

RECORD OF PROCEEDINGS

MINUTES OF JACKSON TOWNSHIP TRUSTEES MEETING

OCTOBER 24, 2005

Burger called the meeting to order at 4:00 p.m. at the Jackson Township Hall with all Trustees, Clerk Gonzalez, Fitzgerald and Neftzer present.

Pizzino moved and Meeks seconded a motion to go into Executive Session for Land acquisition – to consider the purchase of property for public purposes. **3-0 yes**

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

Upon return from Executive Session, Burger opened the Work Session at 5:03 p.m.

Chief Neftzer presented the 2006 Police Department budget for review. Projected revenue for 2006 is \$5,878,645 with approximately \$800,000 of that being used to fund the Capital, Reserve and Retirement Funds. Other increased expenses compared to 2004 are for hospitalization and dispatching. Clerk Gonzalez explained how the hospitalization budget amount is estimated based on actual current expense and that any amounts not used are carried over. Trustee Pizzino explained the increase in dispatching charges due to LOGIC raising their fees last year and this year separating police and fire services. Fire Departments will be charged by the call and Police Departments will be charged based on population.

ATTACHMENT 10/24/05 A

Meeks moved and Pizzino seconded a motion to approve Module No. 06-01, Police Department Operations, for the amount requested of \$2,739,752.00. **3-0 yes**

ATTACHMENT 10/24/05 B

Meeks moved and Pizzino seconded a motion to approve Module No. 06-02, Patrol Division, for the amount requested of \$2,502,806.00. **3-0 yes**

ATTACHMENT 10/24/05 C

Meeks moved and Pizzino seconded a motion to approve Module No. 06-03, Detective Bureau, for the amount requested of \$479,972.00. **3-0 yes**

ATTACHMENT 10/24/05 D

Meeks moved and Pizzino seconded a motion to approve Module No. 06-04, School Resource Officer, for the amount requested of \$67,083.00. **3-0 yes**

ATTACHMENT 10/24/05 E

Meeks moved and Pizzino seconded a motion to approve Module No. 06-05, Juvenile Services Officer, for the amount requested of \$72,083.00. **3-0 yes**

ATTACHMENT 10/24/05 F

Meeks moved and Pizzino seconded a motion to approve Module No. 06-06, Reserve Balance Fund, for the amount requested of \$0.00. **3-0 yes**

ATTACHMENT 10/24/05 G

Meeks moved and Pizzino seconded a motion to approve Module No. 06-07, Special Reserve Fund, for the amount requested of \$200,000.00. **3-0 yes**

ATTACHMENT 10/24/05 H

Meeks moved and Pizzino seconded a motion to approve Module No. 06-08, Capital Projects Fund, for the amount requested of \$160,000.00. **3-0 yes**

ATTACHMENT 10/24/05 I

Meeks moved and Pizzino seconded a motion to approve Module No. 06-09, Law Enforcement Trust Fund, for the amount requested of \$21,056.33. **3-0 yes**

ATTACHMENT 10/24/05 J

Meeks moved and Pizzino seconded a motion to approve Module No. 06-10, OVI-Enforcement Fund, for the amount requested of \$8,530.86. **3-0 yes**

ATTACHMENT 10/24/05 K

Meeks moved and Pizzino seconded a motion to approve Module No. 06-11, Equitable Sharing Fund, for the amount requested of \$25,000.00. **3-0 yes**

ATTACHMENT 10/24/05 L

Meeks moved and Pizzino seconded a motion to approve Module No. 06-12, Purchase of copier/fax and shredder for Records, for the amount requested of \$15,000.00. **3-0 yes**

At 6:02 p.m., Burger called the General Session to order with all department heads present except Marilyn Lyon. Burger requested that all cell phones and pagers be turned off at this time.

The Pledge of Allegiance was recited.

Public Speaks – None.

Mrs. Kemp: My name is Victoria L. Kemp, 6609 Lutz Avenue NW, Massillon, Ohio 44646. My husband is going to speak for me because he can speak a little bit better than I can. I'm just a bus driver.

Meeks: And we thank you for that.

Mr. Kemp: My name is Daniel Kemp, same address and whatever and this picture was taken somewhere in the late 80's. The reason I know that is because the vehicle that's hooked to the boat, I didn't buy that until the late 80's. So I know that's probably the date of it and if you notice where the creek goes through, there's the house and then you can see the creek goes through there and then there's a shed back there. You can see the distance between the shed and

the creek. Well, first off, I've lived in this house since, well I was three years old. I lived in the house down the road my grandmother was Mary Halter, Tony Halter. So we lived there 3 years in their summer house and then we moved into this house and then when we got married I wasn't there three years, then we bought the place back and so I've lived there a long time and I'm 55 years old. You can see how the creek is fairly nice and straight. Between the shed and that we used to drive cars through there and be able to drive all the way up to the other property on the other side.

Mrs. Kemp: Now this is what it looks like now. As you can see we had a telephone pole, it was in the old picture.

