

RECORD OF PROCEEDINGS

MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES MEETING

AUGUST 10, 2021

Hawke called the meeting to order at 3:01 p.m. at the Jackson Township Hall with Trustees Todd Hawke, John Pizzino, and Jim Thomas present. Fiscal Officer Gonzalez, Administrator/Law Director Vaccaro, Assistant Law Director FitzSimmons, Zoning Inspector Poindexter, Fire Chief Berczik, Police Chief Brink, and Public Works Director Rohn were also in attendance.

Hawke moved and Thomas seconded a motion to go into Executive Session for Public Works Department Personnel (Appointment / Employment / Compensation) – Grievance-Step 2 Hearing.
3-0 yes

Hawke moved and Thomas seconded a motion to go into Executive Session for Fire Department Personnel (Appointment / Employment / Compensation) – Full-Time Firefighter / Paramedic Candidate Interviews.
3-0 yes

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

Upon return from Executive Session at 5:00 p.m., Hawke called the General Session to order with all department heads present. Hawke requested that all cell phones be silenced at this time.

The Pledge of Allegiance was recited.

Public Speaks

Ryan Burton & Dave Biasella of Sarchione Auto Gallery spoke. Mr. Burton resides at 2949 Dunbarton Ave NW, Canton, OH 44708 & Mr. Biasella resides at 3221 Mariners Island Dr, Canton, OH 44708. Sarchione Auto Gallery would like to make a donation of \$5,000.00 to the Police and Fire Departments. Both departments have been exceptional to them as new members in the business community. Gonzalez commented that Sarchione Auto Gallery is a great asset to the Township and welcomed them to the community. Mr. Biasella said the community has welcomed them and they are proud to be part of the Township.

Hawke moved and Pizzino seconded a motion to accept a donation in the amount of \$5,000.00 from Sarchione Auto Gallery.
3-0 yes

Administration Department

Vaccaro's first order of business is an Enterprise Agreement. Mr. David and Terry Reese, of 7031 Willowlane Ave NW, Massillon, are here to make their presentation.

Mrs. Reese spoke about The Reserve at Stone Creek Complex. Her husband has had an accounting practice since 1992 and she has owned Mad Science since 1998. They are out of space and need a new location. Recently, both her kids have gotten engaged and in searching for wedding venues found a need for one in Jackson Township. They found land for one on the corner of Strausser and Wales. It is almost 5.5 acres and they plan to build a complex to include a new office building for their current businesses as well as a wedding and events center. They plan to break ground toward the end of September and want to be finished by the end of August 2022. Mrs. Reese explained their vision and touched on all the possibilities that this could bring to Jackson Township.

Gonzalez commented that they have been working together a little over a year now and that Dave and Terry have really done their homework. They also fit in really well, already being Jackson residents and current business owners in Jackson. Gonzalez additionally pointed out that their company, Mad Science has donated two free shows for the amphitheater.

Poindexter asked if they were planning to apply for a variance. Mrs. Reese responded that they are because the land abuts a residential district.

RESOLUTION 21-154 ATTACHED

REESECO RENTALS 2LLC, THE RESERVE AT STONE CREEK LLC, CONNMACK, INC. AND REESE ACCOUNTING, TAX AND FINANCIAL SERVICES – OHIO ENTERPRISE AGREEMENT

Hawke moved and Thomas seconded a motion that whereas, Board of Trustees of Jackson Township encourage the retention and development of existing and new businesses in our community, and;

Whereas, Reeseco Rentals 2LLC, The Reserve at Stone Creek LLC, Connmack, Inc. and Reese Accounting, Tax and Financial Services have submitted an application pursuant to Ohio Revised Code Sections 5709.63(A), and;

Whereas, Jackson Township, Stark County, Ohio has issued the statutory notices required by Ohio Revised Code Sections 5709.63, 5709.69 and 5709.83; and,

Be it resolved that pursuant to Ohio Revised Code Section 5709.63 we hereby adopt and authorize the placement of our signatures upon the attached Ohio Enterprise Zone Agreement with Reeseco Rentals 2LLC, The Reserve at Stone Creek LLC, Connmack, Inc. and Reese Accounting, Tax and Financial Services.

