority for the Jackson Township Police District, Jackson Township, Stark County, Ohio, certified to the Stark County Auditor, on the 24th day of July, 2009, a resolution requesting that the Stark County Auditor certify to this Board as taxing authority for the Jackson Township Police District, Jackson Township, Stark County, Ohio, the total current tax valuation of the Jackson Township Police District as a subdivision, and the dollar amount of revenue that would be generated by the renewal of an existing tax, to wit, four and one half (4.5) mills, which resolution stated that the purpose of said renewal of an existing tax was for the purpose of providing and maintain motor vehicles, communications, and other equipment, buildings, and sites for such buildings used directly in the operation of a police department, or the payment of salaries of permanent police personnel, including the payment of the police officer employers' contribution required under section 742.33 of the Revised Code, or the payment of the costs incurred as a result of contracts made with other political subdivisions in order to obtain police

protection for the Jackson Township Police District for the period not to exceed (5) years, tax years 2010, 2011, 2012, 2013 and 2014, commencing in 2010, first due in calendar year 2011. Ohio Revised Code Sections 5705.19(J), 5705.191 and 5705.25 authorizes submission of the question of the renewal of an existing tax.

Whereas, the Stark County Auditor based upon said certification request advised this Board, pursuant to the provisions of Ohio Revised Code Section 5705.03(B), on the 24th day of July, 2009 as provided for in said section, that the total current tax valuation of the subdivision was \$1,347,280,210 and that the dollar amount of revenue that would be generated by a specified number of mills, to wit, 4.5 (4.5) mills would be \$5,837,520 for the purpose of the renewal of the existing tax for the above stated purposes; and

Whereas, by reason of facts above set forth, this Board has determined that is should, and hereby does, declare itself to submit to the electors of the Jackson Township Police District, Jackson Township, Stark County, Ohio, at the general election to be held November 3, 2009, the question of the renewal of an existing tax of four and one half (4.5) mills outside the ten (10) mill limitation for the purpose of providing and maintaining motor vehicles, communications, and other equipment, buildings, and sites for such buildings used directly in the operation of a police department, or the payment of salaries of permanent police personnel, including, the payment of the police officer employers' contribution required under section 742.33 of the Revised Code, or the payment of the costs incurred as a result of contracts made with other political subdivision in order to obtain police protection for the Jackson Township Police District, for the period of five (5) years, tax years 2010, 2011, 2012, 2013 and 2014, commencing in 2010, first due in calendar year 2011.

Be it resolved that there shall be submitted to the electors of the Jackson Township Police District, Jackson Township, Stark County, Ohio, at the general election to be held November 3, 2009, the question of the renewal of an existing tax outside the ten (10) mill limitation in and for said subdivision in the amount of four and one half (4.5) mills for the purpose of providing and maintaining motor vehicles, communications, and other equipment, buildings, and sites for such buildings used directly in the operation of a police department, or the payment of salaries of permanent police personnel, including the payment of the police officer employers' contribution required under section 742.33 of the Revised Code, or the payment of the costs incurred as a result of contracts made with other political subdivisions in order to obtain police protection for the Jackson Township Police District for the period of five (5) years, tax years 2010, 2011, 2012, 2013 and 2014, commencing in 2010, first due in calendar year 2011.

Be it further resolved that the submission of said proposal, the notice of election, the form of ballot, the certification of the levy as voted outside the ten (10) mill limitation, and the levying of such renewal millage shall be in accordance with the provisions of Sections 5705.19, 5705.191 and 5705.25 and other related sections of the Ohio Revised Code and in accordance with the statutes in such cases made and provided; and that the levy is to be placed on the tax lists of tax years 2010, 2011, 2012, 2013 and 2014, commencing in 2010, first due in calendar year 2011.

Be it further resolved that the form of ballot cast at such election shall be:

PROPOSED TAX LEVY (RENEWAL)
JACKSON TOWNSHIP

A majority affirmative vote is necessary for passage

“A renewal of a tax for the benefit of Jackson Township for the purpose of providing and maintaining motor vehicles, communications, and other equipment, buildings, and sites for such buildings used directly in the operation of a police department, or the payment of salaries of permanent police personnel, including the payment of the police officer employers’ contribution required under section 742.33 of the Revised Code, or the payment of the costs incurred as a result of contracts made with other political subdivisions in order to obtain police protection for the Jackson Township Police District at a rate not exceeding four and five-tenths (4.5) mills for each one dollar of valuation, which amounts to forty-five cents (\$0.45) for each one hundred dollars of valuation, for five (5) years, commencing in 2010, first due in calendar year 2011.

FOR THE TAX LEVY

AGAINST THE TAX LEVY “

Be it further resolved that the Fiscal Officer of this Board be, and hereby is, directed and authorized to certify to the Board of Elections of Stark County, Ohio pursuant to the provisions of Sections 5705.19, 5705.191 and 5705.25 and other related statutes, and to proceed with all things necessary to be done in order to accomplish the purpose of this Resolution.