Meeks: Water looks like it's running.

Mr. Kemp: Yes, you can see the telephone pole on the other.

Mrs. Kemp: And now the telephone pole

Mr. Kemp: Has fallen over. Used to be able to drive a car between the pole and the ditch and as you can see the pole has washed out and fallen down.

Meeks: You're saying between here you used to be able to drive a car?

Mr. Kemp: Yes. Oh, yes. In that picture in, approximately 1988, I could drive a car through there. And I could drive all the way up through there, as you can tell. It's definitely washed a lot since then.

Pizzino: Do you have any other pictures you'd like to show us?

Mr. Kemp: This is the lower part, the ditch where it's nice and straight, well you can see

Pizzino: Is that the Mudbrook side? Closer to Mudbrook Road?

Meeks: Or is that your side?

Pizzino: Where is that ditch at? Is it right behind your house?

Mr. Kemp: This is right behind our house. Yes, this is getting ready to go underneath Lutz Road.

Meeks: Up here?

Mr. Kemp: Down further. Lutz Road is down further. So as you can see, it has really

Meeks: So we're looking downstream?

Mr. Kemp: Yes, you're looking downstream on that one. In this picture here you're looking upstream. And there you can see where the pole is falling over and all the way along there the edge of the creek there up to the trees, I used to be able to drive through there. As you can see, that's moved over, you can actually see where the bank used to be. This bank has moved over 3 feet in 3 years. Three years ago, I used to run my mower down through there. If I tried that to do that now, I'd fall in. It was washing out earlier, but it has definitely washed out a lot more. And this is a picture, I'm not exactly sure when my wife and I bought it, you can see that there isn't any erosion there. You can see the grass bottom. Now there's a ditch about 3 foot wide and about 2 foot deep that's nothing but just gully.

Pizzino: Ralph, is that a county ditch?

Boger: I'm told the County doesn't actually own that ditch at all. It's just an old drainage ditch. Is that your understanding? The Kemp's have previously talked to the Commissioner's office up there and have some word from them, too.

Mr. Kemp: Well, let me put it to you this way, that has been a creek down through there since I was a kid. When I was a kid, I played in it when it rained and whatever, so would you consider that as a drainage ditch or a creek?

Boger: When they questioned whether it was a County ditch or not what they are asking, is the County in charge of maintenance of the ditch? And in this case, it's my understanding that it's not, it's just a drainage ditch like you were saying it runs down out of the runoff there.

Mr. Kemp: Well, but I don't know that it, I mean how do you specify that that is not County, you know, they put the culvert underneath of Portage where the water comes through and the culvert that goes underneath of Lutz right there. That's what that is right there. That's the culvert right there, it goes underneath of there so definitely it has to be somebody's responsibility. I mean is it my responsibility for the culvert, too?

Pizzino: I think what Ralph is trying to say is we're in charge of the front part of your property. The Commissioners are in charge of the back part.

Mr. Kemp: I see.

Pizzino: Am I correct in saying that, Ralph?

Boger: In this case if it's not a County ditch, the Commissioners don't have any real responsibility.

Pizzino: Are they dumping water in that ditch?

Mrs. Kemp: Here is a picture of the neighbor that built the house.

Mr. Kemp: That's Dr. Soos.

Mrs. Kemp: They're draining something.

Burger: That's only from the house on the corner.

Mrs. Kemp: On top of the house, up on top of our house.

Mr. Kemp: This is looking down, this is the culvert that goes underneath Lutz right here. Yes, that's Dr. Soos house. This is Dr. Soos' drainpipe. When they put that in there you could only see about this much of this pipe, look how much has went in the short time that he's been back there. But, like I said, I don't know, the water comes off all those houses and everything that they're building up there on top.

Meeks: I had Commissioner Regula in today for meetings on a couple other issues and while I was reading my mail I did see your letter. And I did take him in with Ralph and we spoke on a couple different issues but one was this. My concern is downstream effect from the Emerald Estates as well as Hunters Chase up on top. And if they are dumping their retention basins into this drainage ditch then if subdivision regulations mandated them to create these drainage retention basins, detention, to accommodate a 100 year flood plain, and then they retard the water that goes into the ditch up here at a slower rate. What they claim is that the water doesn't go in there any faster than what it would have without it. Which I can argue that point.

Mr. Kemp: I can argue that, because I live there.

Meeks: So what I then asked him was that if our subdivision regulations mandating these retention ponds up there and using this as a drainage easement, so to speak, that they're running the County water out of these allotments in here, then why would this not be a County jurisdiction. And what Richard said was that he's more than willing to get Julie Berbari involved, have her come out and take a look. And they could take responsibility of the ditch but by doing so there would have to be, do you remember what he said, by getting Julie involved and if the property owners through here wanted the Commissioners or the County to take over, which quite frankly, I think they should be taking it over once they started designing upstream to dump the water into, whether they want to take it or not, I think they've just taken the responsibility. If they would have piped the water elsewhere then it would be a different story, but my recommendation would be to get Julie Berbari from Soil and Water Conservation out here, take a look at this and speak with Joe Underwood.

