

## RECORD OF PROCEEDINGS

### MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES MEETING

APRIL 12, 2022

Hawke called the meeting to order at 3:05 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, Police Chief Brink, Zoning Inspector Poindexter, and Public Works Director Rohn were also in attendance.

The first order of business was a work session to discuss the Jackson Amphitheater.

Hawke moved and Thomas seconded a motion to go into Executive Session for Public Works Department Personnel (Appointment / Employment / Compensation) – Interview Candidate for Foreman.

**3-0 yes**

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

The Pledge of Allegiance was recited.

**Public Speaks – None**

At 5:00 p.m., the Tax Incentive Review Council (TIRC) Meeting for Sam's Club was held.

#### **Police Department**

Officers Carter and Kempf were sworn in and a brief recess took place for pictures.

#### **RESOLUTION 22-104 ATTACHED**

#### **ACCEPTANCE OF FULL-TIME POLICE PATROL OFFICER OATH OF OFFICE**

Hawke moved and Thomas seconded a motion that we hereby accept the attached oath of office for Emmalee H. Carver as Full-time Patrol Officer and Police Constable for the Jackson Township Police District, Stark County, Ohio.

**3-0 yes**

#### **RESOLUTION 22-105 ATTACHED**

#### **ACCEPTANCE OF FULL-TIME POLICE PATROL OFFICER OATH OF OFFICE**

Hawke moved and Thomas seconded a motion that we hereby accept the attached oath of office for Dustin L. Kempf as Full-time Patrol Officer and Police Constable for the Jackson Township Police District, Stark County, Ohio.

**3-0 yes**

**ATTACHMENT 04/12/22 A**

Hawke moved and Thomas seconded a motion to approve an appropriation transfer from 209.250.5299 Discretionary P/S, to 209.250.5230 BWC-Police, in the amount of \$6,238.41.

**3-0 yes**

**ATTACHMENT 04/12/22 B**

Hawke moved and Thomas seconded a motion to approve an unpaid leave of absence, effective April 24, 2022 through May 3, 2022, for full-time Police Patrol Officer, Ryan C. Mack, with the exception that the unpaid leave of absence terminates if the employee returns to work full-time without restriction, or separates from Township employment, or separates from employment, pursuant to an OPERS approved benefit. Employee shall be responsible for his employee share of extended health benefits from April 24, 2022, until he returns to active payroll status.

**3-0 yes**

**Administration Department**

**RESOLUTION 22-106 ATTACHED**

Hawke moved and Pizzino seconded a motion that we adopt and authorize the placement of the Township Administrator/Law Director, Michael B. Vaccaro, to sign the attached Capital Improvement Legislative Grant Agreement Amendment #1 for “Tam O’Shanter Park”, with the Ohio Department of Natural Resources.

**3-0 yes**

**ATTACHMENT 04/12/22 C**

Hawke moved and Pizzino seconded a motion to approve an amendment to the Township’s Concealed Weapons Policy and change the name of the policy to Firearm and Weapons Policy, effective immediately.

**3-0 yes**

**ATTACHMENT 04/12/22 D**

Hawke moved and Thomas seconded a motion to approve the proposed Employee Handbook revision effective immediately.

**3-0 yes**

**ATTACHMENT 04/12/22 E**

Hawke moved and Thomas seconded a motion to approve a Then & Now Certificate for purchase order RG22376 to Sedgwick in the amount of \$19,415.00 for the group retrospective rating.

**3-0 yes**

**Legal Department**

**RESOLUTION 22-107 ATTACHED  
2022 COMMUNITY CELEBRATION FIREWORKS AGREEMENT**

Hawke moved and Thomas seconded a motion that we hereby adopt and authorize the placement of the Board Chairman's signature upon the attached Fireworks Display Agreement with Pyrotecnico Fireworks, Inc., in the amount of \$21,500.00.

**3-0 yes**

**RESOLUTION 22-108 ATTACHED  
AMPHITHEATER BAND BOOKING AGREEMENTS**

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 2022 season.

