

**RECORD OF PROCEEDINGS**

**MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES MEETING**

**SEPTEMBER 22, 2008**

Pizzino called the meeting to order at 3:36 p.m. at the Jackson Township Hall with all Trustees, Fiscal Officer, Lyon, Fitzgerald and Neftzer present.

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

Pizzino moved and Walters seconded a motion to go into Executive Session for Fire Department Personnel (Appointment/Employment/Compensation). **3-0 yes**

Upon return from Executive Session, Pizzino opened the Work Session at 5:12 p.m. with Heck, Ruwadi and Poindexter present.

**Work Session**

**ATTACHMENT 09/22/08 A**

Walters moved and Burger seconded a motion to adopt the attached General Driving Rules and Regulations Policy. **3-0 yes**

**ATTACHMENT 08/22/08 B**

There was some discussion regarding the purpose of the legislation which is to proactively provide a means to help keep our residents safe by requiring owners of vicious dogs to demonstrate that they are responsible dog owners. This is a first reading of the measure which will be considered for passage at the next meeting.

**RESOLUTION 08-088, ATTACHED**

Walters held the first reading of the following resolution:

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, the attached citation form and request the Fiscal Office to publish the attached Notice of this Resolution.

At 6:00 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**

### **Police Department**

Fitzgerald: This is a binding arbitration decision that the system is set up so that it's a binding arbitration decision. The grounds to appeal this decision in court are very limited, usually involves some kind of claim of fraud, which doesn't exist in this matter. So, I'm recommending that the Board adopt the attached resolution (indecipherable) the arbitration decision.

Pizzino: Do I have a motion?

### **RESOLUTION 08-089, ATTACHED**

Walters moved and Burger seconded a motion that, as required by the attached arbitration decision and pursuant to ORC Sections 505.49 and 509.01, we hereby reinstate and appoint, subject to the conditions set forth in the arbitration decision, Eric B. Martzolf 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 September 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**

Pizzino: Under discussion, Chief Neftzer came to this Board about eleven months ago and it was his recommendation to terminate Mr. Martzolf and this Board did. But we have to live with binding arbitration and this went to an arbitrator and the arbitrator ruled against us. So at this time here, that's why we are reinstating Eric. Do we have any other discussion?

Burger: None.

Walters: Well, I'd like to say, first off, that I think the arbitrator's decision was outrageous. I've read the entire decision and it's very disturbing. Both the actions of Mr. Martzolf and the decision to reinstate him. The facts have never been disputed and as far as I'm concerned, Mr. Martzolf disqualified himself from continuing to serve as a police officer when he took the actions he did on August 28, 2007. I think it's important that we remember that police officers hold a privileged position in our society because of the tremendous power and authority that they have. Every day police officers make decisions regarding personal liberty, property, sometimes they're life and death decisions. We cannot and will not tolerate these types of actions from our police officers and frankly, I'm disgusted by the reinstatement. As a Trustee, I've spent many hours with our safety forces, both police and fire, and I have to say that one of the great privileges of being a Trustee has been getting to know the men and women who work hard every day to protect us. I've gotten to know many of our officers and I have tremendous respect for what they do and they job that they do. And it's really a shame that because of the actions of one officer, our Township and our entire department has to continue to deal with the consequences. But, as Mr. Pizzino said, the bottom line is we really don't have much choice. We are legally required to reinstatement, as outrageous and distasteful as that is. All that being said, the conclusion I've come to is that what's abundantly clear is that the system of binding arbitration is broken. It does not work as it should. And I think we need to do everything we can to fix this broken system and I look forward to working with my fellow Trustees and our patrol officers to resolve the issue in the coming months.

Pizzino: Any other discussion? Mr. Gonzalez.

Gonzalez: Mr. Pizzino – yes. Mr. Burger – yes. Mr. Walters – yes.

Pizzino: Eric, would you come forward, please?

Pizzino issued the oath of office to Eric Martzolf.

