

## RECORD OF PROCEEDINGS

### MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES MEETING

OCTOBER 14, 2008

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

Pizzino moved and Walters seconded a motion to go into Executive Session for Park Department Personnel (Appointment/Employment/Compensation) – Interview temporary maintenance worker applicant. **3-0 yes**

Pizzino moved and Walters seconded a motion to go into Executive Session for Highway Department Personnel (Appointment/Employment/Compensation) – Interview labor specialist applicant. **3-0 yes**

Pizzino moved and Walters seconded a motion to go into Executive Session for Police Department Personnel (Appointment/Employment/Compensation) – Interview full-time patrol officer applicants. **3-0 yes**

Pizzino moved and Walters seconded a motion to go into Executive Session to prepare for negotiations with public employees. **3-0 yes**

Upon return from Executive Session, Pizzino opened the Work Session at 5:52 p.m.

#### **ATTACHMENT 10/14/08 A**

Kent Oliver, Executive Director of the Stark County District Library explained Issue 53 which is a replacement operating levy for the library. He said it is a 1 mill levy and is the same as it currently is and represents 30% of the operating expenses.

#### **ATTACHMENT 10/14/08 B**

Charles Randazzo from Financial Network of America presented his company's alternative to the Ohio Deferred Compensation Plan. Gonzalez explained that the Trustees have the authority to pass a resolution to offer this alternative plan to employees.

At 6:04 p.m., Pizzino called the General Session to order with all department heads present except Chief Heck who was represented by Deputy Chief Antonacci. 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 08-094, ATTACHED**

Walters moved and Burger seconded a motion whereas, Resolution No. 07-044 is incorporated herein, and Christopher D. McCord has successfully completed the psychological and physical testing or other requirements.

Be it resolved that, pursuant to ORC Section 505.49 and 509.01, Christopher D. McCord is hereby appointed to the position of full time Patrol Officer and Police Constable for the Jackson Township Police District Department, Stark County, Ohio, effective at 0001 on October 18, 2008 at the compensation rate and benefits contained in the Negotiated Agreement and we hereby accept the attached Oath of Office. **3-0 yes**

**RESOLUTION 08-095, ATTACHED**

Walters moved and Burger seconded a motion whereas, Resolution No. 07-126 is incorporated herein, and Gary E. Frascone has successfully completed the psychological and physical testing or other requirements.

Be it resolved that, pursuant to ORC Section 505.49 and 509.01, Gary E. Frascone is hereby appointed to the position of full time Patrol Officer and Police Constable for the Jackson Township Police District Department, Stark County, Ohio, effective at 0001 on November 1, 2008 at the compensation rate and benefits contained in the Negotiated Agreement and we hereby accept the attached Oath of Office. **3-0 yes**

After administering the oaths of office, Pizzino announced a short recess to allow time for pictures.

Pizzino recalled the General Session to order at 6:13 p.m.

**ATTACHMENT 10/14/08 C**

Pizzino moved and Burger seconded a motion to approve the appropriation transfer request

From Code	Code Desc.	To Code	Code Desc.	Amount
235.250.5312	CPT Educ. Expense	235.250.5310	CPT Registration	\$ 1,000.00
235.250.5502	CPT Supplies	235.250.5310	CPT Registration	\$ 1,760.17
209.250.5114	Temp Service Pay	209.250.5110	Regular Salaries	\$ 20,000.00
209.250.5220	Hospitalization	209.250.5210	Pension P/U-Police	6,000.00
209.250.5220	Hospitalization	209.250.5212	Pension Emplryr-PO	2,000.00
209.250.5220	Hospitalization	209.250.5214	Medicare Expense	300.00
209.250.5702	Vehicle Purchase	209.250.5480	Telephone – Police	\$ 4,000.00
209.250.5702	Vehicle Purchase	209.250.5485	Electric – Police	\$ 7,000.00