3-0 yes

**RESOLUTION 21-155 ATTACHED
AMPHITHEATER BAND BOOKING AGREEMENT**

Hawke moved and Thomas seconded a motion that whereas, the Board of Trustees owns the Jackson Amphitheater in Jackson Township, Stark County, Ohio.

Whereas, the Board of Trustees has determined that, as part of its programming for the Jackson Amphitheater, the acts identified in the attached contracts are to be engaged for performances for the 2021 season.

Be it resolved that we hereby adopt and authorize the placement of the Board Chairman’s signature upon the attached Booking Agreement for the following bands:

1. Long Time Gone
2. Back & Forth

3-0 yes

**RESOLUTION 21-156 ATTACHED
CONCESSIONS CONTRACT – JACKSON LADIES LACROSSE BOOSTER CLUB**

Hawke moved and Thomas seconded a motion that whereas, the Board of Trustees plans and operates the Summer Concert Series at the Jackson Amphitheater in Jackson Township, Stark County, Ohio.

Be it resolved that, we hereby adopt and authorize the placement of the Board Chairman’s signature on the attached Concessions Contract with the Jackson Ladies Lacrosse Booster Club.

3-0 yes

Legal Department

FitzSimmons briefed the Board on the proposed easement changes for the Fulton Tunnel. He recommended approval of the following resolution and as well as an amendment to the support agreement to reflect the new arrangement.

**RESOLUTION 21-157 ATTACHED
FULTON ROAD TUNNEL – DEEDS, EASEMENT AND AMENDED SUPPORT AGREEMENT**

Hawke moved and Pizzino seconded a motion that whereas, the Stark County Park District (the “District”) has secured partial funding from the Ohio Department of Transportation to construct a tunnel under Fulton Road for a District walking path (the “Project”);

Whereas, the remaining cost of the Project will be divided evenly between the District, the Township and the Jackson Local School District (the “School”);

Whereas, pursuant to Resolution 20-077, the Township entered into that certain Support Agreement with the School and the District dated as of June 26, 2020 (the “Support Agreement”) with respect to such costs;

Whereas, the Support Agreement contemplated that the Township would enter into certain easements with the District with respect to construction of the Project, including a temporary easement for construction (the “Temporary Easement”);

Whereas, while the Support Agreement contemplated the granting of certain permanent easements to the District in connection with the Project, the design thereof necessitates the quit claim conveyance of fee simple interest instead;

Whereas, the District has requested that the Township grant the Temporary Easement as well as quit claim fee simple interest in other property; and

Whereas, the Trustees believe that the Project, as currently designed and proposed, continues to be in the best interests of the Township and the health, safety, and welfare of its residents.

Be it resolved by the Jackson Township Board of Trustees:

1. We hereby adopt, approve, and authorize the placement of our signatures upon, the attached form documents set forth below.
 - a. Temporary Easement – LPA RE 807-D, Parcel 002-T;
 - b. Quit Claim Deed – ODOT LPA RE 803 EA, Parcel 002-WD; and
 - c. Quit Claim Deed - ODOT LPA RE 803 EA, Parcel 002-WDV.
2. We hereby appoint each of Michael B. Vaccaro, Law Director, and Thomas A. FitzSimmons, Assistant Law Director, as Authorized Signatories, with authority to execute the foregoing instruments and any and all other documents which they reasonably deem necessary, advisable or proper, in his sole judgment, to consummate the transactions contemplated herein (including, but not limited to, an amendment to the Support Agreement to reflect the change from easements to fee simple conveyance), and such documents are hereby approved, ratified, and confirmed.

Prior to the vote, there was additional discussion regarding the land surrounding the tunnel. Gonzalez said they are currently relocating the utilities and making sure not to interfere with the school buses. At the end of the school year, then they will begin to construct the tunnel.

