

RECORD OF PROCEEDINGS

MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES MEETING

JULY 25, 2011

Pizzino called the meeting to order at 4:33 p.m. at the Jackson Township Hall with all Trustees, Fiscal Officer, Lyon, Fitzgerald, Zink, Hogue, Moore and Poindexter present.

Work Session

Zoning & Planning Department

ATTACHMENT 07/25/11 A

Poindexter explained the purpose of the work session is to discuss an amendment to the Zoning Fee Schedule for the waiver of fees for governmental agencies, political subdivisions, public schools and churches or have each agency or school go before the Board to request a waiver. She said the current practice is to waive the fees for these types of entities including churches and other non-profits but there is nothing in the fee schedule authorizing those waivers.

After discussion, it was decided to follow the County's lead and charge fees for any new construction or additions.

Emily Ochsenhirt with First Energy Solutions told the Board that Ohio Power customers now qualify for an agreement similar to the Ohio Edison program. She said all Ohio Power customers, whether residential or commercial, would save 3%. She said there is a \$10 grant per enrolled customer. She also said this is a nine year agreement but it is broken down into three year increments so every three years the township would receive the \$10 per customer.

Gonzalez said he had a call from a developer regarding streetlights. He said he told the contractor if he put in the expensive, beautiful streetlights it would not be a lighting district because it created issues in maintenance after the contractor left. He asked if the Board wanted to re-address that. It was decided not to change the current policy.

ATTACHMENT 07/25/11 B

Walters moved and Burger seconded a motion to adopt and authorize the placement of the Board President's signature upon the attached First Addendum to the Master Agreement with First Energy Solutions Corp. **3-0 yes**

Pizzino called a short break.

At 5:02 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

Administration Department

ATTACHMENT 07/25/11 C

Walters moved and Pizzino seconded a motion to adopt and authorize the placement of the Board President's signature upon the attached Jackson Township Health Plan Document.

3-0 yes

ATTACHMENT 07/25/11 D

Walters moved and Burger seconded a motion to adopt and approve the placement of the Board President's signature upon the attached Business Associate Agreement with Caremark LLC and Hammersmith Insurance Agency.

3-0 yes

ATTACHMENT 07/25/11 E

Pizzino moved and Burger seconded a motion to approve the appropriation transfer request from account code 101.150.5952, Transfer #214 – Park, to account code 101.110.5387, Discretionary, in the amount of \$54,475.60.

3-0 yes

**RESOLUTION 11-076, ATTACHED
RECYCLING STATION LEASE RENEWAL**

Walters moved and Burger seconded a motion to renew the attached Lease with the Jackson Township Recycling Station, Inc. for a one year term expiring August 31, 2012.

3-0 yes

Fire Department

**RESOLUTION 11-077, ATTACHED
RENEWAL OF A 6 MILL FIRE LEVY**

Walters moved and Burger 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 four (4) years will be insufficient to provide an adequate amount for the necessary requirements for said Jackson Township, Stark County, Ohio for the purpose of providing and maintaining fire apparatus, appliances, buildings, or sites therefor, or sources of water supply and materials therefor, or the establishment and maintenance of lines of fire alarm telegraph, or the payment of permanent, part-time, or volunteer firefighters or firefighting companies to operate the same, including the payment of the firefighter employer's contribution required under section 742.34 of the revised code, or to purchase ambulance equipment or to provide ambulance or emergency medical services operated by a fire department or firefighting company for Jackson Township, Stark County, Ohio; and

Whereas, by reason thereof, this board has determined that it will be necessary for the renewal of an existing tax of six (6) mills which is in excess of such limitation, for the purpose of providing and maintaining fire apparatus, appliances, buildings, or sites therefor, or sources of water supply and materials therefor, or the establishment and maintenance of lines of fire alarm telegraph, or the payment of permanent, part-time, or volunteer firefighters or firefighting companies to