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

1. Eric Brooke Band
2. Without U2 – U2 Tribute Experience
3. Into The Blue
4. Unhinged
5. Trippin' Billies
6. Karissa Ella
7. Kings Highway
8. Burning Blue
9. Wing It!
10. The Prince Project
11. Yankee Bravo
12. The New Delhi Monkeymen

13. Daniel Gray-Hot as Funkl

14. Southern Roots

15. Chris Higbee Band

3-0 yes

**RESOLUTION 22-109 ATTACHED**

**APPROVAL OF A PETITION FOR CREATION OF ENERGY SPECIAL IMPROVEMENT DISTRICT AND FOR SPECIAL ASSESSMENTS FOR SPECIAL ENERGY IMPROVEMENT PROJECTS AND AFFIDAVIT AND APPROVING THE NECESSITY OF ACQUIRING, CONSTRUCTING, EQUIPPING, IMPROVING, AND INSTALLING CERTAIN PUBLIC IMPROVEMENTS IN JACKSON TOWNSHIP, STARK COUNTY, OHIO IN COOPERATION WITH THE JACKSON TOWNSHIP (STARK COUNTY) ENERGY SPECIAL IMPROVEMENT DISTRICT**

Hawke moved and Thomas seconded a motion that whereas, as set forth in Chapter 1710 of the Ohio Revised Code, the Ohio General Assembly has authorized property owners to include their properties within energy special improvement districts (each, an “ESID”) upon a petition to a municipal corporation or township, which ESIDs are voluntary organizations of property owners who undertake special energy improvement projects for their properties and finance such special energy improvement projects by way of voluntary special assessments; and

Whereas, Reeseco Rentals 2, LLC, (the Owner”) owns certain real property located within Jackson Township, Stark County, Ohio (the “Township”) at Stark County Auditor Parcel Number 1616697, (the “Project Site,” as further described in Exhibit A to the Petition), as an appropriate property for a special energy improvement project pursuant to Ohio Revised Code Chapter 1710; and

Whereas, the Stark County Energy Special Improvement District (the “District”) was created under Ohio Revised Code Chapters 1702 and 1710 as an energy special improvement district and established pursuant to Resolution No. 21-110 of the Board of Township Trustees of the Township (the “Board of Trustees”) approved on June 8, 2021 (the “Creation Resolution”); and

Whereas, pursuant to the Creation Resolution, Stark County Energy Special Improvement District Project Plan (as amended and supplemented from time to time, the “Program Plan”) was adopted as a plan for public improvements and public services under Ohio Revised Code Section 1710.02(F), which plan allows for additional properties within the Township or the boundaries of any other municipal corporation or township that may duly become a participating political subdivision of the District; and

Whereas, the Owner has determined to submit to the Board of Trustees a Petition for Special Assessments for Special Energy Improvement Projects (the “Petition”), together with a Supplement to Plan for Reserve at Stone Creek (the “Supplemental Plan”), all in accordance with Ohio Revised Code Section 1710.02, each of which are now on file with the Fiscal Officer; and

Whereas, the Petition, which is on file with the Jackson Township Board of Trustees and the Jackson Township Fiscal Officer, has been signed by the Owner, as the owner of 100% of the Property, and proposes the necessity of acquiring, constructing, equipping, improving, and installing the Project and financing the Project through the cooperation of the District; and

Whereas, the Petition is for the purpose of developing and implementing special energy improvement projects in furtherance of the purposes set forth in Section 2o of Article VIII of the Ohio Constitution, including, without limitation, the Project, and further, the Petition identifies the amount and length of the special assessments to be imposed with respect to the Project; and

Whereas, in the Petition, the Owner requests that the Project be paid for by special assessments assessed upon the Property (the “Special Assessments”) in an amount sufficient to pay the costs of the Project, which is estimated to be in the maximum amount of \$1,726,688.20, including other related costs of financing the Project, which may include, without limitation, the payment of principal of and interest on obligations issued to pay the costs of the Project and other interest, financing, credit enhancement, and issuance expenses and ongoing trustee fees and District administrative fees and expenses, and requests that the Project be undertaken cooperatively by the Township, the District, and such other parties as the Township may deem necessary or appropriate; and

Whereas, Ohio Revised Code Section 1710.02(F) provides that a political subdivision which has approved a petition for special assessments for public improvements in an energy special improvement district and a plan pursuant to Ohio Revised Code Sections 1710.02(F) and 1710.06 shall levy the requested special assessments pursuant to Ohio Revised Code Chapter 727; and

Whereas, in furtherance of the future addition of any real property in any municipal corporation or township contiguous to the municipal corporations or townships in which a portion of the territory of the District is located, it is necessary, and this Board of Trustees has determined, to approve the addition of such real property to the territory of the District, all in accordance with Ohio Revised Code Chapter 1710; and

Whereas, the Jackson Township Board of Trustees, as mandated by Ohio Revised Code Chapter 1710, must approve or disapprove the Petition within 60 days of the submission of the Petition;

Whereas, this Board of Trustees has determined to approve the Petition, the Program Plan, and the Supplemental Plan.

