

RECORD OF PROCEEDINGS

MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES MEETING

FEBRUARY 9, 2009

Pizzino called the meeting to order at 5:00 p.m. at the Jackson Township Hall with all Trustees, Fiscal Officer, Lyon, Fitzgerald and Neftzer present.

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

Upon return from Executive Session, Pizzino opened the Work Session at 5:53 p.m.

Work Session

Fire Department

Chief Heck told the Board that in anticipation of the Economic Stimulus Projects that are being discussed it would be a good idea to look at some of the projects that have been tabled that might qualify for funds. One project could be the garage concept to the west of the Safety Center. He pointed out that the need is not only still there but is needed even more. Chief Heck also mentioned building Station 6 which is currently projected to be built six years from now and could save Jackson taxpayers about \$1 million.

Gonzalez told the Board about a meeting held with Senator Schuring about funds that are available. He said they need to be “shovel-ready projects” and they must be built out by November of next year.

At 6:02 p.m., Pizzino called the General Session to order with all department heads present except Joni Poindexter. 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

RESOLUTION 09-006, ATTACHED

Walters moved and Burger seconded the motion whereas, on December 18, 2007, in Resolution No. 07-144, we adopted an amended policy for an ambulance and emergency medical services fee.

Be it resolved that, we hereby adopt the attached amended ambulance and emergency medical service fee policy and that Resolution No. 07-144 is hereby replaced by this Resolution. **3-0 yes**

Chief Heck and Trustee Pizzino updated the Board about a meeting to be held with the City of Massillon regarding a joint fire station. It was pointed out that all expenses, staffing and costs would be shared.

Highway Department

ATTACHMENT 02/09/09

Pizzino moved and Burger seconded a motion to adopt ODOT Spec #401.20, Asphalt Binder Price Adjustment into future highway specifications. **3-0 yes**

ATTACHMENT 02/09/09

Walters moved and Burgers seconded a motion to adopt and authorize the placement of the Board President's signature upon the attached ODOT change order for the Wales/Fulton Project. **3-0 yes**

RESOLUTION 09-007, ATTACHED

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.

Now therefore 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 Director 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 09-008, ATTACHED

Walters moved and Burger seconded a motion to adopt and authorize the placement of the Board President's signature upon the attached Agreement with the Ohio Department Transportation for the purchase of Rock Salt. **3-0 yes**

ATTACHMENT 02/09/09 C

Walters moved and Burger seconded a motion to authorize the Voinovich FY2010 Appropriation Request for Fulton Road Widening Phase 3, and to authorize the Board President to sign the request letter. **3-0 yes**

ATTACHMENT 02/09/09 D

Walters moved and Burger seconded a motion to authorize the Boccieri FY2010 Appropriation Request for Fulton Road Widening Phase 3, and to authorize the Board President to sign the Project Application Form. **3-0 yes**

ATTACHMENT 02/09/09 E

Pizzino moved and Burger seconded a motion to approve the appropriation transfer request from account code 204.310.5387, Discretionary, to account code 204.310.5556, Road Salt, in the amount of \$22,000.00. **3-0 yes**

ATTACHMENT 02/09/09 F

Mr. Boger presented the Board with several highway projects that are currently "ready to go" and could qualify for funds from an economic stimulus program.

At 6:15 p.m., Boger opened the bids received for 2009 materials. Bids were received from the following companies.

American Sand and Gravel
Central Allied Enterprises
D & R Supply, Inc.
Oster Sand and Gravel
Massillon Asphalt Company
J D Mining Inc.
Kimbol Clay and Limestone
National Lime and Stone Company
Northstar Asphalt Inc.

Shelley Materials Inc.

Legal Department

Fitzgerald: Today there was formally filed a petition for annexation that involves the Metro Railroad Line into the City of Canton. We've been talking about this over the last couple of months. They have filed a petition with the one property owner and I was requested to prepare a resolution consenting to the annexation.

Pizzino: As you know, for a number of years we have been trying to work with cities, both cities, the City of Canton and the City of North Canton on the Economic Development package for revenue sharing. We acted in good faith, we felt, for the last four or five years Mr. Gonzalez and Mr. Meeks started this when Mr. Meeks was on the Board under the administration of Mayor Rice. The last couple of months it's been back and forth, back and forth and, if anybody has been reading the paper, as you know, when we couldn't come to terms with North Canton, they filed to annex some of our property. What we're doing is basically agreeing with the City of Canton to let them have the railroad track and one parcel. What this will do is we can still work on our Joint Economic Development package with the city and it will stop the City of North Canton, if we're successful, coming into our Industrial Park, the Strip area and possibly the Belden Village area. So we will be here after the meeting if there are any questions or if anybody has any questions under Public Speaks, we'll be glad to answer any questions you may have but that's what this is about. Mr. Gonzalez, do you want to add anything?

