

RECORD OF PROCEEDINGS

MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES SPECIAL MEETING

AUGUST 16, 2021

Hawke called the meeting to order at 1:00 p.m. at the Jackson Township Hall with Trustees Todd Hawke, John Pizzino, and Jim Thomas present. Fiscal Officer Gonzalez, Administrator/Law Director Vaccaro, Fire Chief Berczik, and Police Chief Brink were also in attendance.

Hawke requested that all cell phones be silenced at this time.

The Pledge of Allegiance was recited.

Fiscal Department

**RESOLUTION 21-163 ATTACHED
ESTABLISHMENT OF LOCAL FISCAL RECOVERY FUND #150**

Hawke moved and Thomas seconded a motion that whereas, on March 11, 2021, the President of the United States, Joseph Biden, signed into law the American Rescue Plan Act of 2021, Public Law No. 117-2; and,

Whereas, on June 25, 2021, the Ohio General Assembly passed H.B. No. 168 establishing eligibility for Ohio Township's to receive a distribution of funds ("Funding") under the American Rescue Plan Act of 2021 ("ARP") enacted by the federal government; and,

Whereas, Governor Michael DeWine signed H.B. No. 168, on June 29, 2021, enacting the legislation; and,

Whereas, on August 11, 2021, Jackson Township received its first disbursement funding pursuant H.B. No. 168; and,

Be it resolved that, we hereby acknowledge and affirm that funds received through the H.B. No. 168, as of August 16, 2021, via the State of Ohio may be expended only to cover costs consistent with the requirements of the American Rescue Plan Act of 2021, Public Law No. 117-2, and any applicable regulations.

Be it resolved that, pursuant to O.R.C. 5705.12, we authorize and approve the establishment of the Local Fiscal Recovery Fund #150 for the purpose of accumulating funding distributed pursuant to H.B. No. 168, and the American Rescue Plan Act of 2021, Public Law No. 117-2.

3-0 yes

ATTACHMENT 08/16/21 A

Hawke moved and Thomas seconded a motion to request an additional amended certificate in the amount of \$2,098,058.97 as attached.

3-0 yes

ATTACHMENT 08/16/21 B

Hawke moved and Thomas seconded a motion for supplemental appropriations in the amount of \$84,162.90 for Local Fiscal Recovery personal services and \$2,013,896.07 for Local Fiscal Recovery all other services to the County Auditor as attached.

3-0 yes

**RESOLUTION 21-164 ATTACHED
AMERICAN RESCUE PLAN ACT – TRANSFER TO FIRE AND POLICE
DEPARTMENT ACCUMULATED BENEFITS**

Hawke moved Thomas seconded a motion that whereas, on March 11, 2021, the President of the United States, Joseph Biden, signed into law the American Rescue Plan Act of 2021, Public Law No. 117-2; and,

Whereas, on June 25, 2021, the Ohio General Assembly passed H.B. No. 168 establishing eligibility for Ohio Township’s to receive a distribution of funds (“Funding”) under the American Rescue Plan Act of 2021 (“ARP”) enacted by the federal government; and,

Whereas, Governor Michael DeWine signed H.B. No. 168, on June 29, 2021, enacting the legislation; and,

Whereas, on August 11, 2021, Jackson Township received its first disbursement funding pursuant H.B. No. 168; and,

Whereas, the Jackson Township public safety forces and supervisors of the Jackson Fire Department and the Jackson Police Department have been substantially dedicated to mitigating or responding to the COVID-19 public health emergency from March 3, 2021 and continue in their efforts to mitigate and respond to the ongoing COVID-19 public health emergency; and,

Whereas, the Jackson Township public safety forces personnel and supervisors of the Jackson Fire Department and the Jackson Police Department, in their efforts to mitigate and respond to COVID-19 were exposed (quarantine) and/or contracted the disease and incurred sick, vacation and compensatory time use.

Be it resolved that, the Board of Trustees of Jackson Township hereby designates \$50,417.73 of American Rescue Plan Act of 2021 (“ARP”) funds distributed to Jackson Township via H.B. No. 168 to the Jackson Township Fire Department for payroll and benefits expenses as the expenses were incurred as a result of responding to the COVID-19 public health emergency.

Be it resolved that, the Board of Trustees of Jackson Township hereby restores sick time uses, as applicable to the Jackson Township Firefighters/Paramedics consistent with Exhibit A.