operate the same, including the payment of the firefighter employer's contribution required under section 742.34 of the revised code, or to purchase ambulance equipment or to provide ambulance or emergency medical services operated by a fire department or firefighting company for 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 14th day of July, 2011, 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 the renewal of an existing tax of six (6) mills, which resolution stated that the purpose of said tax was for the purpose of providing and maintaining fire apparatus, appliances, buildings, or sites therefor, or sources of water supply and materials therefor, or the establishment and maintenance of lines of fire alarm telegraph, or the payment of permanent, part-time, or volunteer firefighters or firefighting companies to operate the same, including the payment of the firefighter employer's contribution required under section 742.34 of the revised code, or to purchase ambulance equipment or to provide ambulance or emergency medical services operated by a fire department or firefighting company for Jackson Township, Stark County, Ohio for four (4) years, tax years 2012, 2013, 2014 and 2015, commencing in 2012, first due in calendar year 2013. Ohio Revised Code Sections 5705.19(I), 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 20th day of July, 2011 as provided for in said section, that the total current tax valuation of the subdivision was \$1,331,925,210 and that the dollar amount of revenue that would be generated by a specified number of mills, to wit, six (6) mills be \$7,728,951 for the proposed renewal of the 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 general election to be held on November 8, 2011, the question of the renewal of an existing tax of six (6) mills outside the ten (10) mill limitation for the purpose of providing and maintaining fire apparatus, appliances, buildings, or sites therefor, or sources of water supply and materials therefor, or the establishment and maintenance of lines of fire alarm telegraph, or the payment of permanent, part-time, or volunteer firefighters or firefighting companies to operate the same, including the payment of the firefighter employer's contribution required under section 742.34 of the revised code, or to purchase ambulance equipment or to provide ambulance or emergency medical services operated by a fire department or firefighting company for Jackson Township, Stark County, Ohio for four (4) years, tax years 2012, 2013, 2014 and 2015, commencing in 2012, first due in calendar year 2013.

Be it resolved that there shall be submitted to the electors of Jackson Township, Stark County, Ohio, at the general election to be held on November 8, 2011, the question of the renewal of an existing tax levy of six (6) mills outside the ten (10) mill limitation in and for said subdivision for the purpose of providing and maintaining fire apparatus, appliances, buildings, or sites

therefor, or sources of water supply and materials therefor, or the establishment and maintenance of lines of fire alarm telegraph, or the payment of permanent, part-time, or volunteer firefighters or firefighting companies to operate the same, including the payment of the firefighter employer's contribution required under section 742.34 of the revised code, or to purchase ambulance equipment or to provide ambulance or emergency medical services operated by a fire department or firefighting company for Jackson Township, Stark County, Ohio for four (4) years, tax years 2012, 2013, 2014 and 2015, commencing in 2012, first due in calendar year 2013.

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 2012, 2013, 2014 and 2015, commencing in 2012, first due in calendar year 2013.

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

**PROPOSED TAX LEVY – RENEWAL
JACKSON TOWNSHIP**

A Majority Affirmative Vote is Necessary for Passage

“A renewal of a tax for the benefit of Jackson Township, Stark County, Ohio, for the purpose of providing and maintain fire apparatus, appliances, buildings, or sites therefor, or sources of water supply and materials therefor, or the establishment and maintenance of lines of fire alarm telegraph, or the payment of permanent, part-time, or volunteer firefighters or firefighting companies to operate the same, including the payment of the firefighter employer's contribution required under section 742.34 of the revised code, or to purchase ambulance equipment or to provide ambulance or emergency medical services operated by a fire department or firefighting company at a rate not exceeding six (6) mills for each one dollar of valuation, which amounts to sixty cents (\$0.60) for each one hundred dollars of valuation, for four (4) years, commencing in 2012, first due in calendar year 2013.

FOR THE TAX LEVY

AGAINST THE TAX LEVY

Be it further resolved that the Fiscal Officer of this Board by, 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**

ATTACHMENT 07/25/11 F

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 face masks.

