

RECORD OF PROCEEDINGS

MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES MEETING

FEBRUARY 25, 2014

Hawke called the meeting to order at 4:09 p.m. at the Jackson Township Hall with all Trustees, Fiscal Officer, Lyon, Vaccaro, Hogue, Poindexter, Brink and Bissler present.

Hawke moved and Walters seconded a motion to go into Executive Session for Public Works – Park Division Personnel (Appointment/Employment/Compensation). **3-0 yes**

Hawke moved and Walters seconded a motion to go into Executive Session for Public Works – Highway Division (Appointment/Employment/Compensation). **3-0 yes**

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

Upon return from Executive Session at 5:07 p.m., Hawke called the General Session to order. He requested that all cell phones be turned off at this time.

The Pledge of Allegiance was recited.

The Tax Incentive Review Council meeting was called to order.

Hawke called the General Session back to order.

Public Speaks – None

Police Department

RESOLUTION 14-009, ATTACHED

POLICE CHIEF

Hawke moved and Walters seconded a motion whereas, The Board of Trustees of Jackson Township, Stark County, Ohio, met in regular session on the 11th day of February, 2014, and announced their intention to appoint Mark H. Brink to the position of Police Chief.

Be it resolved that, pursuant to ORC Section 505.49, Mark H. Brink is hereby appointed as full time Police Chief for the Jackson Township Police District Department, Stark County, Ohio, effective February 26, 2014 at 0001 hours, with compensation of \$91,271.02 per year and the benefits of a Class A employee as described in the attached Benefit Package for Management Personnel hired after July 1, 2012, and will serve a one year probationary period.

Be it further resolved that we hereby accept the attached Oath of Office. **3-0 yes**

**RESOLUTION 14-010, ATTACHED
POLICE MAJOR**

Hawke moved and Walters seconded a motion whereas, The Board of Trustees of Jackson Township, Stark County, Ohio, met in regular session on the 11th day of February, 2014, and announced their intention to appoint Tyson J. Bissler to the position of Police Major.

Be it resolved that, pursuant to ORC Sections 505.49 and 509.01, Tyson J. Bissler is hereby appointed as full time Police Department Major and full time constable for the Jackson Township Police District Department, Stark County, Ohio, effective February 26, 2014 at 0001 hours, with compensation of \$84,000.18 per year and the benefits of a Class B employee as described in the attached Benefit Package for Management Personnel hired prior to July 1, 2012, and will serve a one year probationary period.

Be it further resolved that we hereby accept the attached Oath of Office. **3-0 yes**

Judge Elum administered the Oath of Office to Chief Brink and Major Bissler.

Chief Brink thanked those that came and said he looked forward to a relationship within the community. He said he knew it wasn't an easy job but it is one that they can be proud they do.

Hawke called a short recess to allow time for photos.

**RESOLUTION 14-011, ATTACHED
EMPLOYEE DISCHARGE**

Hawke moved and Walters seconded a motion whereas, on October 10, 2006 the Jackson Township Board of Trustees, the Fraternal Order of Police, Ohio Labor Council, and Shelley A. Bender entered into the attached Settlement Agreement.

Be it resolved that pursuant to the terms of the attached October 10th, 2006 Settlement Agreement we hereby confirm the discharge of Shelley A. Bender, effective February 21, 2014.

3-0 yes

Administration Department

ATTACHMENT 02/25/14 A

Hawke moved and Pizzino seconded a motion to approve and authorize the Board President to sign the Division of Liquor Control, F Permit Application, for the 2014 Jackson Community Celebration. **3-0 yes**

ATTACHMENT 02/15/14 B

Hawke moved and Walters seconded a motion to adopt and authorize the placement of the Board President's signature upon the attached Agreement with Great 2 Inflate, LLC. **3-0 yes**

ATTACHMENT 02/25/14 C

Hawke moved and Walters seconded a motion to adopt and authorize the placement of our signatures upon the attached Agreement with Bates Amusement, Inc. **3-0 yes**

Fire Department

ATTACHMENT 02/25/14 D

Hawke moved and Walters seconded a motion to approve the attached computer replacement request from Chief Hogue. **3-0 yes**

ATTACHMENT 02/25/14 E

Hawke moved and Walters seconded a motion to accept the attached resignation from Aaron Stoller as a part-time firefighter, effective February 21, 2014. **3-0 yes**

ATTACHMENT 02/25/14 F

Pizzino moved and Hawke seconded a motion to accept the attached resignation from Dru Rhodes as a part-time firefighter, effective February 26, 2014. **3-0 yes**