**ATTACHMENT 09/22/08 C**

Pizzino moved and Walters moved to approve the appropriation transfer request from account code 209.250.5652, Police Equipment, to account code 209.250.5396, Vehicle Maint. & Parts, in the amount of \$30,000.00. **3-0 yes**

**ATTACHMENT 09/22/08 D**

Pizzino moved and Burger seconded a motion to adopt and authorize the placement of the Board President's signature upon the attached OVI Countywide Task Force Contract and Memorandum of Understanding. **3-0 yes**

**Administration Department**

**ATTACHMENT 09/22/08 E**

Pizzino moved and Burger seconded a motion to adopt and authorize the placement of our signatures upon the attached Agreement with Bates Amusement, Inc. **3-0 yes**

## **Central Maintenance Department**

### **RESOLUTION 08-090, ATTACHED**

Walters moved and Burger seconded a motion pursuant to ORC Section 505.10, the Board of Trustees hereby determines that the attached described personal property owned by the Board of Trustees is not needed for Township purposes.

Be it further resolved that a public auction shall be held on October 25, 2008 at 10:00 a.m. at Skipco Financial Adjusters, Inc., 700 Elm Ridge, Canal Fulton, Ohio 44614 for the purpose of auctioning the attached described personal property in accordance with the terms contained in the attached Notice of Public Auction which the Township Fiscal officer is requested to post and advertise.

Be it further resolved that we hereby adopt and authorize the placement of our signatures upon the attached Agreement with Skipco Financial Adjusters, Inc. and authorize the President, Fiscal officer or Law Director to execute all documents necessary to accomplish the auction. **3-0 yes**

## **Fire Department**

### **ATTACHMENT 09/22/08 F**

Walters moved and Burger seconded a motion pursuant to ORC Section 505.10 (A)(7), to determine that 28 sets of Fire Department Turnout Gear are obsolete, unfit for the use for which they were required and have no value and we hereby order that the Turnout Gear be discarded.

**3-0 yes**

### **ATTACHMENT 09/22/08 G**

Pizzino moved and Walters seconded a motion to approve the appropriation transfer request from account code 210.210.5385, Other Expense, to account code 210.210.5527, Fuel – Diesel, in the amount of \$18,000.00 and from account code 228.210.5385, Other Expense, to account code 228.210.5527, Fuel – Diesel, in the amount of \$1,871.94.

**3-0 yes**

Pizzino moved and Burger seconded a motion to authorize Kai Rieger to attend the EPA Region 3 Conference from October 26 to October 30 in Richmond, Virginia.

**3-0 yes**

Walters moved and Burger seconded a motion to authorize Aaron Stoller to attend the International Association of Arson Investigators Conference on October 27 & 28 in Beckley, West Virginia.

**3-0 yes**

## **Highway Department**

### **ATTACHMENT 09/22/08 H**

Pizzino moved and Burger seconded a motion to approve the attached Hammontree & Associates, Limited surveying and engineering proposal in the amount of \$11,900.00 for the Spring Lake Off-Road Storm Sewer Project.

**3-0 yes**

**ATTACHMENT 09/22/08 I**

Pizzino moved and Burger seconded a motion to approve Budget Module 30-A-08 for the Fulton-Wales Intersection – Construction in the amount of \$4,000.00. **3-0 yes**

**ATTACHMENT 09/22/08 J**

Pizzino moved and Burger seconded a motion to approve a “Then and Now” Certificate for Purchase Order No. RG 80599. **3-0 yes**

**Zoning & Planning Department**

**RESOLUTION 08-091, ATTACHED**

Pizzino moved and Walters seconded a motion whereas, the Jackson Township Board of Trustees, having been informed in writing that noxious weeds are growing on the lands in charge of Aaron & Chiyoko Washburn, Jackson Township, described as follows: Parcel No. 1611519 – 3443 Lauren Ave. NW, Massillon, OH 44646.

