

RECORD OF PROCEEDINGS

MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES MEETING

MAY 06, 2010

Pizzino called the meeting to order at 4:36 p.m. at the Jackson Township Hall with Trustee Pizzino, Trustee Burger, Fiscal Officer, Lyon and Fitzgerald present. Trustee Walters was running late, he joined the Board at the beginning of the Executive Session.

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

Upon return from Executive Session at 5:25 p.m., Pizzino called the General Session to order with all department heads and Trustee Walters present. He requested that all cell phones and pagers be turned off at this time.

The Pledge of Allegiance was recited.

Public Speaks – None

Police Department

RESOLUTION 10-032, ATTACHED LIEUTENANT'S PROMOTION

Walters moved and Burger seconded a motion pursuant to the enclosed Memorandum of Understanding, we hereby appoint James J. Lenemier to the position of Full Time Lieutenant in the Jackson Township Police District Department, Stark County, Ohio, effective at 0000 on May 8, 2010, who will be compensated at the rate and benefits established in the Negotiated Agreement between the Board of Trustees of Jackson Township and the Fraternal Order of Police, Ohio Labor Council, Inc. with a probationary period of 365 days. **3-0 yes**

A short recess was taken to allow time for pictures.

Administration Department

ATTACHMENT 05/06/10 A

Walters moved and Burger seconded a motion to adopt and authorize the placement of the Board President's signature upon the attached Business Associate Agreement with Findley Davies, Inc. **3-0 yes**

Fire Department

ATTACHMENT 05/06/10 B

Pizzino moved and Burger seconded a motion to approve the appropriation transfer request from account code 210.210.5220, Hospitalization, to account code 210.210.5387, Cont. & Disc., in the amount of \$11,000.00 and from account code 210.210.5230, Workers' Comp., to account code 210.210.5387, Cont. & Disc., in the amount of \$10,000.00. **3-0 yes**

Walters moved and Burger seconded a motion to accept a \$100.00 donation to the Fire Department from Mr. & Mrs. Eugene Andrews. **3-0 yes**

Highway Department

RESOLUTION 10-033, ATTACHED 2010 CURBING REPLACEMENT PROJECT

Walters moved and Burger seconded a motion to authorize the attached Advertisement for Bids for 2010 Curbing Replacement project in accordance with the Specifications on file. **3-0 yes**

Park Department

ATTACHMENT 05/06/10 C

Pizzino moved and Burger seconded a motion to approve the appropriation transfer from account code 214.510.5387, Disc., to account code 214.510.5762, Capital Improvements, in the amount of \$5,000.00. **3-0 yes**

Walters moved and Burger seconded a motion to accept a \$500.00 donation to the Park Department from Jackson Fury Soccer Club. **3-0 yes**

Zoning & Planning Department

Pizzino opened the public hearing for Zoning Amendment 581-10 for proposed text changes to the Zoning Resolution.

ATTACHMENT 05/06 10 D

Poindexter explained what the proposed text changes are. She said these changes went before RPC on April 6 and approval was recommended. She told the Board the changes went before the Zoning Commission on April 15 and approval was also recommended.

Walters moved and Burger seconded a motion to adopt a modification of the recommendation of the Zoning Commission. **3-0 yes**

Pizzino opened the public hearing for Zoning Amendment 582-10 for the St. Luke Foundation request for a zone change from B-3 (Commercial Business) to R-4 (Multi-Family Residential), 23.84 acres south of SE corner Dressler and Belden Village Avenue NW.

ATTACHMENT 05/06/10 E

Poindexter explained that RPC has recommended approval for this zone change on April 6. She pointed out that RPC has received notice that the applicant intends to apply for a “low income housing and tax credit financing and possibly FY 2011 Stark County Home Funding to construct affordable housing for seniors 55 or older”. She said RPC issued a letter stating this is consistent with Stark County’s consolidated plan. She also said the soil is predominately carmille muck which is considered poor for development and wetland delineation would be required. She said the Zoning Commission agreed with the RPC recommendation on April 15.