3-0 yes

FitzSimmons wanted to clarify with the Trustees that the maintenance of the tunnel/bridge will be split among the parties involved. The County Engineer will keep the tunnel/bridge as part of their inspection schedule, but will not be responsible for maintenance. Pizzino was curious what type of maintenance would be needed. Gonzalez said that the County Engineer could find something during an inspection, but hopes that would be many years down the road.

**RESOLUTION 21-158 ATTACHED
ONEOHIO OPIOID SETTLEMENT**

Hawke moved and Thomas seconded a motion that whereas, the people of the State of Ohio and its communities have been harmed by misfeasance, nonfeasance and malfeasance committed by certain entities within the Opioid Pharmaceutical Supply Chain;

Whereas, the State of Ohio, through its Attorney General, and certain local governments (“Local Governments”), through their elected representatives and counsel, are separately engaged in litigation seeking to hold Opioid Pharmaceutical Supply Chain Participants accountable for the damage caused by their misfeasance, nonfeasance and malfeasance;

Whereas, the State of Ohio, through its Governor and Attorney General, and its Local Governments share a common desire to abate and alleviate the impacts of that misfeasance, nonfeasance and malfeasance throughout the State of Ohio;

Whereas, the State and its Local Governments, subject to completing formal documents effectuating the Parties Agreements, have drafted and Jackson Township, Stark County, Ohio has adopted, and hereby reaffirms its adoption of, a OneOhio Memorandum of Understanding (“MOU”) relating to the allocation and the use of the proceeds of any potential settlements described;

Whereas, the MOU has been collaboratively drafted to maintain all individual claims while allowing the State and Local Governments to cooperate in exploring all possible means of resolution;

Whereas, the Board of Trustees of Jackson Township, Stark County, Ohio understands that an additional purpose of the MOU is to create an effective means of distributing any potential settlement funds obtained under the MOU between the State of Ohio and Local Governments in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Ohio, as well as to permit collaboration and explore potentially effectuation earlier resolution of the Opioid Litigation against Opioid Pharmaceutical Supply Chain Participants;

Whereas, nothing in the MOU binds any party to a specific outcome, but rather, any resolution under the MOU requires acceptance by the State of Ohio and the Local Governments; and

Whereas, a settlement proposal is being presented to the State of Ohio and Local Governments by distributors AmerisourceBergen, Cardinal, and McKesson (collectively the “Settling Distributors”) to resolve governmental entity claims in the State of Ohio using the structure of the OneOhio MOU and consistent with the material terms of the July 21, 2021 proposed National Opioid Distributor Settlement Agreement;

Whereas, the Board of Trustees wishes to agree to the material terms of the proposed National Opioid Distributor Settlement Agreement with the Settling Distributors (the “Proposed Settlement”):

Be it resolved that:

1. We hereby accept the Proposed Settlement on behalf of Jackson Township, Stark County, Ohio, pursuant to the terms of the OneOhio MOU.
2. We hereby authorize Michael B. Vaccaro, Township Administrator, to execute the attached OneOhio Subdivision Participation Form and such other documents and instruments related to the Proposed Settlement as he may determine in his sole discretion to be advisable on behalf of the Township in connection herewith.

3-0 yes

Police Department

ATTACHMENT 08/10/21 A

Hawke moved and Thomas seconded a motion to accept a donation in the amount of \$500.00 from Stark Enterprises, Belden Park Delaware for National Night Out.

3-0 yes

ATTACHMENT 08/10/21 B

Hawke moved and Thomas seconded a motion to accept a donation in the amount of \$30.00 from Lucy & Nellie Burrington and Maddox Caslow from a lemonade stand.

3-0 yes

ATTACHMENT 08/10/21 C

Hawke moved Pizzino seconded a motion to accept the attached resignation from part-time Police Officer and Constable, Tyler Roberts, effective August 5, 2021, at 1350 hours.

