

## RECORD OF PROCEEDINGS

### MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES MEETING

**AUGUST 11, 2008**

Pizzino called the meeting to order at 4:30 p.m. at the Jackson Township Hall with all Trustees, Fiscal Officer, Lyon, Fitzgerald, Boger and Neftzer present.

Pizzino moved and Walters seconded a motion to go into Executive Session for Police Department Personnel (Appointment/Employment/Compensation/Promotion) – Interview Sergeant candidates. **3-0 yes**

Pizzino moved and Walters seconded a motion to go into Executive Session for Highway Department Personnel (Appointment/Employment/Compensation). **3-0 yes**

Upon return from Executive Session, Pizzino opened the Work Session at 6:22 p.m.

#### **Work Session**

#### **Highway Department**

Rich LaRocco with ME Companies presented the Board with photos of the poles that will be used at the Fulton/Wales intersection. He said a roll plot will be ready before the end of the month which will show exactly where the sidewalk will be.

Mr. LaRocco asked that the Board reconsider having flag holders, banner holders, and electrical outlets on every other pole to having them on every pole. The cost would increase by \$9,180.00 but he said “he thinks it would be a good investment for the Township” and that it “gives you a better capability of doing what you want to do later on”.

There was some additional discussion about the cost of the poles being purchased direct from the manufacturer as opposed to purchasing them from the contractor. It was pointed out that the savings was about \$1,400.00 per pole.

Gonzalez pointed out that this was covered by the Federal funds. He also pointed out that the Federal funds covers the sidewalks, trees and lights.

Mr. LaRocco updated the Board of his meeting with ODOT concerning the installation of the water quality basins. ODOT has requested that they be installed by ODOT’s specifications in the southwest quadrant as opposed to the contractor’s recommendation. There was additional discussion.

Walters moved and Burger seconded a motion to send a letter to ODOT reflecting the Board’s views that ODOT assume any additional costs involved in the installation of the water quality basins per ODOT specification. **3-0 yes**

Mr. LaRocco then discussed the control box location. It currently obstructs the safety sign. He reported that ODOT said it can be moved on that corner easier than moving it to another quadrant. Mr. LaRocco said ODOT would get back to him.

Mr. LaRocco reported that the curbs are being poured on Caritas and that the intent was to complete the whole intersection and get the signal operating. He said the "Ohio Edison lines interfere with the lumineres that go on top of the traffic poles". A solution is being sought and once a solution is found, the Caritas signal will go in first.

At 6:48 p.m., Pizzino called the General Session to order with all department heads present except Chief Heck who was represented by Deputy Chief Yost. 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 08/11/08 A**

Walters moved and Burger seconded a motion to approve and authorize the Board President to sign the Frank Gates Service Company/Avizent Service Contract and BWC Authorization form.

**3-0 yes**

**ATTACHMENT 08/11/08 B**

Walters moved and Burger seconded a motion to table the attached Direct Energy Commercial Choice consent form.

**3-0 yes**

**ATTACHMENT 08/11/08 C**

Walters moved and Burger seconded a motion to approve and authorize the Board members' signatures on the Report to County Auditor to place a lien upon the tax duplicate for nuisance abatement at 6843 High Mill Avenue NW.

**3-0 yes**

**ATTACHMENT 08/11/08 D**

Pizzino moved and Burger seconded a motion to approve the appropriation transfer request from account code 101.110.5387, Discretionary, to account code 101.110.5493, Nuisance Abatement, in the amount of \$3,000.00.

**3-0 yes**

**Fire Department**

**RESOLUTION 08-072, ATTACHED**

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, Stark County, Ohio, for the next three years will be insufficient to provide an adequate amount for the necessary requirements for said Jackson Township, Stark county, Ohio for the purpose of

providing and maintaining fire apparatus, appliances, buildings, or sites therefor, or sources of water supply and materials therefor or the establishment and maintenance of lines of fire alarm telegraph, or the payment of permanent, part-time, or volunteer firefighters or firefighting companies to operate the same, including the payment of the firefighters employer's contribution required under section 742.34 of the revised code, or to purchase ambulance equipment or to provide ambulance or emergency medical services operated by a fire department or firefighting company for Jackson Township, Stark County, Ohio; and