Mrs. Kemp: I already talked to him.

Meeks: That's okay, but we have to talk to them, too and then I'd also be willing to sit down with a representative from the Commissioners which I'm sure would probably be Richard and see what we can do about the situation that we have here. Right now what the Commissioners are saying is this is a drainage ditch that they don't have jurisdiction over, and we all know that the Township doesn't have jurisdiction - only when it comes and that culvert crosses under our roadway, then that is our responsibility. But I'm concerned with upstream and downstream and I think, quite frankly, if this ditch was straightened out, you wouldn't have the erosion you're having at such a rapid rate.

Mr. Kemp: Right. That's what's happening. The water is going like this and is just eating it up. It's like I was telling Mr. Boger I've seen the water go over the top of that culvert, over the road. And that's been in the last five years.

Meeks: You see, that's my concern because in the last five years we've seen some upstream conditions being created. It's not that it's putting any more water, which they can argue, when you had natural vegetation that the water collected and absorbed naturally and whatever water filtered through and got into the drainage ditch, so be it. But once you start capturing that water, channeling it directly to that ditch, then we have a different story.

Mr. Kemp: Well, just like I was telling him, too, is see I used to work for my uncle, which was Nick Halter, and he used to farm that farm where all those houses are in back where there used to be a swamp back in there and there were always dips like this, you know, you'd be plowing or something and it would still be wet no matter how long it was dry. Now they've got it leveled off, well that water is not being stopped and it's not being caught anywhere, where you said in their retention, so I mean, I know what that was like back in there before they started. And all that water from clear up there where the old castle used to be, up there on top of the hill, comes down this way, on this side of it.

Pizzino: I was just talking to Ralph, they're actually directing the water to his ditch. And if that's not a County ditch (indecipherable) their water on his property.

Meeks: This is a minor thing, but they had really no

Pizzino: right to do that.

Mr. Kemp: Well, no, this is Dr. Soos' pipe there, that's his property.

Pizzino: This is his property here?

Mr. Kemp: That's his property, yes.

Pizzino: That ditch is his property?

Mr. Kemp: That's from the driveway down to the culvert there, that short section is his. He doesn't take care of it. I mow it and everything because he doesn't mow it or anything and it looks like crap.

Meeks: What we're saying, John, is upstream with the new allotments when the county then put the restrictions in for these collectors, now their outlet is being put into this drainage ditch.

Pizzino: I think that basically tells me that it's the Commissioners ditch.

Meeks: It tells me that we need to sit down.

Pizzino: We'll see what we can do.

Mr. Kemp: Okay.

Meeks: Absolutely.

Mr. Kemp: Well I want to

Pizzino: Could we have a couple of those pictures?

Mr. Kemp: Yes, you sure can.

Mrs. Kemp: It's taking our shed on this one.

Meeks: Does that tractor still run?

Mr. Kemp: No, that's my old, I bought that to restore it and then I got like this and I can't work on it yet. It's an old John Deere 2 cylinder.

Mrs. Kemp: Here's where the creek is and there's that cement underneath.

Meeks: Now you're saying you used to be able to drive in this area.

Mr. Kemp: I used to drive across, well you can see it in the big picture. So it's really, I mean, just in a couple years, I used to drive my riding mower through there and you can see how far it's went. And that's like I told Mr. Boger, the shed itself is actually old and falling down because we built that when I was a kid, but what I wanted to do was tear it down and have my cousin come in and since the slab is already there I could go ahead and put a new one on but there's no sense trying to do it if that's going to be like that.

Meeks: Well, let me tell you this, I'd be willing to meet with the proper officials. I'm not going to promise you anything, but I will promise you that we will have a meeting, we will discuss this and we will get back to you on this. Quite frankly, you know I've been told no in the past, but we've got some positive results. And I hope that the outcome can still be the same or at least we can meet in the middle on this. But I will get back to you and we'll do our darndest to get some answers for you.

Mr. Kemp: Okay, well, I want to thank Ralph Boger for all his help and I want to thank all you for listening to us anyway even if it doesn't help. We appreciate that.

Meeks: We don't know that you have a problem until you come and tell us.

Mr. Kemp: Yes, but we appreciate it, we really do.

Burger: We were out there a few months ago with Mr. Boger and looked at that retention pond up at Emerald Estates. The bulk of the problem is coming from there. We'd met with Julie Berbari up there about the situation, she said she was going to correct the retention basin. The

water came in at one level and came out at the same level. So obviously it wasn't working properly from the get go.

Meeks: It wasn't working.

Burger: Mr. Cheyney and Mr. Bush that live on Portage, their backyard has water standing in it. I was up there a week ago and there's still water standing in it. And now there's Hunter's Chase, that Mr. Meeks met, it's just dumping more water in there. It wouldn't take a blind man to see that. Like he said, it's getting the County to own up to the fact that if it wasn't a County ditch, it sure should be by now or they shouldn't have approved the allotments.

