

## RECORD OF PROCEEDINGS

### MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES MEETING

**FEBRUARY 14, 2011**

Pizzino called the meeting to order at 4:02 p.m. at the Jackson Township Hall with all Trustees, Fiscal Officer, Lyon, Fitzgerald, Zink and Heck present.

Pizzino moved and Burger seconded a motion to go into Executive Session for Police Department Personnel (Appointment/Employment/Compensation) – Interview part-time police officer applicants. **3-0 yes**

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

Upon return from Executive Session at 5:03 p.m., Pizzino called the General Session to order with all department heads present. He requested that all cell phones and pagers be turned off at this time.

The Pledge of Allegiance was recited.

**Public Speaks** – None.

#### **Fire Department**

##### **ATTACHMENT 02/14/11 A**

Walters moved and Burger seconded a motion to accept the attached retirement notice from Deputy Fire Chief Randy Yost, effective March 1, 2011. **3-0 yes**

##### **RESOLUTION 11-007, ATTACHED FIRE CHIEF APPOINTMENT**

Walters moved and Burger seconded a motion pursuant to ORC Section 505.38, we hereby appoint Tracy R. Hogue as Full Time Fire Chief for the Jackson Township Fire Department, Stark County, Ohio, effective March 12, 2011 at 0000 hours, with compensation of \$88,000.00 per year and the benefits of a Class A employee as described in the Benefit Package for Management Personnel, except Chief Hogue shall pay 2% of the employee's contribution to OPFPF, and will serve a one year probationary period. **3-0 yes**

Chief Heck administered the oath of office. Heck said the change should be seamless to both the public and to the rank and file. He said the choice made for chief is excellent and that the growth of the department will continue.

Chief Hogue thanked the Board, Chief Heck, friends, colleagues, relatives, and his family.

Pizzino called a ten minute recess to allow for pictures.

Pizzino called the meeting back to order at 5:23 p.m.

## **Police Department**

### **ATTACHMENT 02/14/11 B**

Walters moved and Burger seconded a motion to accept the attached resignation of part-time police officer and constable, Steven T. Ling effective March 31, 2011. **3-0 yes**

Chief Zink presented a certificate of recognition to Officer Ling.

### **RESOLUTION 11-008, ATTACHED APPOINTMENT OF PART TIME POLICE PATROL OFFICER**

Walters moved and Burger seconded the motion whereas, Resolution No. 11-003 is incorporated herein, and Tim D. Rice has successfully completed the psychological and physical testing or other requirements.

Be it resolved that, pursuant to ORC Section 505.49 and 509.01, Tim D. Rice is hereby appointed as Part Time Patrol Officer and Township Constable for the Jackson Township Police District, Stark County, Ohio, effective February 15, 2011, at the established compensation rate and we hereby accept the attached Oath of Office. **3-0 yes**

Pizzino administered the oath of office.

### **RESOLUTION 11-009, ATTACHED CONTINGENT APPOINTMENT OF PART TIME POLICE PATROL OFFICERS**

Walters moved and Burger seconded a motion pursuant to ORC Section 505.49 and 509.01, 23 hereby appoint the attached listed persons as Part-Time Patrol Officers and Township Constables for the Jackson Township Police District, Stark County, Ohio, contingent upon providing proof of Ohio Peace Officer Training Academy certification, successful completion of the psychological and physical evaluation, background check, negative drug screen and any other testing requirements. **3-0 yes**

### **ATTACHMENT 02/14/11 C**

Walters moved and Burger seconded a motion to approve the out-of-state travel request for Josh Escola to attend the H & K Armorer School in Ashburn, Virginia from March 14 – 15, 2011. **3-0 yes**

Walters moved and Burger seconded a motion to accept the following donations to the “Hooked on Fishing” Program:

\$200.00 from Belden Village Towing Co., Inc.

\$1,000.00 from Massillon AAA School Patrol & Safety Trust. **3-0 yes**

### **ATTACHMENT 02/14/11 D**

Pizzino moved and Burger seconded a motion to approve the appropriation transfer request from account code 209.250.5387, Discretionary, to account code 209.250.5363, Hooked on Fishing, in the amount of \$1,200.00. **3-0 yes**

### **RESOLUTION 11-010, ATTACHED JACKSON TOWNSHIP IMPOUND LOT POLICY AND FEES**

Walters held the first reading of the following resolution:

Be it resolved that, pursuant to Ohio Revised Code Sections 504.04 (A)(1) and (2), we hereby adopt the attached Jackson Township Impound Lot Policy and Fees, effective 30 days from the enactment of this Resolution and request the Fiscal Officer to publish the attached Notice of this Resolution.