3-0 yes

Highway Department

**RESOLUTION 11-078, ATTACHED
2011 PAINT STRIPING OF ROADWAYS PROJECT**

Walters moved and Burger seconded a motion that we hereby determine that J.D. Striping & Services, Inc. is the lowest and best bidder of the 2011 Striping Project and hereby award a Contract to them in the amount of \$39,217.50 in accordance with the Company's proposal and the Specifications and authorize the placement of the Board's signatures on the Contract. **3-0 yes**

ATTACHMENT 07/25/11 G

Pizzino moved and Burger seconded a motion to approve Budget Module No. 2011-32-A for Equipment in the amount of \$3,304.00. **3-0 yes**

ATTACHMENT 07/25/11 H

Pizzino moved and Burger seconded a motion to approve the appropriation transfer request from account code 204.310.5387, Discretionary, to account code 204.310.5652, Equipment, in the amount of \$3,305.00. **3-0 yes**

Moore explained to the Board about the repairs and cost of those repairs being done on the Highway trucks. Boger explained that the EPA is encouraging departments to use salt spreader controls to determine how much salt is spread per lane.

Legal Department

ATTACHMENT 07/25/11 I

Pizzino moved and Walters seconded a motion to accept the attached retirement notice from Law Director Neal L. Fitzgerald, effective July 29, 2011. **3-0 yes**

**RESOLUTION 11-079, ATTACHED
PART TIME LAW DIRECTOR**

Walters moved and Burger seconded a motion pursuant to ORC Section 504.15(A), Neal L. Fitzgerald is hereby employed and appointed as part time Law Director, at the rate of \$38.45 per hour up to twenty eight and one half (28.5) hours per week and who will not be included in the Benefit Package for Management Personnel, effective August 2, 2011. **3-0 yes**

ATTACHMENT 07/25/11 J

Pizzino moved and Walters seconded a motion not to request a hearing on the transfer of a liquor license to TK Canton Inc dba Tilted Kilt & Patio, 5075 Dressler Rd. NW, Canton, Ohio 44720. **3-0 yes**

ATTACHMENT 07/25/11 K

Walters moved and Burger seconded a motion not to request a hearing on the liquor license to Dolgen Midwest LLC dba Dollar General Store 11020, 5384 Fulton Dr. N.W., Canton, Ohio 44718. **3-0 yes**

Police Department

**RESOLUTION 11-080, ATTACHED
POLICE DEPARTMENT RULES AND REGULATIONS**

Walters moved and Pizzino seconded a motion pursuant to ORC Section 505.49, we hereby adopt the attached amended Rules and Regulations and General Orders which are incorporated herein and supersede any prior adopted Rules and Regulations and General Orders and which shall be effective immediately.

Be it further resolved that any job descriptions contained in the amended Rules and Regulations shall supersede any prior job descriptions established by separate Resolution. **3-0 yes**

Zoning & Planning Department

**RESOLUTION 11-081, ATTACHED
NOXIOUS WEEDS-CHERMONT STREET NW, SPRING LANDING ALLOTMENT,
LOT 1, PARCEL NUMBER 16-30311, JACKSON TOWNSHIP, OHIO**

Walters moved and Burger seconded a motion whereas, the Jackson Township Board of Trustees, having been informed in writing that noxious or other harmful weeds are growing on the lands in charge of Westshore Land Company LLC in Jackson Township, described as follows: Chermont Street NW, Spring Landing Allotment, Lot 1, Parcel Number 16-30311, Jackson Township, Ohio.

Be it resolved that said Westshore Land Company LLC, whose tax mailing address is 7056 Mears Gate Drive NW, North Canton, OH 44720, be notified by serving on them by certified mail with return receipt requested, a written copy of this resolution that said noxious weeds are growing on such lands and that, pursuant to ORC Section 5579.05, they must be cut or destroyed within five (5) days after the service of such notice or show this Board cause why there is no need for doing so. The owner shall have a continuing duty to cut or destroy the noxious weeds

every 30 days from the date of this Resolution until September 30, 2011. If the owner fails to meet this obligation within the five-day period, or the subsequent 30 day periods, the Township will mow at \$150.00 per hour with a \$400.00 minimum charge per lot or parcel. As stated in our prior courtesy letter to you, pursuant to ORC Sections 5579.06 and 5579.07, a \$150.00 administrative fee per lot or parcel will be placed on your tax duplicate. **3-0 yes**

RESOLUTION 11-082, ATTACHED

NOXIOUS WEEDS-DUNMORE AVENUE NW, HAMPTON PARK ESTATES 2, LOT 90, PARCEL NUMBER 16-15161, JACKSON TOWNSHIP, OHIO

Walters moved and Burger seconded a motion whereas, the Jackson Township Board of Trustees, having been informed in writing that noxious or other harmful weeds are growing on the lands in charge of Robert and Nancy Leach in Jackson Township, described as follows: Dunmore Avenue NW, Hampton Park Estates 2, Lot 90, parcel number 16-15161, Jackson Township, Ohio.