ATTACHMENT 02/25/14 G

Hawke moved and Walters seconded a motion to approve the appropriation transfer request from account code 210.210.5385, Other Expense, to account code 210.210.5340, Advertising, in the amount of \$700.00 and from account code 210.210.5385, Other Expense, to account code 210.210.5502, Supplies/Materials, in the amount of \$2,000.00. **3-0 yes**

Legal Department

RESOLUTION 14-012, ATTACHED AUCTION OF TOWNSHIP PERSONAL PROPERTY

Hawke moved and Walters seconded a motion that, pursuant to ORC Section 505.10, the Board of Trustees hereby determines that the attached described personal property owned by the Board of Trustees is not needed for Township purposes.

Be it further resolved that a public auction shall be held on March 29, 2014 at 10:00 a.m. at Skipco Financial Adjuster, Inc., 700 Elm Ridge, Canal Fulton, Ohio 44614 for the purpose of auctioning the attached described personal property in accordance with the terms contained in the attached Notice of Public Auction which the Township Fiscal Officer is requested to post and advertise.

Be it further resolved that we hereby adopt and authorize the placement of our signatures upon the attached Agreement with Skipco Financial Adjusters, Inc. and authorize the President, Fiscal Officer or Law Director to execute all documents necessary to accomplish the auction. **3-0 yes**

RESOLUTION 14-013, ATTACHED MUTUAL ECONOMIC DEVELOPMENT AGREEMENT RESOLUTION RECISSION

Hawke moved and Walters seconded a motion whereas, on November 13, 2013, the Board of Trustees authorized the placement of our signatures upon the attached Mutual Economic Development Agreement with the Board of Trustees of Plain Township, the City of North Canton, and the City of Canton, Stark County, Ohio.

Be it resolved that, due to an unforeseen issue with one of the parties involved we hereby rescind Resolution No. 13-074. **3-0 yes**

**RESOLUTION 14-014, ATTACHED
HOTEL REGISTRATION LEGISLATION**

Hawke moved and Walters seconded a motion whereas, the Board of Trustees is authorized to pass and enforce necessary resolutions which are necessary for the promotion of the public health, safety and general welfare; and

Whereas, the Board of Trustees desires to require hotel registration and retention of registration records for lodging establishments in the Township; and

Whereas, the Board of Trustees has determined that there has been an increased risk of illegal activity at hotels in the Township; and

Whereas, Jackson Township is a limited home rule government pursuant to Ohio Revised Code Chapter 504; and

Whereas, Ohio Revised Code Section 504.04 permits the Board of Trustees to adopt and enforce within the unincorporated area of the Township police regulations; and

Now therefore, be it resolved that, pursuant to Ohio Revised Code Sections 504.04 (A)(1) and (2), 504.05, 504.06, and 504.07 we hereby adopt the attached Hotel Registration Legislation effective 30 days from the adoption of this Resolution.

Be it further resolved that, the Fiscal Officer shall publish said Notice in the two newspapers of general circulation in the Township described therein, with the first publication being made within ten (10) days of the date of this Resolution. **3-0 yes**

Public Works Department

Highway Division

ATTACHMENT 02/25/14 H

Hawke moved and Walters seconded a motion to authorize the purchase of (1) 2015 Ford F-350 Dump Truck and related equipment for \$35,484.00 and (1) 2015 Ford F-350 Cab and Chassis and related equipment of \$29,529.91. **3-0 yes**

ATTACHMENT 02/25/14 I

Hawke moved and Pizzino seconded a motion to adopt and authorize the Board President's signature upon the attached Change Order No. 1 from Wenger Excavating, Inc. for the Red Fox Storm Sewer Project. **3-0 yes**

**RESOLUTION 14-015, ATTACHED
SCOTSBURY GLEN ALLOTMENT STOP SIGNS**

Hawke moved and Pizzino seconded a motion to that we hereby adopt and authorize the placement of stop signs at:

1. Scotsbury Glen Street NW to stop westbound at Amherst Avenue NW
 2. Glen Elm Circle Street NW to stop northbound and southbound at Scotsbury Glen Street NW.
- 3-0 yes**

Park Division

ATTACHMENT 02/25/14 J

Hawke moved and Pizzino seconded a motion to authorize the hiring of John E. Border as a seasonal park maintenance worker (second year), through the temporary service, subject to a negative drug screen, at the rate of \$8.35 per hour, effective March 3, 2014, in accordance with the attached memorandum from David Ruwadi.