The foregoing is a true and correct counterpart duly read on February 14, 2011 and filed with me as the Township Fiscal Officer on February 15, 2011.

### JACKSON TOWNSHIP IMPOUND LOT POLICY AND FEES

When the Chief of Police is authorized by law to designate the place of storage when removing and impounding a motor vehicle, the Chief of Police can designate the Jackson Township Impound Lot for the storage of a motor vehicle. Jackson Township Police Department Rule No. 16 shall apply to the removal and impounding of such motor vehicles.

Before the owner or person in charge of such motor vehicle shall be permitted to remove same from the custody of the Police Department, any owner or person in charge shall surrender a receipt to the officer in charge showing the payment to the Jackson Township Fiscal Office of a fee to cover the cost of storage of \$15 per day.

#### **ATTACHMENT 02/14/11 E**

Walters moved and Burger seconded a motion to adopt and authorize the placement of our signatures on the attached Agreement with Lawrence Township for the sale of one used vehicle equipment box. **3-0 yes**

#### **Administration Department**

#### **ATTACHMENT 02/14/11 F**

Walters moved and Burger seconded a motion to adopt and authorize the placement of the Board President's signature upon the attached Agreements with Aultra Administrative Group. **3-0 yes**

#### **ATTACHMENT 02/14/11 G**

Walters moved and Burger seconded a motion to adopt and authorize the placement of the Board President's signature upon the attached Renewal Amendment with QBE Insurance Corporation. **3-0 yes**

#### **ATTACHMENT 02/14/11 H**

Walters moved and Burger seconded a motion to adopt and authorize the placement of the Board President's signature upon the attached Health Benefit Plan Amendment No. 2, effective January 1, 2011. **3-0 yes**

#### **ATTACHMENT 02/14/11 I**

Walters moved and Burger seconded a motion to approve and authorize the Board President's signature on the Jackson Township Dental and Vision Benefit Plan Document, effective January 1, 2011. **3-0 yes**

**ATTACHMENT 02/14/11 J**

Walters moved and Burger seconded a motion to authorize the placement of our signatures upon the attached letter to Stark State College to express support for expansion of facilities. **3-0 yes**

**ATTACHMENT 02/14/11 K**

Walters moved and Burger seconded a motion to authorize William Burger as the Board of Trustees’ representative to attend the annual Health District Advisory Council Meeting on Thursday, March 3, 2011, at 7:30 p.m., at the Stark County Health Department. **3-0 yes**

**Central Maintenance Department**

**ATTACHMENT 02/14/11 L**

Walters moved and Burger seconded a motion to adopt and authorize the placement of the Board President’s signature upon the attached letter of termination of agreement to The Workshops, Inc. **3-0 yes**

**ATTACHMENT 02/14/11 M**

Walters moved and Burger seconded a motion to adopt and authorize the placement of Board President’s signature upon the attached cleaning services proposal with Maids Plus. **3-0 yes**

**Park Department**

Walters moved and Burger seconded a motion to accept the following sponsorship donations to the 2011 Community Celebration:

- \$500.00 from Bell Store Marathon
- \$2,500.00 from Massillon Cable TV, Inc. **3-0 yes**

**Routine Business**

**Announcements**

- Next regular Board of Trustees meeting, February 28, 2011, 4:00 p.m. Executive Session and/or Work Session, 5:00 p.m., General Session, Township Hall.
- CIC, February 22, 2011, 5:00 p.m., Township Hall.
- LOGIC, March 3, 2011, 9:00 a.m., Safety Center, Chief’s Conference Room.
- Citizens Advisory Committees:
  - Highway/Traffic, February 16, 2011, 6:30 p.m., Township Hall.
  - Community Celebration, March 8, 2011, 5:30 p.m., Township Hall.
  - Park, May 10, 2011, 6:30 p.m., Township Hall.

- Stark County Commissioners Community Meeting, March 3, 2011, 6:30 p.m., Township Hall.
- Annual Easter Egg Hunt, Saturday, April 16, 2011, 11:00 a.m., Jackson North Park.

At 5:38 p.m., Pizzino opened the public hearing for the Echo Valley West Street Lighting District.

Gonzalez explained that a petition has been filed by the neighborhood requesting that a lighting district be created. He asked if anyone would like to speak in favor of the project.

Tom Hoch, 5625 Frank Road, on the corner of Frank and Echo Valley said his driveway exits on Echo Valley. He presented the Board with a list of reasons to put in streetlights. He said the traffic during the Hall of Fame increases and during the Balloon Fest traffic is reduced to one lane on Echo Valley because of the cars parked on one side. He said the cut through traffic has become a very serious issue. He also pointed out there is a lot of pedestrian traffic on Echo Valley because of Stark State and Kent State.