Now, therefore, be it hereby resolved by the Jackson Township Board of Trustees, Stark County, Ohio that:

Section 1.     Definitions. Each capitalized term not otherwise defined in this Resolution or by reference to another document shall have the meaning assigned to it in the Petition.

Section 2. Approval of Petition, Program Plan, and the Supplemental Plan. The Jackson Township Board of Trustees hereby approves the Petition, the Program Plan, and the Supplemental Plan now on file with the Fiscal Officer and declares necessary, and a vital and essential public purpose of the Township, to improve the Property, which is located within the Township with Stark County Auditor parcel identification number 1616697, by providing for the acquisition, construction, and improvement of the Project by the Owner, as set forth in the Petition, and providing for the payment of the costs of the project, including any and all architectural, engineering, legal, insurance, consulting, energy auditing, planning, acquisition, installation, construction, surveying, testing, and inspection costs; the amount of any damages resulting from the Authorized Improvements and the interest on such damages; the costs incurred in connection with the preparation, levy and collection of the special assessments; the cost of purchasing and otherwise acquiring any real estate or interests in real estate; expenses of legal services; costs of labor and material; and other financing costs incurred in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued to pay costs of the Authorized Improvements in anticipation of the receipt of the Special Assessments, capitalized interest on, and financing reserve funds for, such securities, nonprofit corporate obligations, or other obligations so issued, including any credit enhancement fees, trustee fees, and District administrative fees and expenses; together with all other necessary expenditures, all as more fully described in the Petition and profiles, specifications, and estimates of cost of the Project, all of which are on file with the Board of Trustees and the Fiscal Officer and open to the inspection of all persons interested.

Section 3. One Project. The Jackson Township Board of Trustees Board of Trustees determines that the Project's elements are so situated in relation to each other that in order to complete the acquisition and improvement of the Project's elements in the most practical and economical manner, they should be acquired and improved at the same time, with the same kind of materials, and in the same manner; and that the Project's elements shall be treated as a single improvement, pursuant to Ohio Revised Code Section 727.09, and the Project's elements shall be treated as a joint improvement to be undertaken cooperatively by the Township and the District pursuant to Ohio Revised Code Section 9.482 and Ohio Revised Code Chapter 1710.

Section 4. Approval of Plans. The plans and specifications and total cost of the Project now on file with the Jackson Township Board of Trustees and the Jackson Township Fiscal Officer as part of the Petition and the Program Plan are approved, subject to changes as permitted by Ohio Revised Code Chapter 727. The Project shall be made in accordance with the plans, specifications, profiles, and estimates for the Project.

Section 5. Public Necessity of Project. The Jackson Township Board of Trustees hereby determines that the Project is a necessary and essential and vital public, governmental purpose of the Township, to improve the Property through the acquisition, construction, equipping, improvement, and installation of the Project as a Special Energy Improvement Project, as defined in Ohio Revised Code Section 1710.01(I); and that in order to fulfill that essential and vital public purpose of the Township, it is necessary and proper to provide, in cooperation with the District, for the acquisition, construction, and improvement of the Project in the manner contemplated by

the Petition. The Jackson Township Board of Trustees determines and declares that the Project is conducive to the public peace, health, safety and welfare of the Township and the inhabitants of the Township.

Section 6. Allocation of Costs of Project. Pursuant to and subject to the provisions of the valid Petition signed by the owners of 100% of the Property, the entire cost of the Project shall be paid by the Special Assessments levied against the Property, which is the benefited property. The Township does not intend to issue securities in anticipation of the either levy of the Special Assessments or the collection of the Special Assessments.

Section 7. Assessment Method. The method of levying the Special Assessments shall be in proportion to the benefits received, allocated among the parcels constituting the Property as set forth in the Petition.

Section 8. Property. The lots or parcels of land to be assessed for the Project shall be the Property, described in Exhibit A to the Petition, all of which lots and lands are determined to be specially benefited by the Project.