**3-0 yes**

## **Administration Department**

### **ATTACHMENT 10/14/08 D**

Pizzino moved and Burger seconded a motion to approve the appropriation transfer request from account code 101.110.5458, Professional Services, to account code 101.110.5432, Computer Consulting, in the amount of \$12,000.00. **3-0 yes**

## **Fire Department**

### **ATTACHMENT 10/14/08 E**

Walters moved and Burger seconded a motion to accept the resignation of part-time firefighter Adam Ben Reardon effective September 19, 2008. **3-0 yes**

### **ATTACHMENT 10/14/08 F**

Pizzino moved and Burger seconded a motion to approve the appropriation transfer request from account code 228.210.5385, Other Expense, to account code 228.210.5110, Salary, in the amount of \$7,842.85. **3-0 yes**

## **Highway Department**

### **RESOLUTION 08-096, ATTACHED**

Walters moved and Burger seconded a motion to appoint Nicholas O. Lare to the full time position of Labor Specialist in the Highway Department effective October 27, 2008, and we further set his compensation in accordance with the negotiated agreement between the Jackson Township Board of Trustees and the Utility Workers Union of America, AFL-CIO, Local 568. The hiring is contingent upon Nicholas O. Lare receiving a negative pre-employment drug screen as required for CDL drivers.

Be it further resolved that Nicholas O. Lare shall serve a one hundred eighty day probationary period from the effective date of hire. **3-0 yes**

### **ATTACHMENT 10/14/08 G**

Pizzino moved and Burger seconded a motion to approve Budget Module No. 31-A-08 for the Spring Lake Road Drainage Outlet Study and Improvement Plans in the amount of \$11,900.00. **3-0 yes**

### **ATTACHMENT 10/14/08 H**

Pizzino moved and Burger seconded a motion to approve the appropriation transfer request from account code 211.310.5387, Discretionary, to account code 211.310.5558, Drainage, in the amount of \$11,900.00. **3-0 yes**

### **ATTACHMENT 10/14/08 I**

Pizzino moved and Burger seconded a motion to approve Budget Module 9-C-08 for Sidewalk and Ditch Replacement in the amount of \$7,170.00. **3-0 yes**

**ATTACHMENT 10/14/08 J**

Pizzino moved and Burger seconded a motion to approve the appropriation transfer request from account code 204.310.5387, Discretionary, to account code 204.310.5607, Curbing, in the amount of \$7,170.00. **3-0 yes**

**RESOLUTION 08-097, ATTACHED**

Walters moved and Burger seconded a motion to adopt and authorize the placement of a stop sign at Irons Street NW to stop eastbound at Rolling Green Avenue NW. **3-0 yes**

**RESOLUTION 08-098, ATTACHED**

Pizzino moved and Walters seconded a motion whereas, a request has been made to this Board that the statutory vehicular speed limit established by ORC Section 4511.21 is greater than that considered reasonable and safe on Arlington Avenue between Fulton Drive and Mudbrook Street.

Whereas, this Board has caused to be made an engineering and traffic investigation upon the section of road described above; and

Whereas, it is the belief of this Board that such investigation confirms the allegation that the statutory speed limit of 55 mph is unrealistic.

Now therefore be it resolved by the Board of Trustees of Jackson Township, Stark County, Ohio that:

Section 1. By virtue of the provisions of ORC Section 4511.21 the Director of Transportation is hereby requested to review the engineering and traffic investigation and to determine and declare a reasonable and safe prima facie speed limit on Arlington Avenue between Fulton Drive and Mudbrook Street, Jackson Township, Stark County, Ohio.

Section 2. That when this Board is advised that the Director of Transportation has determined and declared a reasonable and safe speed limit on the section of road described in Section 1 hereof, standard signs, properly posted and giving notice thereof will be erected.