Ryan Landy, Direct of Development for the Neighborhood Development Services, 120 East Main, Ravenna, Ohio 44266. He said they are a non-profit developer of affordable housing from single family home ownership development to multi-family, elderly. He pointed out that the multi-family, elderly is the type under consideration. He told the Board some of the details being planned.

Pizzino closed that part of the hearing and asked if anyone wanted to speak against the proposed zone change. No one came forward. Pizzino then closed that portion of the hearing.

Walters moved and Burger seconded a motion to adopt the recommendation of the Zoning Commission. **3-0 yes**

Gonzalez asked if the developer has looked at the dams and other things around the lake. John Speeler, the CEO of St. Luke Lutheran Community, told the Board the property was gifted to the Foundation with the provision to maintain the lake. He said a preliminary study was done in 2001 in anticipation of putting a walking path around the lake. Gonzalez said that at one time the lake was looked at for the Township and the hydraulic engineer said there was a problem with the dam. Mr. Speeler said that “as far as they know, (indecipherable) at this time”.

ATTACHMENT 05/06/10 F

Walters moved and Burger seconded a motion to adopt the attached amendments to the Zoning Certificate Fee Schedule effective June 5, 2010 for Top Soil Removal, New Business Announcement Sign, and Freestanding Apartment Sign. **3-0 yes**

Fiscal Office

ATTACHMENT 05/06/10 G

Pizzino moved and Burger seconded a motion to pay the bills in the amount of \$871,641.82. **3-0 yes**

ATTACHMENT 05/06/10 H

Pizzino moved and Burger seconded a motion to approve the minutes of the April 27, 2010 Board of Trustees meeting. **3-0 yes**

ATTACHMENT 05/06/10 I

Pizzino moved and Walters seconded a motion to approve the financial reports for April 2010. **3-0 yes**

ATTACHMENT 05/06/10 J

Pizzino moved and Walters seconded a motion to approve the fund transfer from Fund 101, General Fund, to Fund 214, Park Fund in the amount of \$225,895.00 and from Fund 101, General Fund, to Fund 213, Zoning Fund, in the amount of \$40,902.50. **3-0 yes**

Gonzalez explained how deferred purchases and unexpected revenue increases combined to provide a higher than estimated carryover into 2010 which is the reason for the supplemental appropriations.

ATTACHMENT 05/06/10 K

Pizzino moved and Burger seconded a motion to approve the supplemental appropriations in the amount of \$4,419,528.27. **3-0 yes**

ATTACHMENT 05/06/10 L

Gonzalez explained to the Board that the Countywide 9-1-1 Dispatch Center project was selected by EfficientGovNow as a finalist for a \$100,000.00 grant. He said the last time the project didn't make the final ten. He asked that as many people as possible go online to vote.

Routine Business

Announcements

- Next regular Board of Trustees meeting, May 24, 2010, 4:00 p.m., Executive Session and/or Work Session, 5:00 p.m., General Session, Township Hall.
- CIC meeting, May 17, 2010, 5:00 p.m., Township Hall.
- LOGIC meetings:
 - May 6, 2010, 7:00 p.m., Safety Center, Chiefs' Conference Room.
 - June 3, 2010, 9:00 a.m., Safety Center, Chiefs' Conference Room.
- Citizens Advisory Committees:
 - Community Celebration, May 11, 2010, 5:30 p.m., Township Hall.
 - Park, May 11, 2010, 6:30 p.m., Township Hall.