3-0 yes

Public Works Department

Highway Division

RESOLUTION 21-159 ATTACHED

2021 PAINT STRIPING OF ROADWAYS PROJECT AWARD

Hawke moved and Pizzino seconded a motion that we hereby determine that Rader Line, LLC is the lowest and best bidder for the 2021 Paint Striping of Roadways Project and hereby award a Contract to them in base bid amount of \$37,898.25 with Alternates A, B, and C in the amount of \$1,764.45 for a total Contract amount of \$39,662.70 in accordance with the Company's proposal and the Specifications and authorize the placement of the Board's signatures on the Contract.

3-0 yes

Park Division

ATTACHMENT 08/10/21 D

Hawke moved and Pizzino seconded a motion to approve the appropriation transfer request from account code 214.510.5387 Discretionary – Park to account code 214.510.5432 Computer Serv -

Park in the amount of \$5,000.00 and from account code 214.510.5762 Capital Imp – Park to account code 214.510.5765 Amphitheater - Park in the amount of \$15,000.00 for a total appropriation transfer of \$20,000.00.

3-0 yes

Fire Department

ATTACHMENT 08/10/21 E

Hawke moved and Thomas seconded a motion to accept a donation of a \$90 gift card from Mrs. Diane Cordon.

3-0 yes

ATTACHMENT 08/10/21 F

Hawke moved and Pizzino seconded a motion to accept a donation in the amount of \$30.00 from Lucy & Nellie Burrington and Maddox Caslow from a lemonade stand.

3-0 yes

Fiscal Office

ATTACHMENT 08/10/21 F

Hawke moved and Pizzino seconded a motion to pay the bills in the amount of \$1,767,718.56.

3-0 yes

ATTACHMENT 08/10/21 G

Hawke moved and Thomas seconded a motion to approve the monthly reports for July 2021.

3-0 yes

RESOLUTION 21-160 ATTACHED 2022 ALTERNATIVE TAX BUDGET DOCUMENT

Hawke moved and Pizzino seconded a motion that we hereby adopt the attached Alternative Tax Budget Document for Fiscal Year 2022 as required by the Stark County Budget Commission in their attached July 16, 2021 directive and pursuant to the July 13, 2006 action of the Stark County Budget Commission, authorize the Township Fiscal Officer to sign the Alternative Tax Budget Document and authorize the Township Fiscal Officer to file said Alternative Tax Budget Document with the Stark County Auditor's Office.

3-0 yes

ATTACHMENT 08/10/21 H

Hawke moved and Pizzino seconded a motion to request an additional amended certificate.

3-0 yes

ATTACHMENT 08/10/21 I

Hawke moved and Pizzino seconded a motion for supplemental appropriations to the County Auditor.

3-0 yes

Routine Business

Announcements

- Next regular **Board of Trustees'** meeting, August 24, 2021, 4:00 p.m., Executive Session and/or Work Session; 5:00 p.m., General Session, Jackson Township Hall.
- **CIC**, August 19, 2021, 8:00 a.m., Jackson Township Hall
- **LOGIC**, September 2, 2021, 9:00 a.m., Jackson Township Hall
- **Zoning Meetings**
 - BZA – August 12, 2021, 5:00 p.m., Jackson Township Hall
 - Zoning Commission – None Scheduled
- **Amphitheater Events** (www.jacksonamphitheater.com)
 - **Food Truck Thursdays** through September 30, 11:00 a.m. to 7:00 p.m.
 - **Summer Concert Series**
 - August 13, 2021 – Tusk: World's Number One Tribute to Fleetwood Mac
 - August 21, 2021 – E5C4P3 – The Journey Tribute
 - August 22, 2021 – Canton Symphony Orchestra – A Night at the Movies
 - Tickets at www.jacksonamphitheater.com
 - **Thursday Night Free Concerts**
 - August 12, 2021 – Long Time Gone – The Music of Crosby, Stills, Nash & Young
 - August 19, 2021 – One – A Celebration of U2
 - **Mad Science Presents – Hands-on Exploration Stations**
 - August 12, 2021, 1:00 p.m. – 3:00 p.m.
 - **Movie in the Park - Onward**
 - August 14, 2021
- **Farmers Market**, Thursdays through September 30, 3:00 p.m. to 6:00 p.m., Jackson Amphitheater Parking Lot