**3-0 yes**

**RESOLUTION 08-099, ATTACHED**

Pizzino moved and Walters seconded a motion whereas, a request has been made to this Board that the statutory vehicular speed limit established by ORC Section 4511.21 is greater than that considered reasonable and safe on University Street between Frank Avenue and Dressler Road.

Whereas, this Board has caused to be made an engineering and traffic investigation upon the section of road described above; and

Whereas, it is the belief of this Board that such investigation confirms the allegation that the statutory speed limit of 55 mph is unrealistic.

Now therefore be it resolved by the Board of Trustees of Jackson Township, Stark County, Ohio that:

Section 1. By virtue of the provisions of ORC Section 4511.21 the Director of Transportation is hereby requested to review the engineering and traffic investigation and to determine and declare a reasonable and safe prima facie speed limit on University Street between Frank Avenue and Dressler Road, Jackson Township, Stark County, Ohio.

Section 2. That when this Board is advised that the Director of Transportation has determined and declared a reasonable and safe speed limit on the section of road described in Section 1 hereof, standard signs, properly posted and giving notice thereof will be erected.

**3-0 yes**

**RESOLUTION 08-100, ATTACHED**

Pizzino moved and Burger seconded a motion whereas, a request has been made to this Board that the statutory vehicular speed limit established by ORC Section 4511.21 is greater than that considered reasonable and safe on Brunnerdale Avenue between Perry Drive and Hills and Dales Road.

Whereas, this Board has caused to be made an engineering and traffic investigation upon the section of road described above; and

Whereas, it is the belief of this Board that such investigation confirms the allegation that the statutory speed limit of 55 mph is unrealistic.

Now therefore be it resolved by the Board of Trustees of Jackson Township, Stark County, Ohio that:

Section 1. By virtue of the provisions of ORC Section 4511.21 the Director of Transportation is hereby requested to review the engineering and traffic investigation and to determine and declare a reasonable and safe prima facie speed limit on Brunnerdale Avenue between Perry Drive and Hills and Dales Road, Jackson Township, Stark County, Ohio.

Section 2. That when this Board is advised that the Director of Transportation has determined and declared a reasonable and safe speed limit on the section of road described in Section 1 hereof, standard signs, properly posted and giving notice thereof will be erected.

**3-0 yes**

**ATTACHMENT 10/14/08 K**

Pizzino moved and Walters seconded a motion to approve the appropriation transfer request from account code 204.310.5387, Discretionary, to account code 204.310.5552, Agregate, Asphalt, in the amount of \$10,000.00.

**3-0 yes**

## **Legal Department**

### **RESOLUTION 08-101, ATTACHED**

Walters moved and Pizzino seconded a motion whereas, the Board of Trustees is aware that many owners or harbors of vicious dogs ignore requests from their neighbors and from law-enforcement agencies to confine or restrain their dogs; and

Whereas, the Board of Trustees has determined that the problem of vicious dogs within Jackson Township adversely impacts the peace and tranquility of neighborhoods within the Township, and has a detrimental effect on the health and safety of residents of the Township and their own pets; and

Whereas, the Board of Trustees has determined that there is an increased risk that a dog which has seriously injured or killed another dog will attack a person; and

Whereas, sections 955.11, 955.22, 955.221, and 955.99 of the Ohio Revised Code contain provisions for control of dangerous and vicious dogs, as those terms are defined within the Revised Code; and

Whereas, section 955.221(B)(2) of the Ohio Revised Code authorized boards of township trustees to adopt and enforce resolutions to control dogs within the township that are not otherwise in conflict with any other provision of the Revised Code, if the township is located within a county where the board of county commissioners has not adopted resolutions to control dogs within the unincorporated areas of the county under said section 955.221 (B)(1).