Trustee Burger said he agreed something needed to be done in that area.

Judy Smith, 5165 Echo Valley Street N.W., said there have been break-ins in the neighborhood and vandalism has occurred in the past. She said this would be an advantage for the neighborhood.

Bruce Pumphrey, 5222 Echo Valley Street, said he is in favor of the lights but there is a pole situation on the corner. He said there is a warped pole and that he checked with Ohio Power who told him it was put in in 1958 but to contact the telephone company. He said he is concerned that the pole will come down. He said he hoped they would look at the pole conditions before they put the lights up.

Byron Shuster, 5110 Echo Valley, said he agreed with what the others have said and that the lighting is needed for protection.

Gonzalez closed that portion of the hearing. He asked if anyone would like to speak against the lighting district.

No one came forward.

Gonzalez closed that portion of the hearing. He said the Township has always been a proponent of the street lighting projects. He recommended that the Board adopt the resolution creating the Echo Valley West Lighting District.

**RESOLUTION 11-011, ATTACHED  
THE ECHO VALLEY WEST LIGHTING DISTRICT**

Walters moved and Burger seconded a motion that a hearing having been had upon the attached petition requesting that the Board of Jackson Township Trustees take all lawful and proper

proceedings to light artificially the streets and public ways in an unincorporated district in the Township, following notice and actual view taken, and the Board of Township Trustees finding:

- (1) That the petition was filed with the Township Fiscal Officer on December 15, 2010 and that the Board of Township Trustees was duly notified by him of such filing and a copy of the petition was delivered to it on January 15, 2011.
- (2) That the petition was signed by owners of more than one-half of the front feet of the lots and lands abutting on the streets and public ways of the aforesaid district, and that the petition complied with the law in specifying the metes and bounds of the district but included no lands more than 660 feet from, nor any lands not abutting on, the streets and public ways in such districts; and
- (3) That due notice of a hearing before the Board of Township Trustees on the petition for The Echo Valley West was duly and timely served on all lot owners and corporation affected by the proposed improvement, and was duly and timely published as against nonresidents pursuant to RC 515.04, and return of due service and publication was made according to law.

Be it further resolved by the Board of Trustees of Jackson Township, Stark County, Ohio, that the proposed improvement to light artificially the streets and public ways in the district is necessary, and the petition is granted accordingly; that the number of lights necessary to light properly the streets and public ways is 4, that the lights shall be standard street light lumens; that they shall be located at the places described in the attached print; and that the kind of supports therefore shall be as described on the print.

Be it further resolved that, pursuant to ORC Section 9.30 and 515.08 and in accordance with the attached contract with American Electric Power and PUCO tariff schedule, we hereby contract with American Electric Power for not less than one (1) year and shall continue thereafter until terminated sixty (60) days after either party has given written notice to the other of the intention to terminate, for the installation and maintenance of the lights described in the attached plan in the amount of approximately \$6.00 per light per month for four (4) 9,000 high pressure sodium post-top lights for The Echo Valley West. There will be no installation costs for these lights.

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

### **Highway Department**

#### **ATTACHMENT 02/14/11 N**

Walters moved and Pizzino seconded a motion to adopt and authorize the placement of the Board President and Fiscal Officer's signatures upon the attached OPWC Disbursement Request Form. **3-0 yes**

**RESOLUTION 11-012, ATTACHED  
STOP SIGN**

Walters moved and Burger seconded a motion that we hereby adopt and authorize the placement of a stop sign at List Street NW to stop northwest bound at Blue Ash Avenue NW. **3-0 yes**

**RESOLUTION 11-013, ATTACHED  
OHIO DEPARTMENT OF TRANSPORTATION PURCHASING**

Walters moved and Burger seconded a motion whereas, Section 5513.01 (B) provides the opportunity for Counties, Townships, Municipal Corporations, Conservancy Districts, Township Park Districts, Park Districts created under Chapter 1545 of the Revised Code, Port Authorities, Regional Transit Authorities, Regional Airport Authorities, Regional Water and Sewer Districts, County Transit Boards, State Universities or Colleges to participate in contracts of the Ohio Department of Transportation for the purchase of machinery, material, supplies or other articles.

Be it resolved by the Board of Trustees of Jackson Township, Stark County, Ohio that:

**Section 1**

That Ralph Boger, Jackson Township Highway Superintendent, hereby requests authority in the name of the Board of Trustees of Jackson Township, Stark County, Ohio to participate in the Ohio Department of Transportation contracts for the purchase of machinery, materials, supplies or other articles which the Department has entered into pursuant to Ohio Revised Code Section 5513.01 (B).

