

RECORD OF PROCEEDINGS

MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES SPECIAL MEETING

FEBRUARY 11, 2009

Pizzino called the meeting to order at 5:02 p.m. at the Jackson Township Hall with all Trustees, Fiscal Officer, Lyon, Fitzgerald and Heck present.

Pizzino: Okay, we're going to go right from one to three, since Plain Township's not coming this evening.

RESOLUTION 09-009, ATTACHED

Walters moved and Burger seconded a motion that the Jackson Township Board of Trustees object to the said proposed annexation based upon the petition's failure to meet the conditions specified in ORC Section 709.023 (E) as herein attached. **3-0 yes**

Gonzalez: Plain Township has already passed their resolution and sent it to us. So they don't need to be here to do that. It is in our packets.

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

Gonzalez: We're still on the record. Do you want to go off the record?

Pizzino: We're on the record.

Gonzalez: Well, there's a group in Plain Township that filed to incorporate Plain Township. It's been a battle with the Board of Elections as to whether or not that was a legal filing. So now, Plain is making some argument that they couldn't file that petition anyhow. Speaking of, Trustee Louis Giavasis just walked in, maybe you should explain.

Giavasis: What's that.

Gonzalez: The thing about your incorporation issue.

Giavasis: I apologize for running late. What do you want me to do?

Pizzino: Or do we have to, Neal?

Fitzgerald: They don't have a quorum.

Pizzino: Yes, just go on and explain.

Giavasis: Okay.

Pizzino: Explain to the press.

Giavasis: What we filed in our objection, what we passed last night, it states some information that we were called by the Attorney for the citizens group to incorporate Plain Township. They filed a petition back in September of last year to incorporate the Township. While the Commissioners turned that down, supposedly because there weren't enough valid signatures, I think that's all pretty well and known knowledge at this point. But they appealed that and it went to Common Pleas Court and the judge in Common Pleas Court dismissed it without prejudice. So he never ruled on it but they appealed that decision and the Fifth District sent it back to Common Pleas Court because it said it was never ruled on. So that suit that they have against the County Board of Elections is still pending and I'm being told that petition to incorporate is still valid. And because of that the Statute said that there cannot be any annexations filed or approved within the unincorporated boundaries of the Township as long as that petition still has not been ruled on and is still pending. So that was part of the objection that we filed with the Board of Elections today. And I think Lisa might have sent that over to you by fax already.

Press: The objection

Giavasis: The objection. It's listed out in that objection.

Gonzalez: So it's another objection.

Pizzino: Another reason why they should object.

Giavasis: Our objections are pretty standard because we've gone through several of these with North Canton and the City of Canton, with these expedited's. And our objections are pretty standard. The only thing that we changed in that objection this time was the fact it was brought to our knowledge that the petition was still pending and hadn't been ruled on.

Pizzino: Lou, why we started without you, we called Chief Sabo and he said that you weren't coming. So that's why.

Giavasis: Randy will tell you it's been an eventful day. Trustee Leno had a prior engagement because his son is wrestling tonight and he's the president of the booster club. So he would like to schedule a meeting with your Board but he would like to be part of that meeting and in those discussions. But they gave me the go ahead to come and represent the Township as the President of the Board and answer any question.

Gonzalez: Your Board still wants a joint meeting?

Giavasis: Yes, at a later date.

Gonzalez: To discuss future annexation.

Pizzino: Well, my position hasn't changed on what we talked about a couple months ago. If this would happen what I feel we should do is start charging for all fire and EMS runs to North Canton.

Giavasis: My position is the same and I think my Board's position is the same and I think Chief has talked to Chief Heck and he wanted to talk about certain things in regard to that issue and I think Plain Township is ready to move forward with that especially in light of the fact the conversation that I had with the mayor of North Canton last night telling me that he's looking at exercising that water agreement, to turn off the water to get a couple businesses expedited. Plain Township is willing to act. And we're ready to act.

Fitzgerald: It goes to the same guy on the County Commissioners.

Pizzino: Well, we should set up a meeting again. I'll have our Board sit with our Chief, they totally understand, I'm pretty much on board with what I feel like what would happen. But we have to be sure our Chief's comfortable with this. I want to make sure that whatever we do, or whatever you do, or whatever we do together that we know that the guidelines we set, if they come in it's going to be the same. And we're okay, I'm okay with that. I haven't talked with these two, I don't know.

Giavasis: I'm okay with that and you know I think my Board is okay with that. I think they would like to discuss the options together with your Board. And whatever we do I think it's unanimous on my Board that we feel that we should do it together, unified so we're on the same page. Because I don't think just because possibly this issue with the railroad tracks might get resolved itself, I don't think that monster is going to go away. I think that they're eyeing other things and they're ready according to the mayor to exercise that resolution they just passed last week.