Be it resolved that, pursuant to Ohio Revised Code Sections 504.04 (A)(1) and (2), 504.05 and 504.06, we hereby adopt the attached Vicious Dog Legislation effective 30 days after this Resolution is filed with the Fiscal Office, that attached citation form and request the Fiscal Office to publish the attached Notice of this Resolution. **3-0 yes**

Dr. Brad Cushnyr of 8691 Regency in Carrington housing allotment asked to express his personal and his family's support for the vicious dog resolution. His daughter was attacked about a year ago and suffered severe abrasions to her face, a broken nose and psychological trauma. He described what would have happened if he and his family had decided to pursue the case after the dog owner challenged the citation.

## **Park Department**

### **ATTACHMENT 10/14/08 L**

Walters moved and Burger seconded a motion to authorize the hiring of Steven M. Schwartz as a park maintenance worker, through the temporary service, subject to a negative drug screen, at the rate of \$8.00 per hour, effective October 20, 2008, per the recommendation of the Park/Operations Director. **3-0 yes**

**ATTACHMENT 10/14/08 M**

Pizzino moved and Burger seconded a motion to approve the appropriation transfer request from account code 214.510.5520, Turf Maint., to account code 214.520.5488, Water – N.P., in the amount of \$1,500.00 and from account code 214.510.5762, Park Projects/Improvements, to account code 214.510.5526, Fuel, in the amount of \$10,000.00. **3-0 yes**

Walters moved and Burger seconded a motion to accept a donation of an ornamental tree in North Park in memory of Jeffrey Scott Hilson, son of Lee Hilson, retired Staff Representative of the United Steelworkers, from United Steelworkers, Sub-District 2, Canton, Ohio. **3-0 yes**

Walters moved and Burger seconded a motion to accept a donation of an October Glory Maple tree and memory stone in memory of Lambros M. Paxos, from Michael, Despina, Anthony and Luke Morgan. **3-0 yes**

**Zoning & Planning Department**

**ATTACHMENT 10/14/08 N**

Pizzino moved and Walters seconded a motion to approve and authorize the Board members' signatures on the Report to the County Auditor to place a lien upon the tax duplicate for mowing noxious weeds on property located at the northeast corner of Brunnerdale Avenue and Fulton Road NW. **3-0 yes**

Walters moved and Pizzino seconded a motion to set a public hearing on November 10, 2008 at 6:15 p.m. for nuisance violations on property located at 4430 20<sup>th</sup> Street NW owned by Barbara Frey. **3-0 yes**

**Fiscal Office**

**ATTACHMENT 10/14/08 O**

Walters moved and Burger seconded a motion to pay the bills in the amount of \$1,403,564.85. **3-0 yes**

**ATTACHMENT 10/14/08 P**

Pizzino moved and Walters seconded a motion to approve the minutes of the September 22, 2008 Board of Trustees meeting. **3-0 yes**

**ATTACHMENT 10/14/08 Q**

Pizzino moved and Burger seconded a motion to approve the financial reports for September 2008. **3-0 yes**

**ATTACHMENT 10/14/08 R**

Pizzino moved and Walters seconded a motion to approve the appropriation transfer request from account code 101.110.5387, Discretionary, to account code 101.150.5955, Zoning Fund, in the amount of \$17,410.00. **3-0 yes**

**ATTACHMENT 10/14/08 S**

Pizzino moved and Burger seconded a motion to approve the fund transfer from fund 101, General Fund, to fund 213, Zoning Fund, in the amount of \$17,410.00. **3-0 yes**

**ATTACHMENT 10/14/08 T**

Pizzino moved and Walters seconded a motion to accept the amount and rates as determined by the Budget Commission and authorize the necessary tax levies and certify them to the County Auditor. **3-0 yes**