Therefore, be it resolved that said Aaron & Chiyoko Washburn, whose tax mailing address is: Countryside Title Corp. Tax Dept., 1757 Tapo Canyon Rd., Simi Valley, CA 93063, 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. 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. **3-0 yes**

**RESOLUTION 08-092, ATTACHED**

Pizzino moved and Walters seconded a motion whereas, the Jackson Township Board of Trustees, having been informed in writing that noxious weeds are growing on the lands in charge of Willmoll Development, Jackson Township, described as follows: Parcel No. 1611102 – 6996 Whipple Ave. NW, N. Canton, OH 44720.

Therefore, be it resolved that said Willmoll Development, whose tax mailing address is: 821 Main St. S., N. 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. 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. **3-0 yes**

**RESOLUTION 08-093, ATTACHED**

Pizzino moved and Walters seconded a motion whereas, the Jackson Township Board of Trustees, having been informed in writing that noxious weeds are growing on the lands in charge

of Noman M. Rafique & Ttees Shamaila, Jackson Township, described as follows: Parcel No. 1627794 – Lot #3 Weston Place Ave., NW, / Biltmore Estates, N. Canton, OH 44720.

Therefore, be it resolved that said Noman M. Rafique & Ttees Shamaila, whose tax mailing address is: 6724 Glengarry Ave. 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. 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. **3-0 yes**

### **Fiscal Office**

#### **ATTACHMENT 09/22/08 K**

Pizzino moved and Walters seconded a motion to pay the bills in the amount of \$912,806.53.

**3-0 yes**

#### **ATTACHMENT 09/22/08 L**

Pizzino moved and Burger seconded a motion to approve the minutes of the September 8, 2008 Board of Trustees meeting.

**3-0 yes**

### **Routine Business**

#### **Announcements**

- Next regular Board of Trustees meeting, October 14, 2008, 4:00 p.m., Executive and/or Work Session; 6:00 p.m., General Session, Township Hall.
- LOGIC, October 2, 2008, 9:00 a.m., Safety Center, Chiefs' Conference Room.
- CIC, October 20, 2008, 5:30 p.m., Township Hall.
- Board of Zoning Appeals, September 25, 2008, 7:00 p.m., Township Hall.
- Citizen 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.
- Safety Center Open House for Fire Prevention Week, Sunday, October 5, 2008, from 2:00 – 4:00 p.m.

- Recycling Station Open House, Sunday, October 5, 2008, from 2:00 – 4:00 p.m.
- Haunted Hayride, South Park on Fulton Drive, Saturday, October 25, 2008, 7:00 – 10:00 p.m.
- Halloween Trick-or-Treat, Sunday, October 26, from 3:00 – 5:00 p.m.
- Jackson Township now accepts VISA and MasterCard for payment of Zoning Permit fees and Ambulance fees. There is a \$4.00 transaction fee to offset our monthly charges. The Township is providing this payment option in response to the public's requests to use a credit card.

**Old Business** – None

**New Business**

Walters moved and Pizzino seconded a motion to accept a \$50.00 donation to the Jackson Township Park Tree Fund from James & Marcy Stalder in memory of Lottie Mae Scott. **3-0 yes**

Walters moved and Burger seconded a motion to accept a \$35.00 donation to the Jackson Township Park Tree Fund from George & Anna Smerigan in honor of John Criswell. **3-0 yes**

**Public Speaks – Open Forum**

No one came forward.

Gonzalez: Yes, Mr. President, for the sake of the students, the big topic here seemed to be Martzolf, maybe just a brief explanation of what Mr. Walters was speaking of. Did you guys understand any of that? No. The officer was charged with a crime of domestic violence and he was found not guilty of that crime, well I should say it was reduced to a disorderly conduct. He's been off, he was fired almost what a year ago?

Pizzino: Eleven months.

Gonzalez: Eleven months ago. And binding arbitration told us that we had to rehire the officer so that's what Mr. Walters made some comments about. There you probably better understand now with the facts.

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

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**John Pizzino**

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**Randy Gonzalez**