Be it resolved that, the Board of Trustees of Jackson Township hereby designates \$33,745.17 of American Rescue Plan Act of 2021 (“ARP”) funds distributed to Jackson Township via H.B. No. 168 to the Jackson Township Police Department for payroll and benefits expenses as the expenses were incurred as a result of responding to the COVID-19 public health emergency.

Be it resolved that, the Board of Trustees of Jackson Township hereby restores sick, vacation and compensatory time uses, as applicable to the Jackson Township Police Officers consistent with Exhibit B.

3-0 yes

RESOLUTION 21-165 ATTACHED

FIRE DEPARTMENT ACCUMULATED BENEFITS #293

Hawke moved and Thomas seconded a motion that pursuant to attached ORC Section 5705.13(B), we hereby amend attached Resolution Number 20-206, effective August 16, 2021, as follows:

1. Establish a Fire Department Special Revenue Fund for the purpose of accumulating resources for the payment of accumulated sick leave and vacation leave, and for payments in lieu of taking compensatory time off, upon the termination of employment or the retirement of officers and employees of the subdivision.

2. Authorize the transfer of \$50,417.73 from Account 150.110.5962 to be deposited in a special sub fund named the Fire Department Special Revenue Fund #293, and can be supplemented if subsequently determined by the Board of Trustees and shall be established and maintained by the Township Fiscal Officer.

3. Authorize the creation of the following new codes in the accounting system: Fund #293 – Fire Special Revenue Fund, #293.000.4991 transfers in from Local Fiscal Recovery Fund, expense code #293.210.5140 – Fire Special Revenue Fund, Fire operations cost center, severance pay object code.

3-0 yes

RESOLUTION 21-166 ATTACHED

POLICE DEPARTMENT ACCUMULATED BENEFITS #295

Hawke moved and Thomas seconded a motion that pursuant to attached ORC Section 5705.13(B), we hereby amend attached Resolution Number 19-294, effective August 16, 2021, as follows:

1. Establish a Police Department Special Revenue Fund for the purpose of accumulating resources for the payment of accumulated sick leave and vacation leave, and for payments in lieu of taking compensatory time off, upon the termination of employment or the retirement of officers and employees of the subdivision.

2. Authorize the transfer of \$33,745.17 from Account 150.110.5964 to be deposited in a special sub fund named the Police Department Special Revenue Fund #295, and can be supplemented if subsequently determined by the Board of Trustees and shall be established and maintained by the Township Fiscal Officer.

3. Authorize the creation of the following new codes in the accounting system: Fund #295 – Police Special Revenue Fund, #295.000.4991 transfers in from Local Fiscal Recovery Fund, expense code #295.250.5140 – Police Special Revenue Fund, Police operations cost center, severance pay object code.

3-0 yes

Hawke addressed Mr. Gallucci (Firefighters Union President) and spoke about having to make real time decisions based on available information and CDC requirements at the time. He said that keeping staff at work to provide care for the residents was one of the most important. Looking back, if they had known there would have been funds available, he would've done things differently, but Hawke thinks the Union and Police and Fire Departments did a great job and he appreciates it. He was grateful that some things were able to be processed through the Workers Compensation Program, but also happy to have these funds available. He thanked them for everything they did.

Administration Department

RESOLUTION 21-167 ATTACHED

MEMORANDUM OF UNDERSTANDING-IAFF LOCAL 2280

Hawke moved and Pizzino seconded a motion that we hereby adopt and authorize the placement of the Board Chairman's signature on the attached Memorandum of Understanding with the Jackson Township Professional Firefighters, IAFF Local 2280, effective August 16, 2021.

3-0 yes

RESOLUTION 21-168 ATTACHED

CONCESSIONS CONTRACT – JACKSON DIAMOND CLUB

Hawke moved and Pizzino 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 the attached Concessions Contract with the Jackson Diamond Club.