**Routine Business**

**Announcements**

- Next regular Board of Trustees meeting, October 27, 2008, 4:00 p.m., Executive Session and/or Work Session, 6:00 p.m., General Session, Township Hall.
- CIC meeting, October 20, 2008, 5:30 p.m., Township Hall.
- LOGIC meeting, November 6, 2008, 9:00 a.m., Safety Center, Chiefs' Conference Room.
- Zoning Commission, October 16, 2008, 5:00 p.m., Township Hall.
- Board of Zoning Appeals, October 23, 2008, 7:00 p.m., Township Hall.
- Citizens Advisory Committees:
  - Park, October 15, 2008, 6:30 p.m., Township Hall.
  - Community Celebration, November 18, 2008, 5:30 p.m., Township Hall.
  - Highway/Traffic, November 19, 2008, 6:30 p.m., Township Hall.
- Haunted Hayride, South Park on Fulton Drive, Saturday, October 25, 2008, 7:00 – 10:00 p.m.
- Halloween Trick or Treat, October 26 from 3:00 – 5:00 p.m.

**Old Business** – None

**New Business**

**ATTACHMENT 10/14/08 U**

Walters moved and Burger seconded a motion not to request a hearing on the advisability of issuing the liquor permit to Wasabi House LLC dba Wasabi House, 6338 Strip Ave. N.W., Canton, OH 44720. **3-0 yes**

**ATTACHMENT 10/14/08 V**

Walters moved and Pizzino seconded a motion not to request a hearing on the advisability of issuing the liquor permit to Canton Pizza Inc, dba Pizza Hut, 2151 Wales Ave. N.W., Massillon, OH 44646. **3-0 yes**

**Highway Department Bid Openings**

At 6:30 p.m., Boger opened the bid for light pole assemblies for the Fulton/Wales Streetscape.

Pizzino moved and Walters seconded a motion to accept the bid for 77 light pole assemblies at \$2,195.00 per unit for a total of \$169,015.00 for the Fulton/Wales Streetscape. **3-0 yes**

At 6:35 p.m., Boger opened the bids for the flasher signal at Lake O’Springs and Huckleberry.

Pizzino moved and Walters seconded a motion to accept the bids for a flasher signal at Lake O’Springs and Huckleberry. **3-0 yes**

The bids received were from:

W. W. Schaub	\$15,951.90
Linward Electric	\$16,189.75
Perram Electric	\$17,395.00
Thompson Electric	\$16,874.00
Ridge Electric	\$17,295.00

**Public Speaks – Open Forum**

Burger mentioned the open houses that were held by the Fire Department and the Recycling Center. He said he was impressed with the number of people who attended and he wanted to mention the good job both departments do. He asked that everyone keep it in mind for next year and try to attend. Walters concurred with Mr. Burger.

Gonzalez explained in more detail the reason for the fund transfer to the Zoning Department and some of the other deficits projected for next year.

At 6:45 p.m., Pizzino opened the public hearing for nuisance violation at 7935 Bentwood Circle NW.

**ATTACHMENT 10/14/08 W**

Poindexter presented the Board with the property owners' names and the events prior to the public hearing. She said the owner has made significant progress in cleaning the property up.

Katherine Nokes of 7539 Bentwood Circle NW explained what she has been doing to clean up the property. She asked for an extension and explained she will be involved with a medical condition of a family member that may impact her cleanup efforts. She thanked the Zoning Board and representatives for their help and professionalism. She apologized to Mr. and Mrs. Dibble for the stress the situation has created for them.

Ed Tate of 8263 Winterwood Avenue NW pointed out that his property is across the street. He said he moved to Jackson Township because they wanted to move up into a nicer area and that it was nicer for a few years. He said there is no way the owner can clean the property up without help from someone else.

Carolyn Dibble of 8245 Winterwood said her property is diagonal from Ms. Nokes'. She gave the Trustees a brief history of the property. She said someone needs to go in and clean it up.

Jeanette Elum from Central Catholic, 1147 Stratford Ave., Massillon. She said she is secretary of student council and a member of NHS and her group cleans up properties like this. She said her group would be willing to help.

Walters moved and Burger seconded a motion granting a 30-day continuance to clean up the property at 7935 Bentwood Circle NW, North Canton, Ohio. **3-0 yes**

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

---

**John Pizzino**

---

**Randy Gonzalez**