Be it further resolved that it is found and determined that all formal actions of this Board concerning and relating to the adoption of this resolution were adopted in an open meeting of this Board, and that all deliberations of this Board that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Be it further resolved that it is found and determined that all formal actions of this Board complied with Ohio Revised Code Section 5705.03(B) and that the attached certification was provided by the Stark County Auditor as required by law, which is hereby acknowledged and accepted by this Board. **3-0 yes**

ATTACHMENT 08/10/09 P

Walters moved and Burger seconded a motion to approve an unpaid leave of absence for Shelley Bender for the purpose of Family & Medical Leave, not to exceed her remaining FMLA balance. **3-0 yes**

ATTACHMENT 08/10/09 Q

Pizzino moved and Burger seconded a motion to approve the appropriation transfer request from account code 209.250.5220, Hospitalization, to account code 209.250.5416, Muni Court Booking, in the amount of \$23,000.00. **3-0 yes**

ATTACHMENT 08/10/09 R

Walters moved and Burger seconded a motion to hereby proclaim support for the National Over the Limit-Under Arrest Campaign, from August 21, 2009 to September 7, 2009 and encourage residents to make safe driving decisions every time they are on the roadways. **3-0 yes**

Zoning & Planning Department

RESOLUTION 09-063, ATTACHED

NOXIOUS WEEDS-8270 NOTTINGHILL CIRCLE NW, BILTMORE ESTATES, LOT 14, PARCEL NO. 16-27805.

Walters moved and Burger seconded a motion whereas, the Jackson Township Board of Trustees, having been informed in writing that noxious or other harmful weeds are growing on the lands in charge of Beth D. Maycon in Jackson Township, described as follows: 8270 Nottinghill Circle NW, Biltmore Estates, Lot 14, Parcel No. 16-27805, Jackson Township.

Be it resolved that said Beth D. Maycon, whose mailing address is 7100 Willowlane Avenue NW, Massillon, OH 44646, be notified by serving on them by certified mail with return receipt requested, a written copy of this resolution that said noxious weeds are growing on such lands and that, pursuant to ORC Section 5579.05, they must be cut or destroyed within five (5) days after the service of such notice or show this Board cause why there is no need for doing so. The owner shall have a continuing duty to cut or destroy the noxious weeds every 30 days from the date of this Resolution until September 30, 2009. If the owner fails to meet this obligation within the five-day period, or the subsequent 30 day periods, the township will mow at \$150.00 per hour with a \$400.00 minimum charge. As stated in our prior courtesy letter to you, pursuant to ORC Sections 5579.06 and 5579.07, a \$150.00 administrative fee will be placed on your tax duplicate. **3-0 yes**

Fiscal Office

ATTACHMENT 08/10/09 S

Pizzino moved and Burger seconded a motion to approve the fund transfer from fund 101, General Fund, to fund 214, Park Fund, in the amount of \$216,594.00. **3-0 yes**

ATTACHMENT 08/10/09 T

Pizzino moved and Burger seconded a motion to pay the bills in the amount of \$1,821,048.06. **3-0 yes**

ATTACHMENT 08/10/09 U

Pizzino moved and Burger seconded a motion to approve the minutes of the July 23, 2009 Board of Trustees meeting. **3-0 yes**

ATTACHMENT 08/10/09 V

Pizzino moved and Burger seconded a motion to approve the July 2009 financial reports. **3-0 yes**

Gonzalez explained the alternate tax budget information and the importance of the reserves.

**RESOLUTION 09-062, ATTACHED
2010 ALTERNATE TAX BUDGET**

Walters moved and Burger seconded a motion to adopt the attached Alternate Tax Budget Document for Fiscal Year 2010 as required by the Stark County Budget Commission in their attached May 28, 2009 directive, authorize the Township Fiscal Officer to sign the Alternate Tax Budget Document and authorize the Township Fiscal Officer and/or Law Director to file said Alternate Tax Budget Document with the Stark County Auditor's Office. **3-0 yes**

Burger asked how long the department heads have been with the Township.
Chief Heck started with the Township in 1967 and has been Chief since 1975.
Ralph Boger has been with the Township since 1982.
Dave Ruwadi is going on 19 years.
Joni Poindexter has been here 10 years.
Marilyn Lyon has been with the Township 27 years.
Neal Fitzgerald has been with the Township 25 years, 7 months and 10 days.

Routine Business

Announcements

- Next regular Board of Trustees meeting, August 24, 2009, 4:00 p.m. Executive Session and/or Work Session, 6:00 p.m., General Session, Township Hall.
- CIC meeting, August 17, 2009, 5:00 p.m., Township Hall.
- LOGIC meeting, September 3, 2009, 9:00 a.m., Safety Center, Chiefs' Conference Room
- Board of Zoning Appeals, August 27, 2009 at 6:30 p.m., Township Hall.
- Citizens Advisory Committees:
 - Community Celebration Wrap-Up Meeting, August 11, 2009, 5:30 p.m., Township Hall.
 - Highway/Traffic, August 19, 2009, 6:30 p.m., Township Hall.
 - Park, September 15, 2009, 6:30 p.m., Township Hall.

Old Business – None

New Business – None

Public Speaks – Open Forum

No one came forward.

Boger opened the bids for the Mudbrook Widening project. He explained that six feet were being added on each side of the street to add a center lane in front of the school.

Barbicas Construction from Akron, Ohio	\$163,599.00
Central Allied Enterprises	\$162,244.25
JD Mining from Magnolia, Ohio	\$157,908.50
Superior Paving and Materials	\$147,105.75
Northstar Asphalt	\$151,770.00
Karvo Paving Company	\$168,487.50

Boger will announce the winning bid at the next meeting. He said this project is scheduled to last 45 days from notice to proceed.

Pizzino moved and Burger seconded a motion to adjourn.

3-0 yes

John Pizzino

Randy Gonzalez