Paul McGee (who owns the empty lot directly upstream): My concern with it is that my frontage to put a sewer hookup, because septic was denied by the County, is low. So if they do take it over how am I supposed to hook up? There's not a lateral there at this point and so a lateral would have to be put in at Lutz for me to hook up as well as whatever happens with that ditch, because that's my frontage to whatever house would be built. So when you're talking to them that would be another issue. Because I'm the only house that has not been built along Lutz.

Meeks: Make sure that we get your name and phone number so we can get in touch with you. Hopefully, Joni, if you can get his parcel number so when we do talk I know where he is.

McGee: And I do have an address now, they just assigned it.

Meeks: That's helpful when we are talking.

Administration Department

Zoning and Planning Department

ATTACHMENT 10/24/05 M

Joni Poindexter gave a brief history on the nuisance hearing continued from August 22, 2005 and presented comparison photos of the property at 6843 Highmill NW.

Poindexter: Thank you. The original hearing for the nuisance was February 14, 2005 at which time the Trustees granted a six month extension to Mr. Dodds. Another hearing was held on August 22 at which time another sixty day extension was given. I've monitored the progress over the past month or two. I was there on September 7, October 6 and October 20 and took some photos. The package you have before you are photos, they are comparison photos taken of the same area but of different dates so you can see the change, if any, on some of them. The latest photos that were taken are highlighted in yellow and were taken on October 20. I didn't notice much progress between the August 22 meeting and when I was there on September 7, which was only about two weeks. But when I went there on the 6th and the 20th, I noticed that he did make some progress. I'd say maybe about 30% which most of the debris that was removed is what is shown in photo 7 and within the wooded areas, which is the most areas that had been cleaned up. But he still has a long way to go to get that property taken care of. There's still a lot of debris on the property, a minivan, a camper that's filled to the max that you couldn't even

drive it. He has been working with a couple gentlemen to try to clean up the property. Mr. Geiser, I see that he's here. And Mr. Dodds, he did receive notice of the meeting tonight at 6:00 so I don't know if you're just here on his behalf.

Kevin Geiser, 3351 Longview in Lake Township: I was contacted about cleaning up some. I wanted some of his materials, he sells it from time to time. And then we came across that he's got this property needs cleaned up and that's how we got involved in helping. That's part of my business, I take materials, recycle them and some of them I reuse. We just got involved with him, I believe on the 20th of September, is the first I really became aware of this problem and we started working on it. We had told him it would take us a couple months to get done. We didn't know that there was any of this nuisance on it involved and we were made aware of it, I believe it was Friday, was the first we were aware of it, Thursday – Friday, that we know about this meeting coming up. So we put a little bit more effort into it but he does need an extension with us helping him. We're looking at, at least, three months to get the biggest part of that cleaned up and there's a lot of material in that area to clean up. I didn't realize how much it was until we started walking around. We were really talking initially up there by the trees. We didn't know that back by the barn, but we're putting in about two to three days a week, roughly about 20 to 25 hours going into this project to help him get it cleaned up. We're asking for a little bit of an extension, what we can get because we know you have it in your court. And that's why we're here. He's been under the weather a little bit with the flu the last couple of days so that's why and he has this problem in the fall.

Meeks: So what, may I ask you, are you looking at cleaning up?

Geiser: We're taking materials out, some of it we're hauling to the dump, some things are recyclable, and some of it I've taken to a recycling center.

Meeks: I mean at the end of the day.

Geiser: At the end of this project, we're looking at it would be down to grass, reseeded. There's stuff in there that has to be dug out of the dirt.

Meeks: Oh, we're very much aware of that.

Geiser: It's sunk in, it's very. What were some? When we walked in we were standing from a distance, when we first talked to him. We didn't realize how extensive he is. And he's collected over the years. There's an enormous amount of stuff there.

Meeks: Is there any reason why you're only committing 25 hours a week on this project?

Geiser: Well, I work at some other projects during the week, plus I'm in agri-business so I'm taking care of animals and that, so there's a lot of work. I have 65 – 70 hour weeks without any problem. Right now we're pushing 85 – 90 hour weeks trying to get this done. And it's a lot of work. There's four of us involved helping him.

Meeks: Well, let me ask you this. If the Township would step in and do what we feel we should do, and quite frankly, I've been an advocate of Mr. Dodds in trying to give him the benefit of the doubt, to relieve you of this duty, would that break your heart?

Geiser: We'd like to have a little bit more time with him. We're asking for a little bit more. It's up to you. The vehicles and that we know, we talked to him about that and there's some other stuff on the property that definitely needs to be gone. We're trying to get it out of there within, we were trying to have it out by the end of this next week but we haven't quite accomplished that at this point.

Burger: I guess we can't hold you at fault.

Geiser: No, but we are trying.