**Section 2**

That Ralph Boger is hereby authorized to agree in the name of the Board of Trustees of Jackson Township, Stark County, Ohio, to be bound by all terms and conditions as the Direct of Transportation prescribes.

**Section 3**

That Ralph Boger is hereby authorized to agree, in the name of the Board of Trustees of Jackson Township, Stark County, Ohio to directly pay vendors, under each such contract of the Ohio Department of Transportation in which the Board of Trustees participates, for items it receives pursuant to the contract.

**Section 4**

The Board of Trustees of Jackson Township, Stark County, Ohio, agrees to be responsible for resolving all claims or disputes arising out of its participation in the cooperative purchasing program under Section 5513.01 (B) of the Ohio Revised Code. The Board of Trustees of Jackson Township, Stark County, Ohio releases and forever discharges the Director of Transportation and the Ohio Department of Transportation from all such claims, actions, expenses, or other damages arising out of its participation in the cooperative purchasing program which the Board of Trustees may have or claim to have against ODOT or its employees, unless such liability is the result of negligence on the part of ODOT or its employees. **3-0 yes**

**RESOLUTION 11-014, ATTACHED  
HIGHWAY DEPARTMENT TRUCK PURCHASE**

Walters moved and Burger seconded a motion pursuant to ORC Section 5513.01, we hereby adopt and authorize the placement of the Board President's signature upon the attached Contract with Miami Valley International Trucks in the total amount of \$151,414.00 for the purchase of two (2) International Model 2011 7400 SFA 4x2 (SA525) Dump Truck Cab and Chassis. **3-0 yes**

At 5:45 p.m., Boger opened the bids for materials. The bids received were from the following companies.

D & R Supply, Inc.  
National Lime and Stone Co.  
Oster Sand and Gravel  
Massillon Asphalt Co.  
American Sand and Gravel  
Central Allied Enterprises  
North Star Asphalt, Inc.  
Kimble Clay and Limestone

Pizzino moved and Burger seconded a motion to accept all the bids received for materials. **3-0 yes**

Burger complimented the Highway Department for the good job they have done on the roads this winter.

Pizzino called a five minute recess

Pizzino called the general session back to order at 6:02 p.m.

**Fiscal Office**

**ATTACHMENT 02/14/11 P**

Pizzino moved and Burger seconded a motion to pay the bills in the amount of \$1,829,373.43. **3-0 yes**

**ATTACHMENT 02/14/11 Q**

Pizzino moved and Burger seconded a motion to approve the minutes of the January 24, 2011 Board of Trustees' meeting. **3-0 yes**

**ATTACHMENT 02/14/11 R**

Pizzino moved and Burger seconded a motion to approve the minutes of the January 24, 2011 Records Commission Meeting. **3-0 yes**

**ATTACHMENT 02/14/11 S**

Pizzino moved and Burger seconded a motion to approve the Financial Reports for January 2011. **3-0 yes**

**ATTACHMENT 02/14/11 T**

Pizzino moved and Burger seconded a motion to approve fund transfers from Fund 101, General Fund, to Fund 214, Park Fund, in the amount of \$242,040.50 and from Fund 101, General Fund, to Fund 213, Zoning Fund, in the amount of \$5,024.00. **3-0 yes**

Gonzalez explained that the Park is funded using money received from the General Fund not by a levy. He said that Jackson Township receives on average about \$1,000,000.00 per year from the Inheritance Tax. He said that tax is on the table in Columbus to be repealed and that would jeopardize the funding of the park system. He said it would be difficult to replace that money and the alternatives would be to cut services or ask for a levy to fund the park system.

**ATTACHMENT 02/14/11 U**

Gonzalez explained that the Township has a financial advisor who does the investing for us. He said that in 2004 this was looked into and Dennis Yacabozzi was hired to do the investing. He introduced Mr. Yacabozzi to the Board and asked him to review the Township's financial position.

Mr. Yacabozzi presented the Board with a Special Investment Portfolio Report that covered January 31, 2008 to December 31, 2010. He told the Board about United American Capital Corporation's history and how the company works for the Township. He explained the type of investments that have been made and said that the portfolio "has done extremely well."

**Old Business** – None

**New Business** – None

**Public Speaks – Open Forum**

No one came forward.

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

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

Walters moved and Pizzino seconded a motion to rescind the motion to go into Executive Session. **3-0 yes**

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

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**John Pizzino**

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**Randy Gonzalez**