Whereas, by reason thereof, this board has determined that it will be necessary for the renewal of an existing tax of six (6) mills which is in excess of such limitation, for the purpose of providing and maintaining fire apparatus, appliances, buildings, or sites therefor, or sources of water supply and materials therefor or the establishment and maintenance of lines of fire alarm telegraph, or the payment of permanent, part-time, or volunteer firefighters or firefighting companies to operate the same, including the payment of the firefighters employer's contribution required under section 742.34 of the revised code, or to purchase ambulance equipment or to provide ambulance or emergency medical services operated by a fire department or firefighting company for 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, Stark County, Ohio, certified to the Stark County Auditor, on the 29<sup>th</sup> day of July, 2008, a resolution requesting that the Stark County Auditor certify to this Board as taxing authority for the Jackson Township, Stark County, Ohio, the total current tax valuation of the Jackson Township as a subdivision, and the dollar amount of revenue that would be generated by the renewal of an existing tax of six (6) mills, which resolution stated that the purpose of said tax was for the purpose of providing and maintaining fire apparatus, appliances, buildings or sites therefor, or sources of water supply and materials therefor or the establishment and maintenance of lines of fire alarm telegraph, or the payment of permanent, part-time, or volunteer firefighters or firefighting companies to operate the same, including the payment of the firefighters employer's contribution required under section 742.34 of the revised code, or to purchase ambulance equipment or to provide ambulance or emergency medical services operated by a fire department or firefighting company for Jackson Township, Stark County, Ohio for three (3) years, tax years 2009, 2010, and 2011, commencing in 2009, first due in calendar year 2010. Ohio Revised Code Sections 5705.19(i), 5705.191 and 5705.25 authorizes submission of the question of the 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 or about the 5th day of August, 2008 as provided for in said section, that the total current tax valuation of the subdivision was \$1,353,597,955 and that the dollar amount of revenue that would be generated by a specified number of mills, to wit, six (6) mills be \$7,926,224 for the proposed renewal of the tax for the above stated purposes; and

Whereas, by reason of facts above set forth, this Board has determined that it should, and hereby does, declare itself to submit to the electors of Jackson Township, Stark County, Ohio, at the general election to be held on November 4, 2008, the question of the renewal of an existing tax of six (6) mills outside the ten (10) mill limitation for the purpose of providing and maintaining

fire apparatus, appliances, buildings, or sites therefor, or sources of water supply and materials therefore or the establishment and maintenance of lines of fire alarm telegraph, or the payment of permanent, part-time, or volunteer firefighters or firefighting companies to operate the same, including the payment of the firefighters employer's contribution required under section 742.34 of the revised code, or to purchase ambulance equipment or to provide ambulance or emergency medical services operated by a fire department or firefighting company for Jackson Township, Stark County, Ohio for three (3) years, tax years 2009, 2010 and 2011, commencing in 2009, first due in calendar year 2010.

Be it resolved that there shall be submitted to the electors of Jackson Township, Stark County, Ohio, at the general election to be held on November 7, 2008, the question of the renewal of an existing tax of six (6) mills outside the ten (10) mill limitation in and for said subdivision for the purpose of providing and maintaining fire apparatus, appliances, buildings, or sites therefor, or sources of water supply and materials therefor or the establishment and maintenance of lines of fire alarm telegraph, or the payment of permanent, part-time, or volunteer firefighters or firefighting companies to operate the same, including the payment of the firefighters employer's contribution required under section 742.34 of the revised code, or to purchase ambulance equipment or to provide ambulance or emergency medical services operated by a fire department or firefighting company for Jackson Township, Stark County, Ohio for three (3) years, tax years 2009, 2010 and 2011, commencing in 2009, first due in calendar year 2010.

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 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 2009, 2010 and 2011, commencing in 2009, first due in calendar year 2010.

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

PROPOSED TAX LEVY – RENEWAL  
JACKSON TOWNSHIP  
(Jackson Township Fire Department Services)

A Majority Affirmative Vote is Necessary for Passage

“A renewal of a tax for the benefit of Jackson Township, Stark County, Ohio, for the purpose of providing and maintaining fire apparatus, appliances, buildings, or sites therefor, or sources of water supply and materials therefor or the establishment and maintenance of lines of fire alarm telegraph, or the payment of permanent, part-time, or volunteer firefighters or firefighting companies to operate the same, including the payment of the firefighters employer's contribution required under section 742.34 of the revised code, or to purchase ambulance equipment or to provide ambulance or emergency medical services operated by a fire department or firefighting company at a rate not exceeding six (6) mills for each one dollar of valuation, which amounts to sixty cents (\$0.60) for each one hundred dollars of valuation, for three (3) years, commencing in 2009, first due in calendar year 2010.

---

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 proceed forth with the certification hereof 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 a 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 provide by the Stark County Auditor as required by law, which is hereby acknowledged and accepted by this Board. **3-0 yes**

**ATTACHMENT 08/11/08 E**

Pizzino moved and Walters seconded a motion to approve a leave of absence for up to one year for part-time firefighter James R. Dennison, effective August 14, 2008. **3-0 yes**

**Police Department**

**ATTACHMENT 08/11/08 F**

Burger moved and Walters seconded a motion to approve the appropriation transfer request from account code 209.250.5220, Hospitalization Ins., to account code 209.250.5526, Fuel, in the amount of \$52,000.00. **3-0 yes**

**RESOLUTION 08-073, ATTACHED**

Walters moved and Burger seconded a motion pursuant to the procedure set forth in attached Article 36 of the Negotiated Agreement, we hereby appoint James J. Lenemier to the position of Full Time Sergeant in the Jackson Township Police District Department, effective 0001 on August 16, 2008, with a probationary period of three hundred sixty five days. **3-0 yes**

## **Zoning & Planning Department**

### **RESOLUTION 08-074, ATTACHED**

Pizzino moved and Burger seconded a motion whereas the Jackson Township Board of Trustees, having been informed in writing that noxious weeds are growing on the lands in charge of Samuel & Susan Johe, Jackson Township, described as follows: Parcel No. 1609079 – 5430 Cherokee Dr. NW., N. Canton, OH 44720.

