

## RECORD OF PROCEEDINGS

### MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES MEETING

JANUARY 22, 2013

Walters called the meeting to order at 4:01 p.m. at the Jackson Township Hall with all Trustees, Fiscal Officer, Lyon and Fitzgerald present.

Walters moved and Hawke seconded a motion to go into Executive Session for Administration, Central Maintenance, Fiscal, Highway, Legal, Park, Police, Zoning Personnel (Appointment/Employment/Compensation). **3-0 yes**

Upon return from Executive Session, Walters called the General Session to order at 5:05 p.m. with all department heads present except Hogue who was represented by Berczik. He requested that all cell phones be turned off at this time.

The Pledge of Allegiance was recited.

**Public Speaks** – None

#### **Administration Department**

##### **ATTACHMENT 01/22/13 A**

Walters moved and Pizzino seconded a motion to approve the attached 2013 Committee Representative list as amended. **3-0 yes**

##### **ATTACHMENT 01/22/13 B**

Walters moved and Hawke seconded a motion to approve an unpaid leave of absence for medical reasons, for John Eicher, effective at the expiration of his sick and vacation accruals and personal leave (January 17, 2013), until February 18, 2013. **3-0 yes**

##### **ATTACHMENT 01/22/13 C**

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

#### **Fire Department**

##### **ATTACHMENT 01/22/13 D**

Walters moved and Hawke seconded a motion to approve the appropriation transfer request from account code 210.210.5385, Other Expense, to account code 210.210.5398, Bldg. Repairs & Maint., in the amount of \$5,000.00 and from account code 210.210.5385, Other Expense, to account code 210.210.5448, Professional Testing Serv., in the amount of \$1,500.00. **3-0 yes**

**RESOLUTION 13-003, ATTACHED  
FIRE DEPARTMENT EQUIPMENT PURCHASE**

Walters moved and Pizzino seconded a motion pursuant to ORC Section 125.04, we hereby adopt and authorize the placement of the Board President's signature upon the attached Contract with Physio-Control, Inc. for the purchase of the attached listed Lifepak 15 Monitor/Defibrillators and related equipment for a total amount of \$152,145.60 which the prices are listed in the State Purchasing Contract. **3-0 yes**

**Legal Department**

**RESOLUTION 13-004, ATTACHED  
RESOLUTION ON SUBMISSION OF QUESTION OF AN ADDITIONAL TAX OF ONE (1.0) MILL PURSUANT TO OHIO REVISED CODE SECTIONS 5705.19(H), 5705.191 AND 5705.25 FOR THE PURPOSE OF FOR PARKS AND RECREATIONAL PURPOSES OF JACKSON TOWNSHIP, STARK COUNTY, OHIO, FOR FIVE (5) YEARS, TAX YEARS 2013, 2014, 2015, 2016, AND 2017, COMMENCING IN 2013, FIRST DUE IN CALENDAR YEAR 2014.**

Walters moved and Hawke 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 five (5) years will be insufficient to provide an adequate amount for the necessary requirements for said Jackson Township, Stark County, Ohio for the purpose of for parks and recreational purposes of Jackson Township, Stark County, Ohio; and

Whereas, by reason thereof, this board has determined that it will be necessary for an additional tax of one (1.0) mill which is in excess of such limitation, for the purpose of for parks and recreational purposes of 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 9<sup>th</sup> day of January, 2013, 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 an additional tax of one (1.0) mill, which resolution stated that the purpose of said tax was for the purpose of for parks and recreational purposes of Jackson Township, Stark County, Ohio for five (5) years, tax years 2013, 2014, 2015, 2106, and 2017, commencing in 2013, first due in calendar year 2014. Ohio Revised Code Sections 5705.19(H), 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 11<sup>th</sup> day of January, 2013, as provided for in said section, that the total current tax valuation of the subdivision was \$1,232,064,480 and that the dollar amount of revenue that would be generated by a specified number of mills, to wit, one (1.0) mill be \$1,232,064 for the proposed additional 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 primary election to be held on May 7, 2013, the question of an additional tax of one (1.0) mill outside the ten (10) mill limitation for the purpose of for parks and recreational purposes of Jackson Township, Stark County, Ohio for five (5) years, tax years 2013, 2014, 2015, 2016, and 2017, commencing in 2013, first due in calendar year 2014.

