

RECORD OF PROCEEDINGS

MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES MEETING

SEPTEMBER 27, 2010

Pizzino called the meeting to order at 4:05 p.m. at the Jackson Township Hall with all Trustees, Fiscal Officer, and Fitzgerald present.

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

Pizzino moved and Burger seconded a motion go into Executive Session for Administration Department Personnel (Appointment/Employment/Compensation) – Interview Information Technology Manager applicant. **3-0 yes**

Pizzino moved and Burger seconded a motion go into Executive Session for Fire Department Personnel (Prepare for negotiations with public employees concerning their compensation or other terms and conditions of their employment.) **3-0 yes**

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

Upon return from Executive Session, Pizzino opened the Work Session at 5:27 p.m.

Work Session

ATTACHMENT 09/27/10 A

Walters moved and Burger seconded a motion to approve Certificates of Appreciation for the 2010 Arts in Jackson Park committee members and to authorize the Trustees and Fiscal Officer to sign the certificates. **3-0 yes**

Certificates were presented to Tracy Rose and Mary Huggins, Co-Chairs, and Ruthanne Wilkof, President and CEO, Jackson-Belden Chamber of Commerce

ATTACHMENT 09/27/10 B

Rich LaRocco, ME Companies, updated the Board on the Phase 3 Fulton Road Widening Project. He said ODOT has finalized the report with the following changes:

1. The lighting at Foxboro intersection will remain under the ownership of Jackson Township.
2. The lighting at Brunnerdale will remain under the ownership of the Ohio Department of Transportation.
3. The requested sidewalk on the south side of Fulton between Foxboro and Foxchase will be done as part of the job. He said ODOT needs a justification report.
4. Any new sidewalks will be maintained by the Township.

He said the consultant has been given the authority to begin the survey, the base map, and the utility investigation. He said they are ready to begin the design process and that ODOT would like the Board's approval on the final document.

Gonzalez asked Mr. LaRocco if he would tell the audience the distance of this phase. Mr. LaRocco said this project is on Fulton Road from Foxboro to Brunnerdale. He said it will be predominately four lanes with five lanes at the major intersections.

Gonzalez asked Mr. LaRocco to attend the next meeting about "Express Bid" that will be held in October.

At 5:35 p.m., Pizzino called the General Session to order with all department heads present except Marilyn Lyon, who was excused. Pizzino requested that all cell phones and pagers be turned off at this time.

The Pledge of Allegiance was recited.

Public Speaks – None

Highway Department

Boger opened the bids for the Recycling Resurfacing Project.

	<u>Base Bid</u>	<u>Alternate 1</u>	<u>Alternate 2</u>
Perren Asphalt	\$74,434.50	\$8,177.50	\$72,457.00
J D Mining	\$69,643.70	\$6,002.20	\$69,822.50
Superior Paving	\$68,122.45	\$5,835.50	\$62,670.50
Barbicus Construction	\$68,405.50	\$8,293.20	\$66,613.00
Central Allied Enterprises	\$66,643.80	\$6,515.30	\$58,903.80
North Star Asphalt	\$67,086.90	\$8,607.50	\$66,880.80

Boger will have a recommendation at a future meeting.

ATTACHMENT 09/27/10 C

Walters moved and Burger seconded a motion to adopt and authorize the placement of the Board President and Fiscal Officer's signatures upon the attached OPWC Disbursement Request Form for the Lafayette/Highmill Project. **3-0 yes**

Park Department

ATTACHMENT 09/27/10 D

Walters moved and Burger seconded a motion to authorize the hiring of Gregory Breitenstine as a park maintenance worker, through the temporary service, subject to a negative drug screen, at the rate of \$8.00 per hour, effective September 29, 2010, per the recommendation of the Park/Operations Director.

Walters **yes**
Burger **yes**
Pizzino **abstained**

Walters moved and Burger seconded a motion to authorize the hiring of Raymond Isla as a park maintenance worker, through the temporary service, subject to a negative drug screen, at the rate of \$8.00 per hour, effective September 29, 2010, per the recommendation of the Park/Operations Director.

Walters **yes**
Burger **yes**
Pizzino **abstained**

Police Department

ATTACHMENT 09/27/10 E

Pizzino moved and Burger seconded a motion to approve the appropriation transfer request from account code 209.250.5299, Discretionary – P/S, to account code 209.250.5114, Temporary Service, in the amount of \$4,500.00.

3-0 yes

ATTACHMENT 09/27/10 F

Walters moved and Burger seconded a motion to approve an unpaid leave of absence for Todd Macaluso for the purpose of Family & Medical Leave, not to exceed his remaining FMLA balance.

3-0 yes

Zoning & Planning Department

Walters moved and Burger seconded a motion to set a public hearing for Zoning Amendment 586-10 on October 12, 2010 at 5:30 p.m. St. George Serbian Orthodox Church requests to re-zone property located at 4667 Applegrove NW, from R-4 Multi-Family Residential to I-1 Industrial District.

3-0 yes

Fiscal Office

ATTACHMENT 09/27/10 G

Pizzino moved and Burger seconded a motion to pay the bills in the amount of \$873,683.06.

3-0 yes

ATTACHMENT 09/27/10 H

Pizzino moved and Burger seconded a motion to approve the minutes of the September 13, 2010 Board of Trustees meeting.