Be it resolved that said Robert and Nancy Leach, whose tax mailing address is 6529 Fulton Drive NW, Canton, OH 44718, be notified by serving on them by certified mail with return receipt requested, a written copy of this resolution that said noxious weeds are growing on such lands and that, pursuant to ORC Section 5579.05, they must be cut or destroyed within five (5) days after the service of such notice or show this Board cause why there is no need for doing so. The owner shall have a continuing duty to cut or destroy the noxious weeds every 30 days from the date of this Resolution until September 30, 2011. If the owner fails to meet this obligation within the five-day period, or the subsequent 30 day periods, the Township will mow at \$150.00 per hour with a \$400.00 minimum charge per lot or parcel. As stated in our prior courtesy letter to you, pursuant to ORC Sections 5579.06 and 5579.07, a \$150.00 administrative fee per lot or parcel will be placed on your tax duplicate. **3-0 yes**

RESOLUTION 11-083, ATTACHED

NOXIOUS WEEDS-7682 OAKDALE STREET NW, OAKDALE ALLOTMENT, LOTS 56 AND 57, PARCEL NUMBER 16-20002, JACKSON TOWNSHIP, OHIO

Walters moved and Burger seconded a motion whereas, the Jackson Township Board of Trustees, having been informed in writing that noxious or other harmful weeds are growing on the lands in charge of Christine L. Habony, deceased in Jackson Township, described as follows: 7682 Oakdale Street NW, Oakdale Allotment, Lots 56 and 57, Parcel Number 16-20002, Jackson Township, Ohio.

Be it resolved that said Christine L. Habony, deceased, whose tax mailing address is BAC Tax Services Corp., 2375 N. Glenville Dr. TX2975 02 01, Richardson, TX 75082, be notified by serving on them by certified mail with return receipt requested, a written copy of this resolution that said noxious weeds are growing on such lands and that, pursuant to ORC Section 5579.05, they must be cut or destroyed within five (5) days after the service of such notice or show this Board cause why there is no need for doing so. The owner shall have a continuing duty to cut or destroy the noxious weeds every 30 days from the date of this Resolution until September 30, 2011. If the owner fails to meet this obligation within the five-day period, or the subsequent 30 day periods, the Township will mow at \$150.00 per hour with a \$400.00 minimum charge per lot or parcel. As stated in our prior courtesy letter to you, pursuant to ORC Sections 5579.06 and

5579.07, a \$150.00 administrative fee per lot or parcel will be placed on your tax duplicate.

3-0 yes

ATTACHMENT 07/25/11 L

Walters moved and Burger seconded a motion that Jackson Township Board of Trustees, Stark County, Ohio, hereby makes report and certifies that on the 31st day of May, 2011 it was informed in writing that noxious weeds were growing on lands of John and Laura Sands in Jackson Township and were about to spread and mature seeds; said lands being described as follows: 8096 Arlington Road NW, Arlington Meadows Allotment, Lot 14, Parcel No. 16-07935, S. W. Qtr. Section 4, Jackson Township, and thereupon said Jackson Township Trustees adopted and served a resolution requiring that said noxious weeds be cut or destroyed.

The following is a statement of the charges for:

Administrative Fee	\$150.00
Labor, materials, and equipment used	<u>\$450.00</u>
TOTAL	<u>\$600.00</u>

You are hereby requested to cause such amount, when allowed, to be entered upon the tax duplicate and to be a lien upon the above-described real estate, from and after the date of the entry, and to be collected as other taxes and returned to the Township to be placed in the Township general fund.