Be it resolved that there shall be submitted to the electors of Jackson Township, Stark County, Ohio, at the primary election to be held on May 7, 2013, the question of an additional tax of one (1.0) mill outside the ten (10) mill limitation in and for said subdivision for the purpose of for parks and recreational purposes of Jackson Township, Stark County, Ohio for five (5) years, tax years 2013, 2014, 2015, 2016, and 2017, commencing in 2013, first due in calendar year 2014.

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 2013, 2014, 2015, 2016, and 2017, commencing in 2013, first due in calendar year 2014.

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

**PROPOSED TAX LEVY (ADDITIONAL)  
JACKSON TOWNSHIP**

A Majority Affirmative Vote is Necessary for Passage

“An additional tax for the benefit of Jackson Township, Stark County, Ohio, for the purpose of for parks and recreational purposes at a rate not exceeding one (1.0) mill for each one dollar of valuation, which amounts to ten cents (\$.10) for each one hundred dollars of valuation, for five (5) years, commencing in 2013, first due in calendar year 2014.

---

:   :           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 an 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 provided by the Stark County Auditor as required by law, which is hereby acknowledged and accepted by this Board. **3-0 yes**

## **Public Works Department**

### **Highway Division**

#### **ATTACHMENT 01/22/13 E**

Walters moved and Pizzino seconded a motion to approve the appropriation transfer request from account code 201.310.5387, Discretionary, to account code 204.310.5484, Gas Utilities, in the amount of \$13,028.00, from account code 204.310.5387, Discretionary, to account code 204.310.5485, Electric Utilities, in the amount of \$8,922.00, from account code 204.310.5387, Discretionary, to account code 204.310.5488, Water Utilities, in the amount of \$1,237.00, from account code 204.310.5387, Discretionary, to account code 204.310.5490, Sewer Utilities, in the amount of \$774.00, and from account code 204.310.5299, Discretionary/Personal Svc, to account code 204.310.5230, Workers Comp, in the amount of \$2,014.00. **3-0 yes**

#### **ATTACHMENT 01/22/13 F**

Walters moved and Hawke seconded a motion to approve the appropriation transfer request from account code 204.310.5387, Discretionary, to account code 204.310.5522, Building Maintenance, in the amount of \$30,000.00. **3-0 yes**

## **RESOLUTION 13-005, ATTACHED**

### **OHIO DEPARTMENT OF TRANSPORTATION PURCHASING**

Walters moved and Pizzino 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 Public Works Director, 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, Jackson Township Public Works Director, 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, Jackson Township Public Works Director, 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

That 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 agrees to waive any 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**

## Park Division

### ATTACHMENT 01/22/13 G

Walters moved and Hawke seconded a motion to change the yard waste site from a Class IV Compost Facility to a Yard Waste Transfer Facility. **3-0 yes**

Boger explained that the change eliminates some paperwork.

Walters moved and Hawke seconded a motion to accept the following donations to the 2013 Community Celebration:

1. \$500.00 from Krugliak, Wilkins, Griffiths & Dougherty Co., L.P.A.
2. \$1,000.00 from Employers Health Purchasing Corporation. **3-0 yes**

## Fiscal Office

### ATTACHMENT 01/22/13 H

Pizzino moved and Hawke seconded a motion to pay the bills in the amount of \$1,824,465.01.

**3-0 yes**

**ATTACHMENT 01/22/13 I**

Walters moved and Hawke seconded a motion to approve the minutes of the January 8, 2013 Board of Trustees' meeting. **3-0 yes**

**ATTACHMENT 01/22/13 J**

Walters moved and Hawke seconded a motion to send the requests for the advance of property taxes and estates taxes to the Stark County Auditor. **3-0 yes**