Gonzalez: I'd just like to add maybe a couple things. One that the public, in reading some of the comments and some of the e-mails and questions I've been asked, this is not putting a tax on anyone. We're not planning on taxing people in Jackson Township no matter which area they live in, that isn't the intent of this. So, no they won't. And, two, the other question is, am I going to get gobbled up by North Canton because they're going to shut our water off. I can tell you the Board of Trustees is working very diligently and every effort to make sure that is an idle threat. There are other places to get water other than North Canton and the agreement with Canton that we've currently started, this is the first step to that but also to stop that.

Walters: There have been a number of concerns and questions raised, rightfully so, by members of the public and the business community. And I think the thing to understand is, a lot of questions have been, why are we allowing Canton to annex a portion of the Township when they've never been able to do it in the past. We are consenting to this annexation because it is in the best interest of the Township. And what I mean by that is, North Canton is coming after us, plain and simple. They made their intentions very clear in the last couple of weeks both in their public statements and in the motion of annexation that they filed. If this Board doesn't do anything to combat those, we are putting the Township and the residents in a very dangerous position if North Canton were to be able to, through the use of their water agreements, annex portions of the Industrial Park and into the Strip and into the Mall area. A huge portion of our tax base would go away. And that's the tax base that provides all of our Township services, particularly our safety services, fire and police. So what this Board has been doing is working to protect the interest of our Township residents. We desired to work with North Canton. We've made that clear for many years, even before I was on this Board. One of the first questions I was

asked as a new Board member was 'Are you in favor of working with neighboring communities on economic development agreements'. And I made it very clear at that time, yes, this is something we need to do and something we need to pursue. It is unfortunate that North Canton has chosen the path that they have. They have decided to go for a land grab instead of working together. And the only responsible response this Board had was to prevent that from happening by coming into an agreement with the City of Canton, which is what we're doing. By allowing the City of Canton to annex this portion of the railroad it effectively stops North Canton from annexing large portions of the Township.

Gonzalez: I might add on the annexation petition that was filed today Canton did add the verbiage 'No Jackson Township property shall be annexed without the approval of the Board of Trustees and the property owners'.

Pizzino: That was a big stumbling block with the City of North Canton. They wanted to annex properties in Jackson Township through the CEDA, basically whatever means they could take the property, no matter if it's water agreements or whatever. That's taking the right of the property owners and the business owners, especially in the eastern part of the Township, taking that right away from them. And we just couldn't live with that agreement and again we tried to act in good faith, I can't tell you how many meetings we had and how many phone calls. As a matter of fact, I just had a phone call just before this meeting started this evening from Mayor Held and you know, we both said that whoever wins, we'll live with that, but we will still work with any government entity that wants to work with us but we're not going to give up our tax base and we're not going to sell our residents out by just entering into an agreement that isn't good for Jackson Township. That's what we've been doing, we have been working on it for a long time. I want to thank Mr. Gonzalez and I want to thank the Board and the department heads that have been involved. Chief Heck has been involved, we've all been involved here, it's just not us but we feel that this is one thing we have to do and if we're not successful then you know, we have another fight on our hands of a different nature that is going to have to be addressed. Hopefully, we can be successful. Is there any other comment?

Walters: And there may be a lot of questions. Mr. Gonzalez addressed some of them and Mr. Pizzino addressed some of them. We will all be here as long as you would like us to be to answer these questions and to help explain why this is truly in the best interest of the Township.

Gonzalez: We might as well add one more thing. The petition that was filed by Canton today was filed unanimously, the entire Council signed it and the Mayor. So the City Council and the Mayor are on board with this project.