3-0 yes

Hawke moved and Walters seconded a motion to authorize the hiring of Tanner Hall as a seasonal park maintenance worker (third year), through the temporary service, subject to a negative drug screen, at the rate of \$8.70 per hour, effective March 3, 2014, in accordance with the attached memorandum from David Ruwadi.

3-0 yes

Hawke moved and Walters seconded a motion to accept the following sponsorship donations to the 2014 Community Celebration:

1. \$100.00 from Standard Plumbing & Heating Co., Inc.
 2. \$250.00 from Best Western Plus
 3. \$1,000.00 from Employers Health Purchasing Corp.
- 3-0 yes**

Zoning & Planning Department

ATTACHMENT 02/25/14 K

Hawke moved and Walters seconded a motion to cancel the public hearing that was scheduled for 5:30 p.m. for 7811 Parkford Street NW due to the nuisance being abated by the property owner.

3-0 yes

ATTACHMENT 02/25/14 L

Hawke moved and Walters seconded a motion to approve the appropriation transfer request from account code 213.160.5112, Part-time Salaries, to account code 213.160.5114, Temporary service payment, in the amount of \$12,000.00.

3-0 yes

Fiscal Office

ATTACHMENT 02/25/14 M

Hawke moved and Pizzino seconded a motion to pay the bills in the amount of \$1,109,006.72.

3-0 yes

ATTACHMENT 02/25/14 N

Hawke moved and Walters seconded a motion to approve the minutes of the February 11, 2014 Board of Trustees' meeting. **3-0 yes**

**RESOLUTION 14-016, ATTACHED
POLICE CHIEF – OPERS**

Hawke moved and Walters seconded a motion pursuant to federal and Ohio laws, the Jackson Township Board of Trustees may offset future salary increases and “pick up” (assume and pay) the contributions statutorily required by such elected officials and covered employees to the Ohio Public Employees Retirement System (OPERS) and such individuals will not be required to pay federal and state income taxes on such contributions; and

Be it resolved that, pursuant to IRC Section 414(h)(2) and effective with the first pay period ending in March 2014, eight (8%) percent, and any subsequent increases of the statutorily required employee contributions to OPERS shall be picked up and paid as a fringe benefit by the Jackson Township Board of Trustees for each person within any of the classes established herein. The “pick up” shall be an offset against future salary increases. This “pick up” by the Jackson Township Board of Trustees shall be designated as public employee contributions and shall be in lieu of full contributions to OPERS by each person within any of the classes established herein. No person subject to this “pick up” shall have the option of choosing to receive the statutorily required contribution to OPERS directly instead of having it “picked up” by the Jackson Township Board of Trustees or of being excluded from the “pick up”. The Jackson Township Board of trustees shall, in reporting and making remittance to OPERS, report that the public employees contribution for each person subject to this “pick up” has been made as provided by the statute. Therefore, contributions, although designated as employee contributions, are employer-paid, and employees do not have the option to receive the contributions directly. All contributions are paid by the employer directly to the plan.

Be it resolved that, the “pick up” by the Jackson Township Board of Trustees provided by this resolution shall apply to all persons that are employed as POLICE CHIEF for the Jackson Township Board of Trustees, and who is or becomes a contributing member of OPERS.

Be it resolved that, under the fringe-benefit method of employer pick up, salary is not modified; however, the employer will pay the employees' eight (8%) percent statutorily required contribution to OPERS, and the employee will be required to pay the remaining statutory amount under post tax method.

Be it resolved that, the Jackson Township Fiscal Officer is hereby authorized and directed to implement the provisions of this resolution to institute the “pick up” of the statutorily required contributions to OPERS for those persons reflected herein so as to enable them to have their employee contributions paid by their employer as specified herein. **3-0 yes**

**RESOLUTION 14-017, ATTACHED
POLICE MAJOR – OPERS**

Hawke moved and Walters seconded a motion pursuant to federal and Ohio laws, the Jackson Township Board of Trustees may offset future salary increases and “pick up” (assume and pay) the contributions statutorily required by such elected officials and covered employees to the Ohio Public Employees Retirement System (OPERS) and such individuals will not be required to pay federal and state income taxes on such contributions; and