3-0 yes

Gonzalez told the Board the County is moving forward on the Bid Express project.

Routine Business

Announcements

- Next regular Board of Trustees meeting, October 12, 2010, 4:00 p.m., Executive Session and/or Work Session; 5:00 p.m., General Session, Township Hall.
- LOGIC, October 7, 2010, 9:00 a.m., Safety Center, Chief's Conference Room.
- CIC, October 18, 2010, 5:00 p.m., Township Hall.
- Board of Zoning Appeals:
 - October 14, 2010, 6:30 p.m., Township Hall.
 - October 28, 2010, 6:30 p.m., Township Hall.
- Citizens Advisory Committees:
 - Park, November 9, 2010, 6:30 p.m., Township Hall.
 - Highway/Traffic, November 17, 2010, 6:30 p.m., Township Hall.
- **Jackson Township Farmers Market** every Thursday from 3:00 – 7:00 p.m., through October 14, in North Park.
- **Fire and Police Open House for Fire Prevention Week**, Sunday, October 3, 2010, 2:00 – 4:00 p.m., Safety Center.
- **Internet Safety Presentation**, Tuesday, October 5, 2010, 6:00 p.m., Safety Center. Presenters from the Police Department and Stark County Prosecutor's Office will discuss Texting, Sexting, Cyber-bullying, and protection of children against Internet predators.
- **Township Auction**, Saturday, October 23, 2010, 10:00 a.m., at Skipco.
- **Haunted Hayride**, Saturday, October 23, 2010, 7:00 – 10:00 p.m., South Park.
- **Halloween Trick-or-Treat**, Sunday, October 31, 2010, 3:00 – 5:00 p.m.

Gonzalez said the Frank Road widening hearing was set for Tuesday, September 28, 2010, at 6:00 p.m. at John Knox church on Eastlake.

Old Business – None

New Business – None

Public Speaks – Open Forum

William Lynch, 4139 Meadowview NW, had a complaint about the cover up of crime by the Jackson Township Police Department. He said he sent a letter to the Trustees saying, “I’m sending you the above complaint with a request that you have an independent investigation done of the way these complaints were inappropriately handled by your Jackson Township Police Department. To make the claim that there is insufficient evidence for the above criminal complaints is absurd and a mockery of the rule of law. Any rational person would have to conclude there is more than adequate evidence.” He said this is the letter he sent last November to all three Trustees. He said he sent a second letter at the end of July to Trustee Walters about the same issue. He said he never received a reply.

Pizzino asked Mr. Lynch to refresh their memories regarding what the case was. Mr. Lynch said he filed one complaint for theft, forgery and cashing of two personal checks and the other was theft by deception. He said the two criminals gave him a “fraudulent letter from Social Security, saying she was getting a \$23,000 plus lump settlement and based on that letter he advanced them a total of almost \$18,000.”

Pizzino asked if Mr. Lynch knew the people and if they were friends of his. Mr. Lynch said he knew the people but they were not friends of his.

Chief Zink offered to sit down with Mr. Lynch and they could go through each case with the Board President or all the Trustees. He said as far as evidence goes, they develop the case as best they can and present it to the Prosecutor’s Office and the Police Department defers to the Prosecutor’s as to what happens to the case.

Pizzino asked Chief Zink if that was done. Chief Zink replied that every case that he is aware of that has been done. Pizzino said “in other words, there was no cover up. We turned it over to the Prosecutor’s Office and the Prosecutor decided not to presume charges”. Pizzino said it sounded as though Mr. Lynch’s complaint is more with the Prosecutor’s office than with the Jackson Township Police.

Pizzino asked Mr. Lynch if he spoke with the Prosecutor’s Office. Mr. Lynch said he has and they are involved in the cover up.

Chief Zink asked Mr. Lynch if he received a letter from the Prosecutor’s Office regarding each of these complaints. Mr. Lynch was asked how it could be a cover up if he received a letter from the Prosecutor’s Office that all the information had been turned over to them and they decided not to file criminal charges. Mr. Pizzino pointed out that once the evidence is turned over to the

Prosecutor's Office it's out of the Jackson Township Police Department's hands and it's up to the Prosecutor's Office or the Massillon Courts.

Mr. Lynch said he received letters from both the Police Department and the Prosecutor's Office saying there was insufficient evidence. He pointed out that the Police Department, the Trustees and the Prosecutor's Office received a tape recording from him on which the criminals could be heard admitting their crimes.

Pizzino pointed out that neither the Jackson Township Police nor the Trustees can prosecute. He said all they can do is turn the evidence over to the Prosecutor's Office and it was up to them to file charges and take them through the court system.

Mr. Lynch said he did receive a response from the Stark County Prosecutor's Office.

Gonzalez said the Stark County Prosecutor had nothing to do with this case. He said the only way the Stark County Prosecutor would have anything to do with the case is if it was bound over from the Municipal Court.

Mr. Lynch said the Stark County Prosecutor said the Police said there were no crimes committed.

Chief Zink offered to go over these cases with Mr. Lynch.

Gonzalez told Mr. Lynch he should first file a civil case against these people and a criminal case could follow after that.

Walters moved and Burger seconded a motion to adjourn.

3-0 yes

John Pizzino

Randy Gonzalez