Burger: Joni was up there two months ago and I was along, sometimes you get the appearance that he's taken some stuff out but he brings more stuff back in. She did tell me, and you can see by the pictures, that he did make headway. But this isn't the first time we've had this happen. It's like when the mother-in-law's coming, all of a sudden you clean your house real good the day before she gets there.

Geiser: I think he has moved stuff from one of his properties to another and back. He's moved some things around. We're not doing that. We're removing it completely. There are some materials in there that I'm able to use, that's why I'm taking, you know that's part of the clean-up. It's kind of like a payback in a way – trade. So that's why we were asking for an extension, more or less on our part, we're trying to help him out.

Meeks: Well, sir, I appreciate that and this Board has been trying to help him out since fourth month 23rd day of 2003. Okay?

Geiser: Okay. We were not aware of that. Like I said, we've only been involved about

Meeks: That's when this all started here.

Geiser: a little over a month.

Meeks: That's when the nuisance letter was sent to him. And this Board has heard every possible reason to try and rule in his behalf, quite frankly. I was one that was very much in his corner, I pass that every day, believe me, many times a day, and I had seen some progress till after this last extension that we gave them it seemed to come to a grinding halt. At this point, I'm going to have to hear something from my Board members to sway me in a different direction than the direction I feel this needs to go.

Pizzino: And again we appreciate your help but I was one not in favor of giving him the extension last time. But he did promise us that he would get rid of that camper and that van and I see the camper and van still there.

Geiser: It's still there.

Pizzino: And when he came in front of us in February 14th, we knew it was a big job. That's why we gave him six months. I don't think we've ever done that. But because of the situation he was in, we want to work with him. And we know it's not going to happen over night because for the last twenty years he's been using that as his little storage place. But I've been kind of looking at it since August 14th, since the last extension, and I still feel the way I felt on August 14th. I think time's up, I think we have to come in there. We have to be fair and consistent and I mean if we give him another thirty days or ninety days, and somebody says 'gee, you gave him almost a year to clean it up and it's still not cleaned up and you still have to go in it.'

Meeks: We gave him more than a year. I'm sorry to interrupt.

Pizzino: I understand that, but, I mean, since February, I'm talking about since February of 2005.

Meeks: You're missing two years.

Pizzino: I understand that, but I'm being nice about this. But what I'm saying is, as I felt August 14, 2005, I'm through, I mean it's up to Mr. Meeks and Mr. Burger, but I would vote to get the Township in there, clean the property up and do what's right, whether the remainder of those neighbors around this property.

Meeks: Yes, no disrespect to you, sir, and I appreciate you trying to help. I just wish he would have found you two years ago.

Geiser: Not at all. Well, yes.

Meeks: But,

Geiser: We've been contacted on a couple other things but never on this. Sorry. We had no idea.

Burger: As one other consideration, I'd like to put Mr. Boger on the spot, I know you have your programs laid out. What would that do to your schedule by taking part of your staff and equipment up there to clean that up?

Boger: We could handle that in a few days as long as it doesn't snow.

Meeks: Well, let me ask you this. By moving in, obviously you're looking at loading it with equipment, correct? And as wet as the ground is, you're also looking at damage to that property.

Boger: It would be torn up pretty good.

Meeks: And are we responsible for that?

Pizzino: Neal?

Fitzgerald: If you tear into the buildings?

Pizzino: No, no, the grounds.

Meeks: No, the grounds, I'll guarantee you, it's awful wet.

Fitzgerald: If it's just the ground part, it will restore. I don't see a problem. Just dirt.

Meeks: As to whom, us or them. Us to restore.

Fitzgerald: We have a reasonable right to remove the property as long as we don't permanently damage the ground, we'll be okay.

Burger: The question is who's going to go back there and grade it off and reseed it? Is that our responsibility?

Pizzino: And if it is, Neal,

Fitzgerald: Well, he could be charged then.

Pizzino: Would we charge in this instance?

Meeks: Well, let me ask you this. I'm sure that the stuff that you're planning on taking out, we, at least this Board member would not want you to spend a whole lot of time on separation, okay? But there has to be some core value of the scrap. And I would think that is where the metals would go to be recycled and so on. Whether you'd have to get dumpsters in there and do it that way, I wouldn't expect you to truck it, all of it. The other stuff, the wood material and those types of things I think could have a different company have a dumpster there and put that material in. But anything and then if there is a value to the scrap, could that then offset the restoral fee?

Fitzgerald: Yes. If we could do that reasonably.

Pizzino: I think it's going to cost us more money and man hours to separate it. What do you think Mr. Boger?

Boger: Sounds like if we're going to load it out of there, we need to just load it out as fast as we can get it going. Truck it away. It's not our problem what the material is. Our problem is

Meeks: All I'm saying is I'm just trying to see there's monies there, because we are going. . . Are we then assessing this property, then?

Fitzgerald: Yes, if you're going to proceed you need to declare the property a nuisance and order it to proceed in accordance with the policy.

Meeks: At the owner's expense.

Fitzgerald: That's what the policy says.