Be it resolved that, pursuant to IRC Section 414(h)(2) and effective with the first pay period ending in March 2014, eleven (11%) percent, and any subsequent increases of the statutorily required employee contributions to OPERS shall be picked up and paid as a fringe benefit by the Jackson Township Board of Trustees for each person within any of the classes established herein. The “pick up” shall be an offset against future salary increases. This “pick up” by the Jackson Township Board of Trustees shall be designated as public employee contributions and shall be in lieu of full contributions to OPERS by each person within any of the classes established herein. No person subject to this “pick up” shall have the option of choosing to receive the statutorily required contribution to OPERS directly instead of having it “picked up” by the Jackson Township Board of Trustees or of being excluded from the “pick up”. The Jackson Township Board of Trustees shall, in reporting and making remittance to OPERS, report that the public employees contribution for each person subject to this “pick up” has been made as provided by the statute. Therefore, contributions, although designated as employee contributions, are employer-paid, and employees do not have the option to receive the contributions directly. All contributions are paid by the employer directly to the plan.

Be it resolved that, the “pick up” by the Jackson Township Board of Trustees provided by this resolution shall apply to all persons that are employed as POLICE MAJOR for the Jackson Township Board of Trustees, and who is or becomes a contributing member of OPERS.

Be it resolved that, under the fringe-benefit method of employer pick up, salary is not modified; however, the employer will pay the employees’ eleven (11%) percent statutorily required contribution to OPERS, and the employee will be required to pay the remaining statutory amount under post tax method.

Be it resolved that, the Jackson Township Fiscal Officer is hereby authorized and directed to implement the provisions of this resolution to institute the “pick up” of the statutorily required contributions to OPERS for those persons reflected herein so as to enable them to have their employee contributions paid by their employer as specified herein. **3-0 yes**

**RESOLUTION 14-018, ATTACHED
AMENDMENT TO HIGHWAY FOREMAN RESOLUTION 11-027**

Hawke moved and Walters seconded a motion whereas, The Board of Trustees of Jackson Township, Stark County, Ohio, met in regular session on the 8th day of April, 2011, and passed Resolution No. 11-027.

Whereas, Resolution No. 11-027, required the Highway Foreman pay 2% of the employee’s contribution to OPERS effective April 11, 2011.

Whereas, OPERS has requested an amendment to Resolution No. 11-027 to conform to their rules and regulations. This amendment will not change the effective date originally approved in Resolution No. 11-027.

Whereas, pursuant to federal and Ohio laws, the Jackson Township Board of Trustees may offset future salary increases and “pick up” (assume and pay) the contributions statutorily required by such elected officials and covered employees to the Ohio Public Employees Retirement System (OPERS) and such individuals will not be required to pay federal and state income taxes on such contributions; and

Be it resolved that, pursuant to IRC Section 414(h)(2) and effective with the first pay period ending in March 2014, eight (8%) percent, and any subsequent increases of the statutorily required employee contributions to OPERS shall be picked up and paid as a fringe benefit by the Jackson Township Board of Trustees for each person within any of the classes established herein. The “pick up” shall be an offset against future salary increases. This “pick up” by the Jackson Township Board of Trustees shall be designated as public employee contributions and shall be in lieu of full contributions to OPERS by each person within any of the classes established herein. No person subject to this “pick up” shall have the option of choosing to receive the statutorily required contribution to OPERS directly instead of having it “picked up” by the Jackson Township Board of Trustees or of being excluded from the “pick up”. The Jackson Township Board of Trustees shall, in reporting and making remittance to OPERS, report that the public employees contribution for each person subject to this “pick up” has been made as provided by the statute. Therefore, contributions, although designated as employee contributions, are employer-paid, and employees do not have the option to receive the contributions directly. All contributions are paid by the employer directly to the plan.

Be it resolved that, the “pick up” by the Jackson Township Board of Trustees provided by this resolution shall apply to all persons that are employed as HIGHWAY FOREMEN for the Jackson Township Board of Trustees, and who is or becomes a contributing member of OPERS.

Be it resolved that, under the fringe-benefit method of employer pick up, salary is not modified; however, the employer will pay the employees’ eight (8%) percent statutorily required contribution to OPERS, and the employee will be required to pay the remaining statutory amount under post tax method.

Be it resolved that, the Jackson Township Fiscal Officer is hereby authorize and directed to implement the provisions of this resolution to institute the “pick up” of the statutorily required contributions to OPERS for those persons reflected herein so as to enable them to have their employee contributions paid by their employer as specified herein. **3-0 yes**

**RESOLUTION 14-019, ATTACHED
AMENDMENT TO LAW DIRECTOR RESOLUTION 14-008**

Hawke moved and Walters seconded a motion whereas, The Board of Trustees of Jackson Township, Stark County, Ohio, met in regular session on the 11th day of February, 2014, and passed Resolution No. 14-008.