Therefore, be it resolved that said Samuel & Susan Johe, whose tax mailing address is: First American RE Tax Service, 1721 Moon Lake Blvd. STE 400, Hoffman Estates, IL 60169, 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. 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. **3-0 yes**

### **RESOLUTION 08-075, ATTACHED**

Pizzino moved and Burger seconded a motion whereas the Jackson Township Board of Trustees, having been informed in writing that noxious weeds are growing on the lands in charge of Shawn O'Brian, Jackson Township, described as follows: Parcel No. 1621940 – Lot #5 Kilkenny Cir. NW / Wexford Estates, Massillon, OH 44646.

Therefore, be it resolved that said Shawn O'Brian, whose tax mailing address is: 216 Navarre Rd. SW, Canton, OH 44707, 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. 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. **3-0 yes**

### **ATTACHMENT 08/11/08 G**

Pizzino moved and Burger seconded a motion to send a report to the Auditor of Stark County, Ohio requesting \$400.00 to be entered upon the tax duplicate and to be a lien upon the property at 7004 Lake O'Springs Avenue NW, Parcel No.16-00080, S.W. Qtr. Section 11, Jackson Township, from and after the date of the entry, and to be collected as other taxes and returned to the Township to be placed in the Township general fund. **3-0 yes**

### **ATTACHMENT 08/11/08 H**

Pizzino moved and Burger seconded a motion to set a public hearing on September 8, 2008 at 6:30 p.m. to determine whether a nuisance exists on property located at 6909 Frank Avenue NW, and to determine the appropriate remedy. **3-0 yes**

## Highway Department

### ATTACHMENT 08/11/08 I

Pizzino moved and Burger seconded a motion to authorize advertising for highway labor specialist. **3-0 yes**

At 6:30 p.m., Boger opened the bids for the Curbing Project.

BCS Contractors	\$186,683.13
Tony Zumbo & Son Construction	\$164,445.60
Maple City Concrete	\$169,117.35
Cementech, Inc.	\$155,102.10
RMI Cement	\$178,772.30
Central Allied Enterprises	\$211,474.55
Lockhart Concrete Co.	\$236,702.00

Pizzino moved and Walters seconded a motion to give the Highway Superintendent the authority to look over the bids and come back with a recommendation. **3-0 yes**

There was additional discussion on the addition of a highway employee.

## Fiscal Office

### ATTACHMENT 08/11/08 J

Pizzino moved and Burger seconded a motion to pay the bills in the amount of \$1,873,951.08. **3-0 yes**

### ATTACHMENT 08/11/08 K

Pizzino moved and Burger seconded a motion to approve minutes of the July 28, 2008 Board of Trustees meeting. **3-0 yes**

### ATTACHMENT 08/11/08 L

Pizzino moved and Burger seconded a motion to approve the financial reports for July 2008. **3-0 yes**

### ATTACHMENT 08/11/08 M

Pizzino moved and Walters seconded a motion to approve the fund transfer from Fund #101, General Fund, to Fund #214, Park Fund, in the amount of \$230,326.56. **3-0 yes**

### RESOLUTION 08-076, ATTACHED

Pizzino moved and Burger seconded a motion to adopt the attached Alternate Tax Budget Document for Fiscal Year 2009 as required by the Stark County Budget Commission in their attached April 10, 2008 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 Auditors Office. **3-0 yes**

**Routine Business**

**Announcements**

- Next regular Board of Trustees meeting, August 25, 2008, 4:00 p.m., Executive Session and/or Work Session, 6:00 p.m., General Session, Township Hall.
- CIC meeting, August 18, 2008, 5:30 p.m., Township Hall.
- LOGIC meeting, September 4, 2008, 9:00 a.m., 9:00 a.m., Safety Center, Chiefs' Conference Room.
- Board of Zoning Appeals:
  - August 14, 2008, 7:00 p.m., Township Hall.
  - August 28, 2008, 7:00 p.m., Township Hall.
- Zoning Commission, August 21, 2008, 5:00 p.m., Township Hall.
- Citizens Advisory Committees:
  - Community Celebration, August 12, 2008, 5:30 p.m., Township Hall.
  - Park, August 12, 2008, 6:30 p.m., Township Hall.
  - Highway/Traffic, August 20,2008, 6:30 p.m., Township Hall.

**Old Business** – None

**New Business** – None

**Public Speaks – Open Forum**

No one came forward.

Pizzino moved and Walters seconded a motion to adjourn.

**3-0 yes**

---

**John Pizzino**

---

**Randy Gonzalez**