Burger: Would you be interested (indecipherable) we would get in there. To go in there and take out the most salvageable pieces of equipment or junk that's there and get rid of that so it would be less for us to get out.

Geiser: Yes, it would save the expense and time on the Township.

Pizzino: If we could get those vehicles out of there. They're just going to be towed out of there.

Geiser: Yes, that will be easy.

Meeks: We have to say a time frame for him to get in there because after that date, we're coming in.

Pizzino: Don't ask this Board member to extend it thirty days. I'll give him seven days or something like that.

Meeks: Take the good stuff and run.

Geiser: Well, get it red up. There's a couple of things he wanted on the barn and that and we can move that stuff and put it inside.

Pizzino: Again, he promised us he was going to move that motor home to Skipco last time we talked about it.

Meeks: Yes.

Pizzino: So I don't know why that never left. And the same way with the van.

Burger: The brakes are froze up on it.

Pizzino: Well, I mean if he could get that stuff out of there, he's going to save himself a huge tow bill.

Geiser: A lot of money.

Pizzino: But if he wants to reclaim that vehicle from one of our two towing companies in the Township, and they spend a lot of time there, then I'm sure they're going to charge him.

Meeks: Alright.

Poindexter: John, I know he did try to pull that motor home out of there the last time Ron and I were there, there was a chain hooked to it and you could tell where someone tried to pull it out of

there. And like Bill said he told us the brakes were locked up on it. So I don't know if Ralph you can get that out of there – what type of towing you'd have to have. That's another thing, too, when I was out there Thursday, Mr. Dodds had said he had a burn pile in the wooded area. Just make sure he knows that he can't do that.

Geiser: Okay.

Poindexter: You might want to talk to Ted about that.

Geiser: It's still there.

Meeks: Board members.

Geiser: Thank you.

Burger: I'd like to give one more week to get it cleaned up and by that time Mr. Boger will be able to get that worked into his schedule. God bless you, whatever you can get out within a week.

Gonzalez: (Indecipherable) you can make the motion to declare it a nuisance and order Mr. Boger to start cleaning within one week.

Fitzgerald: That's the minimum period. Seven days, you have to give him seven days, minimum.

Pizzino: Seven days from today will be the 31st.

Fitzgerald: The maximum is thirty days.

Gonzalez: Somebody will have to make a motion to declare it a nuisance and he's got the seven days and if he can haul some out of there while Ralph's there, God bless him.

Pizzino moved and Meeks seconded a motion to declare the property at 6843 Highmill NW a nuisance and proceed in accordance with the policy. **3-0 yes**

Administration Department

ATTACHMENT 10/24/05 N

Meeks moved and Pizzino seconded a motion to approve the attached letter from PCM to perform the described services mandated by Medicare on behalf of Jackson Township. **3-0 yes**

ATTACHMENT 10/24/05 O

Meeks moved and Pizzino seconded a motion to approve an unpaid leave of absence for Jessica Carrothers for the purpose of Family & Medical Leave, not to exceed her remaining FMLA balance. **3-0 yes**

ATTACHMENT 10/24/05 P

Burger moved and Meeks seconded a motion to approve the appropriation transfer request from account code 326.510.5387, Discretionary, to account code 326.510.5755, Fisher Park, in the amount of \$9,100.00, from account code 326.510.5387, Discretionary, to account code 326.510.5771, Basketball Court, in the amount of \$40,000.00, from account code 326.510.5387, Discretionary, to account code 326.510.5772, Skate Park, in the amount of \$50,000.00. **3-0 yes**

Meeks moved and Pizzino seconded a motion to set a public hearing for Zoning Amendment 548-05 on November 14, 2005 at 7:00 p.m. **3-0 yes**

Fire Department

ATTACHMENT 10/24/05 Q

Burger moved and Meeks seconded a motion to approve the appropriation transfer request from account code 210.210.5652, Inventory Equipment, to account code 210.210.5502, Supplies/Materials, in the amount of \$7,500.00. **3-0 yes**

ATTACHMENT 10/24/05 R

Burger moved and Meeks seconded a motion to approve the appropriation transfer request from account code 228.210.5110, Salaries, to account code 228.210.5120, Overtime, in the amount of \$60,000.00, and from account code 210.210.5220, Hospitalization Insurance, to account code 210.210.5120, Overtime, in the amount of \$22,064.91. **3-0 yes**

Highway Department

ATTACHMENT 10/24/05 S

Burger moved and Meeks seconded a motion to approve the appropriation transfer request from account code 204.310.5387, Discretionary, to account code 204.310.5396, Vehicle Repairs, in the amount of \$31,600.00. **3-0 yes**

After a brief discussion about renaming Dressler Road, Boger was to inform the Commissioners Office that the Trustees are not in favor of a name change.