Section 9. Assessment Schedule. The Special Assessments shall be levied and paid in forty-six (46) semi-annual installments pursuant to the list of estimated Special Assessments set forth in the Petition, and the Owner has waived its option to pay the Special Assessment in cash within 30 days after the first publication of the notice of the assessing Resolution.

The aggregate amount of Special Assessments estimated to be necessary to pay the costs of the Project is \$1,726,688.20. Each semi-annual Special Assessment payment represents payment of a portion of any principal repayment, interest, and administrative fees payable with respect to the Project. The interest portion of the Special Assessments, together with amounts used to pay administrative expenses, are determined to be substantially equivalent to the fair market rate or rates of interest that would have been borne by securities issued in anticipation of the collection of the Special Assessments if such securities had been issued by the Township. In addition to the Special Assessments, the County Auditor of Stark County, Ohio may impose a special assessment collection fee with respect to each semi-annual payment, which amount will be added to the Special Assessments by the County Auditor of Stark County, Ohio.

Section 11. Board of Trustees and Fiscal Officer to File Estimate of Special Assessments. The Board of Trustees and the Fiscal Officer, or their designee, are authorized and directed to prepare and file in the office of the Board of Trustees and the Fiscal Officer the estimated Special Assessments for the costs of the Project in accordance with the method of assessment set forth in the Petition and this Resolution, showing the amount of the assessment against each lot or parcel of land to be assessed.

Section 12. Notice to Property Owner. Upon the filing of the estimated Special Assessments with the Jackson Township Board of Trustees and the Jackson Township Fiscal Officer, notice of the adoption of this Resolution and the filing of the estimated Special Assessments shall be served

upon the Owner of the Property, as provided in Ohio Revised Code Section 727.13. The appropriate officials of the Township shall also comply with the applicable procedural requirements of Ohio Revised Code Chapter 727.

Section 13. Collection of Special Assessments. The Jackson Township Board of Trustees and the Jackson Township Fiscal Officer, or their designee, is authorized, pursuant to Ohio Revised Code Section 727.12, to cause the Special Assessments to be levied and collected at the earliest possible time including, if applicable, prior to the completion of the acquisition and construction of the Project.

Section 14. Appropriation of Special Assessments. The Special Assessments will be used by the Township to provide the Authorized Improvements in cooperation with the District in any manner, including assigning the Special Assessments actually received by the Township to the District or to another party the Township deems appropriate, and the Special Assessments are appropriated for such purposes.

Section 15. Acceptance of Waiver of Process. The Jackson Township Board of Trustees accepts and approves the waiver of all further notices, hearings, claims for damages, rights to appeal and other rights of property owners under the law, including but not limited to those specified in the Ohio Constitution, Ohio Revised Code Chapter 727, Ohio Revised Code Chapter 1710, and consents to the immediate imposition of the Special Assessments upon the Property. This waiver encompasses, but is not limited to, waivers by the Owner of the following rights:

- (i) The right to notice of the adoption of the Resolution of Necessity under Ohio Revised Code Sections 727.13 and 727.14;
- (ii) The right to limit the amount of the Special Assessments under Ohio Revised Code Sections 727.03 and 727.06, including the right to consider the Special Assessments authorized by the Petition within the limitations contained in Ohio Revised Code Section;
- (iii) The right to file an objection to the Special Assessments under Ohio Revised Code Section 727.15;
- (iv) The right to the establishment of, and any proceedings by and any notice from an Assessment Equalization Board under Ohio Revised Code Sections 727.16 and 727.17;
- (v) The right to file any claim for damages under Ohio Revised Code Sections 727.18 through 727.22 and Ohio Revised Code Section 727.43;
- (vi) The right to notice that bids or quotations for the Project may exceed estimates by 15%;
- (vii) The right to seek a deferral of payments of Special Assessments under Ohio Revised Code Section 727.251;
- (viii) The right to notice of the passage of the assessing Resolution under Ohio Revised Code Section 727.26; and
- (ix) Any and all procedural defects, errors, or omissions in the Special Assessment process.