**Routine Business**

**Announcements**

- Next regular Board of Trustees meeting, February 12, 2013, 4:00 p.m., Executive Session and/or Work Session; 5:00 p.m., General Session, Township Hall.
- CIC, January 28, 2013, 5:00 p.m., Township Hall.
- LOGIC, February 7, 2013, 9:00 a.m., Jackson Safety Center, Chiefs' Conference Room.
- Board of Zoning Appeals:
  - January 24, 2013, 5:30 p.m., Township Hall.
  - February 14, 2013, 5:30 p.m., Township Hall.
- Zoning Commission, February 21, 2013, 5:00 p.m., Township Hall.
- Citizens Advisory Committee:
  - Community Celebration, February 13, 2013, 5:30 p.m., Township Hall.
  - Park, February 13, 2013, 6:30 p.m., Township Hall.
  - Highway/Traffic, May 15, 2013, 6:30 p.m., Township Hall.
- Friends of the Jackson Parks, February 13, 2013, 7:00 p.m., Township Hall.
- Jackson Township Recycling Station Board, January 23, 2013, 11:00 a.m., Buehler's Community Room.

**Old Business** - None

**New Business** – None

### **Public Speaks – Open Forum**

Charles Wilson, senior staff representative with the Fraternal Order of Police, Ohio Labor Council, said they are the union representative for the police officers of Jackson Township as well as some of the clerical employees and police supervisors. He said the membership met several weeks ago and asked for direction from the union regarding the current situation. He said the final outcome was to ask the union to draft a letter to the Trustees regarding the position of the majority of the membership. Mr. Wilson then read the letter which is included as ATTACHMENT 01/22/13 K.

Walters asked if the letter was supported by ‘each and every member of all the police unions’?

Mr. Wilson said no, there was a general membership meeting after receiving several calls requesting guidance. He said the union presented several different scenarios that the membership could have the union act on and this was the final one that was chosen and voted upon by a majority of the members of the police department patrol unit. He said there is a letter of support from the clerical staff supporting the decision.

There was some additional discussion between Mr. Walters and Mr. Wilson.

Dan Schonhoft 5758 Lakemere Circle N. W., Canton, said he has been a resident of Jackson Township since 1971. He is asking if the Township would consider a review board similar to the Stark County Citizens Review Committee. He said it wouldn’t have to be made up of citizens but could be a private consultant or independent consultant. He said some of the carry-over for the county is probably due to recommendations made by the review committee. He commended the Board and the employees for working with less money. He asked that the Board consider a review of Jackson Township government by a citizens committee or private consultant.

Robert Tscholl, 5083 Paddington Down N. W., Canton, said he is representing Chief Zink in the charges against him. Mr. Tscholl told the Board that Chief Zink denies the accuser’s allegations and that Chief Zink had a long term non-sexual, friendly relationship with the accuser. Mr. Tscholl said the accuser’s filing of the charges has nothing to do with sexual harassment but another agenda that will become public in due course. He said Chief Zink has run a tight department within the budget, has effectively and efficiently utilized manpower within the department, terminated unsatisfactory employees, and this has benefited the residents and taxpayers of Jackson Township and apparently does not set well with some officers.

Kimberly Eckman of 6647 Oakbridge Ave. N.W. said she spoke with Mr. Walters on January 9 but she still has many questions. She told the Board she is outraged and asked if any one of the Trustees has checked on the well-being of the victim.

Walters told her this is an ongoing personnel legal matter and the Board will not make a public comment about specifics regarding the accuser, victim or anyone else.

Ms. Eckman asked if the detective bureau’s average experience was around one year.

She was told that the detectives in the bureau have at least five years experience.

Jodi Westphal, 7433 Hawksfield Ave. N.W. said she owns a business and has run across sexual harassment throughout her professional life. She asked how the victim could be expected to go back to work under the same conditions.

Walters said they could make no comment. He said it is an unfair characterization, that Mr. Tscholl said that all accusations are denied. He said ‘no officer in that department would be put back into the same situation as you are describing and assuming. Obviously, if there was sexual harassment, that’s not acceptable and it won’t be acceptable going forward’.

Alene Markowski, the mother of the victim, said she has gone through this with her and has listened to all the comments. She said she read the investigative report. She said her heart goes out to Mrs. Zink and said she hopes Mrs. Zink has read the report. She said her daughter did not accuse someone without thinking about it. She asked the Board to reconsider. She said her daughter did not want anything except for it to stop.

Walters moved and Hawke seconded a motion to adjourn.

**3-0 yes**

---

**James Walters**

---

**Randy Gonzalez**