Legal Department

RESOLUTION 05-088, ATTACHED

Pizzino moved and Meeks seconded a motion to adopt and authorize the placement of the Board's signatures on the attached Contracts with LOGIC. **3-0 yes**

RESOLUTION 05-089, ATTACHED

The Board of Trustees held the first reading of the following resolution:
Whereas, the Board of Trustees of Jackson Township, Stark County, Ohio are required by law to award certain contracts to the lowest and best bidders,

Whereas, the Board of Trustees of Jackson Township, based upon its experiences and its consideration of other objective evidence, has determined that quality of workmanship, efficient

operation, safety and timely completion of projects are not necessarily insured by awarding a construction project to the lowest bidder,

Whereas, the statutes requiring award to the lowest and best bidder do not define “best” and the law allows the Board of Trustees of Jackson Township broad discretion in determining who the best bidder is,

Whereas, the Board of Trustees of Jackson Township, based upon its experience and its consideration of their objective evidence, has determined that the lowest and best bidder for a purchase or a construction project can be identified only through the consideration of several factors in addition to the dollar amount of the bid.

Whereas, Ohio Revised Code Sections 504.04(A)(1) and (2) authorize the Board of Trustees to exercise powers of local self-government in the Township and to adopt and enforce within the Township local police, sanitary and other similar regulations,

Be it resolved that, pursuant to ORC Chapter 504 and ORC Sections 504.04(A)(1) and (2) or other law, that the Board of Trustees of Jackson Township:

- (1) Hereby determines that the following factors are significant in determining whether a bid is the lowest and best bid and may be considered and applied by the Board of Trustees of Jackson Township, in its discretion, to any contractor submitting a bid when awarding all competitively bid construction contracts:
 - a. Bidder’s familiarity with the project
 - b. Adequacy of equipment for the project
 - c. Bidder’s record on similar construction projects
 - d. Bidder’s construction experience in the preceding twelve (12) months including the original contract price for each job undertaken, the cost of any change order and overruns
 - e. Bidder’s compliance with completion deadlines
 - f. Bidder’s prior performance on any project for Jackson Township
 - g. Bidder’s financial solvency
 - h. Whether bidder has ever sued or been sued by a public entity over a public project
 - i. Bidder’s bonding record
 - j. Bidder’s compliance record with unemployment and workers’ compensation laws
 - k. Bidder’s compliance record with federal and state wage laws
 - l. Bidder’s compliance record with the Fair Labor Standard Act (FLSA)
 - m. Bidder’s compliance record with Occupational Safety and Health Administration (OSHA) regulations
 - n. Any other factor determined to be relevant by the Board of Trustees.
- (2) Hereby determines, in certain circumstances, other factors are also significant in determining whether a bid is the lowest and best bid. These other factors may be

considered and applied by the Board of Trustees of Jackson Township, in its discretion, to the two lowest responsive bidders when the dollar amounts of the two lowest responsive bids are within the following limits of each other:

- a. 15% if the lowest bid is at least \$50,000 but does not exceed \$100,000,
- b. 10% if the lowest bid is at least \$100,000 but does not exceed \$500,000,
- c. 5% if the lowest bid exceeds \$500,000.

If one of these circumstances exist, the following other factors are also significant in determining whether a bid is the lowest and best bid and may be considered and applied by the Board of Trustees of Jackson Township, in its discretion, to the two lowest responsive bidders:

- a. Experience of bidder's workforce
- b. The bidder's participation in an apprenticeship program and length of participation in such program
- c. The number of years bidder has been in the construction, renovation, maintenance or repair business
- d. Continuity of bidder's workforce
- e. Whether the company's headquarters are located in Stark County
- f. The number of Stark County residents employed by the bidder

(3) Hereby determines all bid specifications for construction, repair and renovation work for Stark County shall advise prospective bidders of all of the factors that may be taken into consideration by the Board of Trustees of Jackson Township in determining whether a bid is not only the lowest, but also the best bid. Bid specifications shall contain provisions conforming to Section 1 and 2 of this Resolution, including the attached bidder's profile form to enable a bidder to provide evidence to the Board of Trustees of Jackson Township for the bidder's compliance with, adherence to, or satisfaction of, the various factors that may be considered by the Board in determining the lowest and best bid.

(4) This Resolution shall fully replace any prior Resolution establishing best bid criteria.

RESOLUTION 05-090, ATTACHED

Burger moved and Meeks seconded a motion to adopt and authorize Board President William M. Burger to sign the attached Contract for Sale and Purchase of Real Property, Donation Letter, Warranty Deed, Temporary Right of Way Easement, Removal Agreement, Bill of Sale and Property Inventory Classification for the Wales/Fulton Intersection Improvement Project. **3-0 yes**

Police Department

RESOLUTION 05-091, ATTACHED

Burger moved and Meeks seconded a motion that pursuant to ORC Sections 505.49 and 509.01, we hereby appoint Eddie M. Watson as Full Time Patrol Officer and Township Constable for the Jackson Township Police District, Stark County, Ohio, contingent upon successful completion of

the psychological and physical evaluation, background check, negative drug screen and any other testing requirements. **3-0 yes**