- Highway/Traffic, May 19, 2010, 6:30 p.m., Township Hall.
- **Hands-On Rain Garden Workshop**, May 8, 2010, 9:00 a.m., Township Hall. Call Park Department to register.
- **Police COP Meetings:**
 - Voting Precincts 6, 8, and 23
Tuesday, May 11, at 7:00 p.m., Safety Center
 - Voting Precincts 25 and 26
Wednesday, May 12, at 7:00 p.m., Safety Center
- **Jackson Township Safety Village**, June 14 – 18, Sauder Elementary School, 9:00 a.m. – 12 noon. Register before May 20 at the Safety Center.
- **Jackson Community Celebration**, June 16 – 19, 2010, North Park. Food, rides, entertainment, children’s area, and fireworks on Saturday night.
- **Weekly Farmers Market** this summer on Thursdays from 3:00 – 7:00 p.m., beginning July 15 through October 17 in North Park.
- **Visit Jackson Township’s new website** at www.jacksontwp.com.

Old Business – None

New Business

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

1. \$100.00 from APARCO Security Systems.
2. \$100.00 from the YMCA of Central Stark County (David YMCA).
3. \$100.00 from Standard Plumbing & Heating Co., Inc.
4. \$500.00 from Fallsway Equipment Company.
5. \$500.00 from Bell Stores Marathon.

3-0 yes

Public Speaks – Open Forum

Gina Salloum, 3161 Carie Hill Circle NW, told the Board that after working and saving for 20 years she and her husband built their dream home here in Jackson Township. She said they have lived there 18 years and have 2 children graduate from Jackson schools. She said it has been a wonderful community to live in and raise their children in. She said her neighborhood is typical of the township being a newer, upscale allotment between an older allotment and a commercial area. She said there has been an application filed with the Ohio Department of Natural Resources to permit an oil and gas well to be drilled on the New Harmony Church property at 3310 Wales Ave. She said the law requires 40 acres to make up a drilling unit. She said that

once a certain percentage of the area has consented to become interest owners in the well other properties are included through mandatory pooling. She said her property and four others are being taken against their will for the pooling.

She pointed out that oil and gas drilling is exempt from many federal mandates including the safe drinking water act, the right to know act, toxic release inventory, resource conservation and recovery act, superfund act, clean air act and clean water act. She said the Ohio Department of Natural Resources has sole authority over oil and gas well drilling in the state.

She presented the Board with a copy of the surveyor's plat and permit application for the well. She pointed out that on the application there is a list of interest owners consenting to the well. She pointed out that the number of properties required points to the density of the neighborhood but thirteen of the properties combined for 99 multi-family units on 12 acres. She said the population is denser than it appears by looking at a map. She said from what she could tell at least 21 of the properties who consented are owned by people who don't live in the neighborhood.

She told the Board about a public meeting regarding a well disaster in Bainbridge Township. Shaun Logan, Ohio Department of Natural Resources director, said the department is understaffed and doesn't have enough inspectors to inspect new wells as they are being drilled, even though the current rules call for drill inspections. She pointed out that means people have to rely on the driller's record. She said the driller here is Ohio Valley Energy Systems. She said according to the records she was able to obtain they have been cited 22 times in the last six years for violations ranging from well leakage, pollution, contamination, failure to restore land surface. She said they were also the company involved in the Bainbridge incident.

She asked the Board to become involved in this matter. She asked the Township to become proactive and have someone monitor the installation. She asked the Board to take what she has provided into consideration and do what they can to prevent this drilling.

Walters recommended that Representative Oelslager and Senator Schuring be contacted regarding this matter.

Ms. Salloum's daughter told the Board there has been some changes made but there has been no change to the mandatory pooling. She said the law as it currently is allows very little recourse through the public hearing process, there is only so much that can be contested. She said there are other legal actions that can be taken and they will be considered but they are asking that the Township also consider legal action.

Chief Heck said a letter from the Township to the Department of Natural Resources would be very important to be on file. The Trustees said they would have Mr. Fitzgerald look into the matter of sending a letter.

Gonzalez said Mr. Walters's recommendation was correct. He said that Representative Oelslager and Senator Schuring are the ones who have the clout to help.

Walters moved and Burger seconded a motion to adjourn.

3-0 yes

John Pizzino

Randy Gonzalez