Old Business – None

New Business

RESOLUTION 21-161 ATTACHED

FIRE DEPARTMENT FULL-TIME FIREFIGHTER / PARAMEDIC CONDITIONAL APPOINTMENT

Hawke moved and Thomas seconded a motion that pursuant to the Fulltime Firefighter/Paramedic hiring policy, the Township’s Personnel Hiring Policy and pursuant to authority granted in ORC Section 505.38 “to provide for the employment of firefighters as it considers best”, we hereby appoint the attached listed person(s) to the position of Fulltime Firefighter/Paramedic, conditioned on successful completion of a medical evaluation as to the condition of the individual as it relates to the performance of the duties of a Fulltime Firefighter/Paramedic, background check, negative drug screen and other testing requirements.

3-0 yes

RESOLUTION 21-162 ATTACHED

POLICE DEPARTMENT PART-TIME POLICE OFFICER CONDITIONAL APPOINTMENT

Hawke moved and Pizzino seconded a motion pursuant to ORC Section 505.49 and 509.01, we hereby appoint Gary J. Cochran, as a Part-Time Patrol Officer and Township Constable for the Jackson Township Police District, Stark County, Ohio, and assigned to the School Safety Division, conditioned upon providing proof of Ohio Peace Officer Training Academy certification, successful completion of the background check, negative drug screen and any other testing requirements.

3-0 yes

Public Speaks – Open Forum

Bill King of 5729 Foxboro Ave NW, Canton, OH 44718. He spoke about the noise coming from Royal Docks Brewery events. The HOF Enshrinee event was extremely loud and had outdoor music until about 12:30 a.m. and then moved indoor and continued until about 3:00 a.m. He informed the Trustees that the bass reverberated his entire house. Mr. King said that there was a meeting set up on Friday to discuss this issue and wanted to thank Trustee Thomas for arranging that. He is glad that things are moving in the right direction, but is requesting that there be some sort of ordinance or rule that prohibits outdoor concerts and events of that magnitude within 200 yards of a residential neighborhood. Mr. King thinks that would take care of the outdoor concerts problem, but for indoor music, he proposes that Royal Docks be required to install sound deadening material. He also wants to express the urgency of this request because there is an outdoor concert scheduled for Thursday that goes until 10:00 p.m.

Pizzino asked how long he has lived there, to which he replied 3 years. Mr. King said that he knew it was a brewery, but never knew it was going to be an event center when they moved in. Mr. Pizzino was at Royal Docks and drove through the neighborhoods. Pizzino agreed that the area by the easement was very loud. Pizzino shared about a similar situation and that a business owner agreed to turn the bass off at a certain hour. Chief Brink said he plans to be at the meeting on Friday and is gathering the noise complaint information from that event. He confirmed that he was on site at one point during the event and has already expressed his concerns to the Trustees and Vaccaro.

Vaccaro asked if he had been given notification of the event. Mr. King stated that the only notice he received was a gift basket that was delivered 3-4 hours prior to the event. Mr. King has spoken with the owner and managers at Royal Docks several times in order to handle this in a neighborly manner, but to no avail.

Janet Reed of 5795 Foxboro Ave NW also spoke. She stated that noise has been a problem for about 3 years now. She was immediately concerned when she learned that Royal Docks would be holding events at that location. She stated that there is never any notice given and sometimes there are even events on weekdays. Her main complaint is the bass shaking the windows. She has written letters to Royal Docks and has never gotten a response.

Discussion continued about the noise ordinance and the difficulties in trying to prove the loudness as well as balance the rights of the residents and those hosting the events. The Township is going to continue to look into it. Chief Brink said that those who have a complaint to call the police and ask that someone come out to the residence. It was also noted how much thought and research went into the placement of the amphitheater for this reason, as to avoid bothering the residents who lived nearby. Mr. King thanked the Trustees for listening and is looking forward to the meeting on Friday.

Hawke moved and Pizzino seconded a motion to adjourn.

3-0 yes

Todd Hawke

Randy Gonzalez