RESOLUTION 05-092, ATTACHED

Burger moved and Meeks seconded a motion that pursuant to ORC Sections 505.49 and 509.01, we hereby appoint Ryan K. Robinson as Full Time Patrol Officer and Township Constable for the Jackson Township Police District, Stark County, Ohio, contingent upon successful completion of the psychological and physical evaluation, background check, negative drug screen and any other testing requirements. **3-0 yes**

RESOLUTION 05-093, ATTACHED

Burger moved and Meeks seconded a motion that pursuant to ORC Sections 505.49 and 509.01, we hereby appoint Carol A. Wydra as Full Time Patrol Officer and Township Constable for the Jackson Township Police District, Stark County, Ohio, contingent upon successful completion of the psychological and physical evaluation, background check, negative drug screen and any other testing requirements. **3-0 yes**

Clerk's Office

ATTACHMENT 10/24/05 T

Pizzino moved and Burger seconded a motion to pay the bills in the amount of \$171,259.73. **3-0 yes**

ATTACHMENT 10/24/05 U

Pizzino moved and Burger seconded a motion to approve the minutes of the October 11, 2005 Board of Trustees meeting. **3-0 yes**

ATTACHMENT 10/24/05 V

Burger moved and Meeks seconded a motion to approve the appropriation transfer request from account code 101.150.5220, Hospitalization, to account code 101.250.5416, Booking Fees, in the amount of \$3,860.00. **3-0 yes**

Routine Business

Announcements

- Next regular Board of Trustees meeting, November 14, 2005, 4:00 p.m. Executive Session and/or Work Session, 6:00 p.m., General Session, Township Hall.
- LOGIC, November 3, 2005, 9:00 a.m., Safety Center, Chiefs' Conference Room.
- CIC, November 9, 2005, 5:30 p.m., Township Hall.
- Board of Zoning Appeals, November 10, 2005, 7:00 p.m., Township Hall.
- Citizens Advisory Committees:

- Park, November 15, 2005, 6:30 p.m., Township Hall.
- Highway/Traffic, November 16, 2005, 6:30 p.m., Township Hall.

Old Business

Meeks moved and Burger seconded a motion not to request a hearing on the issuance of a liquor permit to Bravo Development Inc., dba Bravo Cucina Italiana, 4224 Everhard Road NW. **3-0 yes**

New Business

Pizzino moved and Meeks seconded a motion not to request a hearing on the issuance of a liquor permit to Lou & Chad Enterprises LLC dba Joes Coffee House & Café, 4469 Hills & Dales Rd. NW, Canton, Ohio. **3-0 yes**

Public Speaks – Open Forum

Lou Chirillo, one of Mo Joe’s owners, thanked the Board for expediting the liquor permit for his business.

Highway Department

Boger presented the 2006 Highway Department budget for review.

ATTACHMENT 10/24/05 W

Meeks moved and Pizzino seconded a motion to approve Module No. 1-06, Highway & Drainage Maintenance, Current Level, in the amount requested of \$1,873,592.00. **3-0 yes**

ATTACHMENT 10/24/05 X

Meeks moved and Burger seconded a motion to approve Module No. 2-06, Salt, in the amount requested of \$311,670.00. **3-0 yes**

ATTACHMENT 10/24/05 Y

Meeks moved and Burger seconded a motion to approve Module No. 3-06, Re-striping, in the amount requested of \$41,000.00. **3-0 yes**

ATTACHMENT 10/24/05 Z

Meeks moved and Pizzino seconded a motion to approve Module No. 4-06, Resurfacing, in the amount requested of \$550,000.00. **3-0 yes**

ATTACHMENT 10/24/05 AA

Meeks moved and Pizzino seconded a motion to approve Module No. 5-06, New Equipment, in the amount requested of \$155,000.00. **3-0 yes**

ATTACHMENT 10/24/05 BB

Meeks moved and Pizzino seconded with discussion a motion to approve Module No. 6-06, Annual Cleanup and Mulch Program, Fund 101 in the amount requested of \$15,000.00.

Withdrawn

Meeks moved and Pizzino seconded a motion to approve Module No. 6-06, Annual Cleanup and Mulch Program, Fund 204, in the amount requested of \$15,000.00. **3-0 yes**

ATTACHMENT 10/24/05 CC

Meeks moved and Pizzino seconded a motion to approve Module No. 9-06, New Construction, Current Level, in the amount requested of \$1,391,466.00. **3-0 yes**

ATTACHMENT 10/24/05 DD

Burger moved and Pizzino seconded a motion to approve Module No. 11-06, New Construction, Current Level (Capital Projects), in the amount requested of \$1,909,465.00.

Meeks moved and Pizzino seconded a motion to withdraw the above motion.

Meeks moved and Pizzino seconded a motion to table Module No. 11-06, New Construction, Current Level (Capital Project), in the amount of requested of \$1,909,465.00. **3-0 yes**

Meeks moved and Pizzino seconded a motion to adjourn. **3-0 yes**

William Burger, President

Randy Gonzalez, Clerk