3-0 yes

Public Speaks

Mr. John Ney addressed the Trustees about Resolution 20-060 that was adopted on March 31, 2020. He said he thinks it was a mistake and a more reasoned approach would've been to let it play out and see what happened. He added that the decision seemed rash and impacted morale and no explanation was given about this decision. His concern is that Executive Session was used in a way that didn't provide information that would benefit the public and employees to know why a decision was made. Mr. Ney had requested Vaccaro's emails and read that two legal firms suggested that the Township should exempt first responders. Mr. Ney wants to know why this decision was made and why the Trustees exempted the first responders knowing that the General Assembly had \$350 Million that was going to be provided to the counties and cities for these purposes. Thomas answered that the federal government permitted this exemption. Chief Berczik said that according to the FFCRA (Families First Coronavirus Relief Act), exposed employees would be required to quarantine for fourteen days. He explained that within the first week of April, two-thirds of the Fire/EMS department transported multiple COVID patients. Therefore, due to direct contact, two-thirds of the Fire/EMS department would not be permitted to come to work. To protect the first responders, they were provided proper PPE, the medic units were routinely decontaminated, and uniforms were washed multiple times a day. Employees with family

members that tested positive were required to stay home. Berczik said they followed all the recommended safety precautions.

Mr. Ney asked how making those employees non-essential changed anything. Vaccaro explained to Mr. Ney that he may be confusing two resolutions. There was a resolution that created a list of essential employees, including police and fire. The other resolution was concerning the FFCRA that created a set of rules for employees. The law permitted certain groups of employees to be exempted from the Act; two of those groups were police and fire. Vaccaro explained to Mr. Ney that the CARES Act was not enacted until months later. When that decision was made, the CARES Act wasn't even on the horizon. Real time decisions were being made based on the best information available at the time. He, the Police Chief, and the Fire Chief all met daily and adjusted based on new recommendations from the Ohio Department of Health and Stark County Health Department.

Mr. Ney asked why that decision wasn't reversed when the General Assembly promised the money. Vaccaro explained that the effective date of FFCRA was April 1, 2020 and they had to have a plan in place in order to lay out the parameters to all employees. Once the CARES Act was established months later, hazard pay was provided to those exempted employees. Vaccaro added that they have been further incentivized by the Trustees with ARP (American Rescue Plan) funds.

In response, Mr. Ney asked Vaccaro whether the amount of hazard pay made up for the exemption. Vaccaro said he refused to answer that question stating there was no proper way to answer it. He made it known that their decision was made based on real-time information that was available to them and he always works with all sides to be as fair as possible. He added that the first responders' job duties involve inherent risks and he thanks them daily.

Vaccaro addressed Mr. Ney's question about the emails from law firms containing FFCRA information. Vaccaro explained that Mr. Ney's public records request was for all correspondence related to the FFCRA which even included unsolicited emails from law firms. Vaccaro said the emails were included in response to the public records request, but it should not be assumed that the information was relied upon or even used. Mr. Ney said that it seemed coincidental that the Board's decision coincided with those recommendations; that it appeared Vaccaro coached the decision during Executive Session. Mr. Ney added that from a public standpoint, no one knows why that decision was made, including employees in the Police and Fire Departments. Vaccaro stated that discussions about FFCRA were allowable under the laws governing Executive Session. It is Ohio law that Executive Session is not open to the public and therefore by law, there is no requirement that we keep minutes. Mr. Ney asked again why an explanation was not given. Thomas, Pizzino and Gonzalez all commented that this is the first time anyone has ever asked and that the explanation has been provided. Pizzino added that the Board did what needed to be done to protect the residents of Jackson Township. Gonzalez added that he sat through both police and fire negotiations and not once during those negotiations was this issue ever brought up.

Mr. Ney said that he thinks an explanation could've been communicated better as to why this decision was made. There was general agreement to that comment. Chief Brink said that he has never had an officer ask him a question about this topic. He also has not been aware of any moral issues related to this topic. Brink added that his officers were very appreciative of the hazard pay

given to them. Brink asked Mr. Ney about his campaign literature that proposes cutting property taxes and that cutting property taxes leads to cutting officers. Mr. Ney responded that he is very supportive of the safety services, but thinks that the thirty-one increase of property taxes since 2012 is too high. Mr. Ney wants to lower property taxes. Gonzalez explained to him that the only way to cut taxes is to put them on the ballot and let the voters decide to cut the police, fire, or park levy. Mr. Ney added that he is supportive of the services provided by the township, but also sensitive to the needs to the township residents.

There was additional discussion reiterating what had already been said. Gonzalez thanked Mr. Ney for coming in and having the courage to ask his questions, however he urged Mr. Ney to call the Trustees with questions in order to gather more factual information.

Pizzino moved and Hawke seconded a motion to adjourn.

3-0 yes

Todd Hawke

Randy Gonzalez