Section 16. No Ownership by Township. Pursuant to Ohio Revised Code Section 1710.02(G)(4), the Jackson Township Board of Trustees determines that the Project is not required to be owned exclusively by the Township for its purposes, for uses determined by the Jackson Township Board of Trustees, as the legislative authority of the Township, as those that will

promote the welfare of the people of such participating political subdivision to: improve the quality of life and the general and economic well-being of the people of Township; better ensure the public health, safety, and welfare; to conserve energy resources and reduce energy waste; provide for the conservation and preservation of water and other natural resources; make urban areas more desirable or suitable for development and revitalization; control, prevent, minimize, clean up, or mediate certain contamination of or pollution from lands in the state and water contamination or pollution; or to provide for safe and natural areas and resources. The Jackson Township Board of Trustees accordingly authorizes the Board of Directors of the District (the “Board”) to act as its agent to sell, transfer, lease, or convey the Project. The consideration the Board must obtain from any sale, transfer, lease, or conveyance of the special energy improvement project on the Property is any consideration greater than or equal to One Dollar and Zero Cents (\$1.00).

Section 17. Compliance with Open Meetings Requirements. That the Jackson Township Board of Trustees finds and determines that all formal actions of this Board of Trustees concerning and relating to the passage of this legislative Resolution were adopted in an open meeting of the Jackson Township Board of Trustees, Stark County, Ohio, and that all deliberations of this Board of Trustees and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Ohio Revised Code Section 121.22, and utilizing electronic means, as permitted by Substitute House Bill 51 of the 134th General Assembly of the State of Ohio, effective February 17, 2022.

3-0 yes

#### **RESOLUTION 22-110 ATTACHED**

#### **DETERMINATION TO PROCEED WITH THE ACQUISITION, CONSTRUCTION, EQUIPPING, IMPROVEMENT, AND INSTALLATION OF CERTAIN PUBLIC IMPROVEMENTS IN JACKSON TOWNSHIP, STARK COUNTY, OHIO IN COOPERATION WITH THE JACKSON TOWNSHIP (STARK COUNTY) ENERGY SPECIAL IMPROVEMENT DISTRICT**

Hawke moved and Thomas seconded a motion whereas, the Board of Township Trustees (“Board of Trustees”) of Jackson Township, Stark County, Ohio (the “Township”) duly adopted Resolution No. 22-109 on April 12, 2022 (the “Resolution of Necessity”), (i) declaring the necessity of acquiring, constructing, equipping, improving, and installing energy efficiency improvements, including, without limitation, building envelope improvements, heating, ventilation and air conditioning improvements, high efficiency plumbing, domestic hot water system and fixtures improvements, lighting systems and controls improvements, and related improvements (the “Project”, as more fully described in the Petition referenced in this Resolution) located on real property owned by Reeseco Rentals 2, LLC, an Ohio limited liability company (the “Owner”) within the Township and having Stark County Auditor parcel identification number 1616697 (the “Property”, as more fully described in Exhibit A to the Petition); (ii) providing for the acquisition, construction, equipping, improvement, and installation of the Project by the Owner, as set forth in the Owner’s *Petition for Special Assessments for Special Energy Improvement Projects* (the “Petition”), and the *Stark County Energy Special Improvement District Program Plan Supplement to Plan for Reserve at Stone Creek* (the “Plan”) including by levying and collecting special assessments to be assessed upon the Property (the “Special Assessments”)

in an amount sufficient to pay the costs of the Project, which is estimated to be \$ 1,726,688.20, including other related costs of financing the Project, which may include, without limitation, the payment of principal of and interest on nonprofit corporate obligations issued to pay the costs of the Project and other interest, financing, credit enhancement, and issuance expenses and ongoing trustee fees and administrative fees and expenses of the Jackson Township (Stark County) Energy Special Improvement District, Inc., an energy special improvement district and nonprofit corporation under the laws of the State of Ohio, to be authorized to do business as the Stark County Energy Special Improvement District (the “District”); and (iii) determining that the Project will be treated as a special energy improvement project to be undertaken cooperatively by the Township and the District; and

Whereas, the claims for damages alleged to result from and objections to the Project have been waived by 100% of the affected property owners and no claims for damages or objections have been filed;

Now, therefore, be it hereby resolved by the Jackson Township Board of Trustees, Stark County, Ohio that:

Section 1. Definitions. Each capitalized term not otherwise defined in this Resolution or by reference to another document shall have the meaning assigned to it in the Petition.