Whereas, Resolution No. 14-008, required the Law Director pay 5% of the employee's contribution to OPERS effective February 10, 2014

Whereas, OPERS has requested an amendment to Resolution No. 14-008 to conform to their rules and regulations. The amendment will change the effective date originally approved in Resolution No. 14-008.

Whereas, pursuant to federal and Ohio laws, the Jackson Township Board of Trustees may offset future salary increases and "pick up" (assume and pay) the contributions statutorily required by such elected officials and covered employees to the Ohio Public Employees Retirement System (OPERS) and such individuals will not be required to pay federal and state income taxes on such contributions; and

Be it resolved that, pursuant to IRC Section 414(h)(2) and effective with the first pay period ending in March 2014, five (5%) percent, and any subsequent increases of the statutorily required employee contributions to OPERS shall be picked up and paid as a fringe benefit by the Jackson Township Board of Trustees for each person within any of the classes established herein. The "pick up" shall be an offset against future salary increases. This "pick up" by the Jackson Township Board of Trustees shall be designated as public employee contributions and shall be in lieu of full contributions to OPERS by each person within any of the classes established herein. No person subject to this "pick up" shall have the option of choosing to receive the statutorily required contribution to OPERS directly instead of having it "picked up" by the Jackson Township Board of Trustees or of being excluded from the "pick up". The Jackson Township Board of Trustees shall, in reporting and making remittance to OPERS, report that the public employees contribution for each person subject to this "pick up" has been made as provided by the statute. Therefore, contributions, although designated as employee contributions, are employer-paid, and employees do not have the option to receive the contributions directly. All contributions are paid by the employer directly to the plan.

Be it resolved that, the "pick up" by the Jackson Township Board of Trustees provided by this resolution shall apply to all persons that are employed as LAW DIRECTOR for the Jackson Township Board of Trustees, and who is or becomes a contributing member of OPERS.

Be it resolved that, under the fringe-benefit method of employer pick up, salary is not modified; however, the employer will pay the employees' five (5%) percent statutorily required contribution to OPERS, and the employee will be required to pay the remaining statutory amount under post tax method.

Be it resolved that, the Jackson Township Fiscal Officer is hereby authorize and directed to implement the provisions of this resolution to institute the "pick up" of the statutorily required contributions to OPERS for those persons reflected herein so as to enable them to have their employee contributions paid by their employer as specified herein. **3-0 yes**

Routine Business

Announcements

- Board of Trustees next regular meeting, March 11, 2014, 4:00 p.m., Executive Session and/or Work Session; 5:00 p.m., General Session, Township Hall.
- LOGIC, March 6, 2014, 9:00 a.m., Jackson Safety Center, Chiefs' Conference Room.
- CIC, April 17, 2014, 8:00 a.m., Township Hall.
- Board of Zoning Appeals, February 27, 2014, 5:30 p.m., Township Hall.
- Zoning Commission, March 20, 2014, 5:00 p.m., Township Hall.
- Citizens Advisory Committees:
 - Community Celebration, March 12, 2014, 5:30 p.m., Township Hall.
 - Park, March 12, 2014, 6:30 p.m., Township Hall.
- Friends of the Park, March 12, 2014, 7:00 p.m., Township Hall.
- Jackson Township Recycling Station Board, February 26, 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

Gonzalez said that he and this Board worked very hard to put the economic development agreement together. He said he has read a lot of comments in the newspaper about no annexation. He said he wanted to be clear in that the contract never called for no annexation, what it said was there could be no annexation of Jackson Township in that area without the agreement of the Trustees. He said the only annexations left would be hostile. He said the Board has worked very hard to protect our boundaries. He said he wanted it to be clear that it was North Canton that approached Jackson Township to enter into that agreement. He said they would continue to work with Plain Township and the City of Canton in any way possible.

Hawke said he agreed and that the idea of the agreement was to be cooperative and work together for the betterment of all of Stark County. He said it is a shame to see that agreement go by the wayside.

Walters said it is clear that the wave of the future for local governments is with cooperation and that it is a shame that North Canton is still stuck in the past.

Pizzino said we were being nice to bring North Canton into the agreement and it would have been a good relationship but North Canton has chosen to go another way. He said we should just move on and get the agreement going with the other two entities and do what's right for the County and our Community.

New Business - None

Public Speaks – Open Forum

A question was asked about the Fire Department computer purchase.

Hawke moved and Walters seconded a motion to adjourn.

3-0 yes

Todd Hawke

Randy Gonzalez