Gonzalez: Something I'd like to suggest is, obviously, the hammer that the cities have been using is water and as we get further into this and see where ours ends up and if we end up as a partnership with Canton, I think we should start exploring our alternatives to water, being it private or Canton. The Trustees in Plain have a water line they own that's operated by the City of Canton right there across from Whipple. We should see if Canton is interested in extending that line, and see where Aqua Ohio would be interested in extending their lines, so we could come up with a real game plan.

Pizzino: That's important. I think what we have to do is any of the big customers we could get to switch to a private water company and/or the City, if this annexation goes through and we do have this agreement in place, then we should move forward.

Giavasis: I think Plain Township is ready to act on that, too, especially with the conversation of the swapping of the water lines there at the hill. I mean that drew us into this scenario seriously because that mountain's one third of our General Fund Revenue and we're going to do what we have to do to protect it. That water line we did pay for it, we installed it, it runs right now almost

to the intersection of Whipple at those railroad tracks. It also serves the Thunderbird Circle Allotment. It has Canton water in it now but because of what happened at London Square, I think the availability is there since we bought and paid for that water line, we could take that line over and run whoever's water we need to through it. And I think that could serve us, probably, most of the area.

Burger: Ohio Water, I realize they've changed the name but I'm so used to calling it that, they extended their main from Wales Road all the way up to the airport. Correct? In the last year or so?

Giavasis: Yes. I believe you're correct.

Gonzalez: I think they did on Frank, too. They made a loop. It goes up Frank.

Heck: They're on Frank, they're up in the Strip area. There's quite a number of places it butts up against.

Gonzalez: There are hydrants on Frank and Huckleberry. I know they have it there.

Pizzino: The Strip is Aqua.

Gonzalez: Right.

Pizzino: It's not North Canton, so the Strip isn't really a concern right now.

Gonzalez: But that new property that's being talked about for development, we've already told the developer that would be Aqua Ohio. They're right across the street.

Heck: There are a number of places that Aqua Ohio butts up against North Canton service. So the interconnect would be relatively easy, at least the flow of water.

Gonzalez: And if Canton is willing to extend, it runs all the way along the railroad track.

Giavasis: It runs about 400 feet south of the railroad track at Whipple Avenue.

Gonzalez: Well, they could just take it across the railroad track.

Pizzino: What we might have to look at also once this agreement is in place, once we know we have an agreement, and the agreement is what we think it is, maybe we should consider taking Belden Village off of North Canton water and hooking them up to that line Lou is talking about.

Gonzalez: Right. You know, we have a price with Aqua to do that and it was very expensive, but I think we could probably do it with Canton at a better price.

Pizzino: I just don't understand their thinking. The only profitable part of North Canton is their water and now what they are doing is making us split it up. I mean, they are forcing our hand to split it up and go with other entities where that's their only profit center. And if they are really hurting for money they way are, they claim they are, they're going to lose even more.

Giavasis: My past experience with the City of North Canton has been is, they're going to do what they have to do and what makes me nervous is a couple precedents that have been set in the last couple years with some of these annexations with right of ways. And now they're using this water line issue, I mean, unless we do something, collectively together, there's no telling where they're going to go and how they're going to get there. What Canton did with the agreement with Osnaburg Township to the quarry, using a roadway solely to get there, a mile roadway to get there and having no contiguous land on either side of it to get to that roadway, tells me that either one of these cities, you're agreement is pretty much going cover you with Canton, but North Canton, if they could find a right of way to get to where they have to go, they're going to get there.

Pizzino: Any other questions? Lou, thanks for coming in.

Giavasis: I apologize for the short notice change in the meeting.

Pizzino: We didn't know if we were on or if we were off.

Fitzgerald: technically the 17th but I'd file it by Friday

Pizzino: Lou, you and your other two colleagues should talk and make sure to discuss all this so we can get back together.

Fitzgerald: Let me take it. Because Plain already filed theirs, it's moving. Yes, I'll file it.

Pizzino: And discuss it with our Fire Chiefs.

Giavasis: I think that's a good idea. I think Chief has had some conversations with your Chief and he's spoken with us and given us some details and I think what we need to do, collectively, is, like Al wants to do and Pam, they want to sit down with our Chief, figure out what we're looking at doing and get with your Chief and your Board and have a plan of action. I think we need to have something ready. It's not a question of if it's going to happen, it's a question of when and where. That's been my past experience with the City of North Canton.

Pizzino: Okay. We'll wait for the call from you when you want to schedule.

Giavasis: We'll have to have Al check his schedule.

Gonzalez: You guys meet on Mondays, too, right?

Giavasis: No, Tuesdays. But we could meet on a Monday night, that's not a problem. I mean we could have met this last Monday but.

Gonzalez: We can do either way. We'll pick either a Monday or a Tuesday. You guys probably want to come over here though since the annexation's here.

Giavasis: Yes.

The discussion then adjourned.

John Pizzino

Randy Gonzalez