RESOLUTION 09-005, ATTACHED

Walters moved and Burger seconded a motion whereas, R M Investments LLC has filed an Annexation Petition for an area commonly known as "R M Investments/Metro RTA Annexation" consisting of 22.377 acres of land, more or less, in Jackson Township; and

Whereas, pursuant to ORC Section 709.023 this annexation has been filed as an Expedited Type II annexation; and

Whereas, under an Expedited Type II Annexation and the requirements set forth in Chapter 709 of the Ohio Revised Code, the Jackson Township Board of Trustees may file a resolution consenting to the annexation within 25 days after the petition was filed; and

Whereas, the Board of County Commissioners at its next regular session after this consenting resolution shall enter upon its journal a resolution granting the proposed annexation; and

Be it resolved that the Board of Trustees of Jackson Township, Stark County, Ohio does hereby consent to the R M Investments/Metro RTA Annexation for the area to be known as “R M Investments/Metro RTA Annexation” consisting of 22.377 acres of land, more or less, in Jackson Township. **3-0 yes**

Police Department

Walters moved and Burger seconded a motion to accept a \$1,000.00 donation to the “Hooked on Fishing, Not on Drugs” program from the Massillon AAA School Patrol. **3-0 yes**

ATTACHMENT 02/09/09 G

Walters 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 \$1,000.00. **3-0 yes**

ATTACHMENT 02/09/09 H

Walters moved and Burger seconded a motion to authorize out-of-state travel for Officer Scott Goldenbogen to attend the DEA Basic Narcotic Investigator’s Course in Richmond, Kentucky from February 22 to March 6, 2009. **3-0 yes**

Fiscal Office

ATTACHMENT 02/09/09 I

Pizzino moved and Burger seconded a motion to pay the bills in the amount of \$2,029,003.02. **3-0 yes**

ATTACHMENT 02/09/09 J

Pizzino moved and Burger seconded a motion to approve the minutes of the January 26, 2009 Board of Trustees meeting. **3-0 yes**

ATTACHMENT 02/09/09 K

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

Routine Business

Announcements

- Next regular Board of Trustees meeting, February 23, 2009, 4:00 p.m., Executive Session and/or Work Session, 6:00 p.m., General Session, Township Hall.
- LOGIC meeting, March 6, 2009, 9:00 a.m., Safety Center, Chiefs' Conference Room.
- CIC meeting, February 17, 2009, 5:00 p.m., Township Hall.
- Board of Zoning Appeals:
 - February 12, 2009, 7:00 p.m., Township Hall.
 - March 12, 2009, 7:00 p.m., Township Hall.
- Citizens Advisory Committees:
 - Community Celebration, February 10, 2009, 5:30 p.m., Township Hall.
 - Park, February 10, 2009, 6:30 p.m., Township Hall.
 - Highway/Traffic, February 19, 2009, 6:30 p.m., Township Hall.
Mr. Mike Rehfus from the County Engineer's Office will be attending and working with the Committee. The public is invited.

Old Business – None

New Business

ATTACHMENT 02/09/09 L

Pizzino moved and Burger seconded a motion not to request a hearing on the advisability of issuing a liquor permit to N and D Restaurants, Inc. dba Olive Garden Italian Restaurant #1057, 4810 Dressler Rd. NW, Canton, Ohio 44718. **3-0 yes**

ATTACHMENT 02/09/09 M

Pizzino moved and Burger seconded a motion not to request a hearing on the advisability of issuing a liquor permit to N and D Restaurants, Inc. dba Red Lobster #121, 4600 Belden Village Ave., Canton, Ohio 44718. **3-0 yes**

Walters moved and Burger seconded a motion to accept a \$250.00 sponsorship donation to the Community Celebration from Findley Davies, Inc. **3-0 yes**

Public Speaks – Open Forum

Greg Weakley, 5880 Echodale Ave. NW, told Mr. Boger much he appreciated how his people have been doing with the storm in January and they have done an excellent job plowing and salting. He asked Mr. Gonzalez or Mr. Fitzgerald about the annexation. He said the ORC stated the township had to look at annexation agreements in the order in which they were filed. He asked if there was something in the ORC that could change that. Mr. Gonzalez said since North Canton filed, they are taking a portion of Plain Township to get to Jackson Township and Jackson does not agree with that annexation. He explained that Jackson will be filing objections with both Plain and North Canton which cancelled those hearings. He explained that the resolution tonight sided with Canton and North Canton cannot object because they are not in Jackson Township. He said that the law says “that it shall be on the next Board of Commissioners meeting.” He said he will serve the resolution to the Commissions on Tuesday and it should be on their Wednesday agenda and on a type II expedited annexation, they should just approve it.

Ken Douglas, 8818 Cheryl Lane, said on behalf of the school, to thank the Trustees and the community for their support. He said the school board values the relationship with the Trustees and the community and look forward to working together in the future.

Walters moved and Burger seconded a motion to adjourn.

3-0 yes

John Pizzino

Randy Gonzalez