3-0 yes

ATTACHMENT 07/25/11 M

Walters moved and Burger seconded a motion that Jackson Township Board of Trustees, Stark County, Ohio, hereby makes report and certifies that on the 16th day of May, 2011 it was informed in writing that noxious weeds were growing on lands of Loretta Stockton in Jackson Township and were about to spread and mature seeds; said lands being described as follows: 4816 Waltham Crossing NW, The Farms at Nobles Pond #3, Lot 81, Parcel No. 16-17989, S.E. Qtr. Section 21, Jackson Township, and thereupon said Jackson Township Trustees adopted and served a resolution requiring that said noxious weeds be cut or destroyed.

The following is a statement of the charges for:

Administrative Fee	\$150.00
Labor, materials, and equipment used	<u>\$600.00</u>
TOTAL	<u>\$750.00</u>

You are hereby requested to cause such amount, when allowed, to be entered upon the tax duplicate and to be a lien upon the above-described real estate, from and after the date of the entry, and to be collected as other taxes and returned to the Township to be placed in the Township general fund.

3-0 yes

Fiscal Office

ATTACHMENT 07/25/11 N

Pizzino moved and Burger seconded a motion to pay the bills in the amount of \$789,539.37.

3-0 yes

ATTACHMENT 07/25/11 O

Pizzino moved and Burger seconded a motion to approve the minutes of the July 7 and July 11, 2011 Board of Trustees' meetings. **3-0 yes**

Routine Business

Announcements

- Next regular Board of Trustees meeting, August 8, 2011, 4:00 p.m., Executive Session and/or Work Session; 5:00 p.m., General Session, Township Hall.
- LOGIC, August 4, 2011, 9:00 a.m., Jackson Safety Center, Chiefs' Conference Room.
- CIC, August 15, 2011, 5:00 p.m., Township Hall.
- Board of Zoning Appeals, July 28, 2011, 6:30 p.m., Township Hall.
- Zoning Commission, August 18, 2011, 5:00 p.m., Township Hall.
- Citizens Advisory Committees:
 - Community Celebration (Wrap-up), August 9, 2011, 5:30 p.m., Township Hall.
 - Park, August 9, 2011, 6:30 p.m., Township Hall.
 - Highway/Traffic, August 17, 2011, 6:30 p.m., Township Hall.
- Jackson Township Farmer Market, Thursdays, June 30 – September 29, 3:00 – 6:00 p.m., Jackson North Park.
- Jackson-Belden FoodFest & Fireworks and Pro-Football Hall of Fame Enshrinement Festival Balloon Classic Invitational, July 29 & 30, 4:00 – 11:30 p.m., Kent State Stark Campus, 6000 Frank Road NW.
- Police Department – National Night Out 2011, August 2, 2011, 6:00 – 9:00 p.m., Target Parking Lot, Dressler Road.

Old Business

RESOLUTION 11-084, ATTACHED PUBLIC WORKS DIRECTOR

Walters moved and Burger seconded a motion that, in addition to Ralph E. Boger's duties of Highway Superintendent, he is also appointed to the position of Public Works Director. **3-0 yes**

**RESOLUTION 11-085, ATTACHED
PUBLIC WORKS COORDINATOR**

Walters moved and Burger seconded a motion that the position of Park Foreman is hereby replaced with the position of Public Works Coordinator.

Be it further resolved that pursuant to ORC Section 511.10, we hereby reassign Michael W. Danner to the full-time position of Public Works Coordinator at his current compensation rate and benefits of \$19.607 per hour and at Level B of the Benefit Package for Management Personnel, effective August 13, 2011. **3-0 yes**

Gonzalez told the Board that he and Neal met with the City of Canton and that the JEDD agreement is going well. He said the City agreed to do all the infrastructure grant applications. He said it looked “like around the middle of September we will have our first JEDD and that this groundbreaking is a good thing for Jackson Township.”

New Business – None

Public Speaks – Open Forum

Renee Bogue who lives in Massillon city but whose parents live in Jackson Township on Great Court Circle spoke about hydraulic fracture drilling. She said she is a licensed educational media specialist and a teacher with Perry Local Schools.

She asked the Board to ban hydraulic horizontal fracturing in the township. She outlined some of the detrimental aspects caused by fracking including chemicals in the air, heavy trucks destroying the roads and possible water contamination. She asked that hydraulic horizontal fracture drilling be banned on property the township “controls, owns, leases or maintains” which would include roads and right of ways.

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

John Pizzino

Randy Gonzalez