Section 2. Determination to Proceed. This Board of Trustees declares that its intention is to proceed with the acquisition, construction, and improvement of the Project described in the Petition and the Resolution of Necessity. The Project shall be made in accordance with the provisions of the Resolution of Necessity and with the plans, specifications, profiles, and estimates of cost previously approved and now on file with the Board of Trustees and the Fiscal Officer.

Section 3. Special Assessments. The Special Assessments to pay costs of the Project, which are estimated to be \$ 1,726,688.20, including other related financing costs incurred in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued to pay costs of the Authorized Improvements in anticipation of the receipt of the Special Assessments, capitalized interest on, and financing reserve funds for, such securities, nonprofit corporate obligations, or other obligations so issued, including any credit enhancement fees, trustee fees, and District administrative fees and expenses, shall be assessed against the Property in the manner and in the number of semi-annual installments provided in the Petition and the Resolution of Necessity. Each semi-annual Special Assessment payment represents the payment of a portion of any principal repayment and interest and administrative fees payable with respect to the Project. The Special Assessments shall be assessed against the Property commencing in tax year 2023 for collection in 2024 and shall continue through tax year 2045 for collection in 2046. In addition to the Special Assessments, the County Auditor of Stark County, Ohio may impose a special assessment collection fee with respect to each semi-annual payment, which amount, if imposed, will be added to the Special Assessments by the County Auditor of Stark County, Ohio.

Section 4. Amount of Assessments. That the estimated maximum amount of Special Assessments for costs of the Project prepared and filed in the offices of the Board of Trustees and the Fiscal Officer, in accordance with the Resolution of Necessity, are adopted.

Section 5. Certification to County Auditor. That in compliance with Ohio Revised Code Section 319.61, the Board of Trustees and the Fiscal Officer are directed to deliver a certified copy of this Resolution to the County Auditor of Stark County, Ohio within 15 days after the date of its passage.

Section 6. Contracts. That all contracts for the construction of the Project will be let solely by the Owner or its designees in its or their individual capacities in the manner provided by law, subject to the provisions of the Ohio Revised Code and the Petition, and the costs of the Project shall be financed as provided in the Resolution of Necessity.

Section 7. Compliance with Open Meetings Requirements. That this Board of Trustees finds and determines that all formal actions of this Board of Trustees concerning and relating to the passage of this Resolution were taken in an open meeting of this Board of Trustees, and that all deliberations of this Board of Trustees and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Ohio Revised Code Section 121.22, and utilizing electronic means, as permitted by Substitute House Bill 51 of the 134th General Assembly of the State of Ohio, effective February 17, 2022.

**3-0 yes**

**RESOLUTION 22-111 ATTACHED**

**LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, EQUIPPING, IMPROVING, AND INSTALLING CERTAIN PUBLIC IMPROVEMENTS IN JACKSON TOWNSHIP, STARK COUNTY, OHIO IN COOPERATION WITH THE JACKSON TOWNSHIP (STARK COUNTY) ENERGY SPECIAL IMPROVEMENT DISTRICT AND APPROVING AN ENERGY PROJECT COOPERATIVE AGREEMENT AND RELATED AGREEMENTS TO BE ENTERED INTO FOR THE FINANCING OF THOSE IMPROVEMENTS**

Hawke moved and Thomas seconded a motion that whereas, this Board of Township Trustees (“Board of Trustees”) of Jackson Township, Stark County, Ohio (the “Township”) duly adopted Resolution No. 22-109 on April 12, 2022 (the “Resolution of Necessity”) and declared the necessity of acquiring, constructing, equipping, improving and installing energy efficiency improvements on certain real property located within the Township, including, without limitation, building envelope improvements, heating, ventilation and air conditioning improvements, high efficiency plumbing, domestic hot water system and fixtures improvements, lighting systems and controls improvements, and related improvements (the “Project”), as described in the Resolution of Necessity and as set forth in the Petition requesting those improvements; and

Whereas, the Township intends to enter into an Energy Project Cooperative Agreement (the “Cooperative Agreement”) with the Jackson Township (Stark County) Energy Special Improvement District, Inc., doing business as the Stark County Energy Special Improvement

District (the “District”), Reeseco Rentals 2, LLC (the “Owner”), and PLG Finance 1, LLC (together with its affiliates and successors and assigns, the “Investor”) to provide for, among other things, (i) the making of the Project Advance (as defined in the Cooperative Agreement) to finance the costs of the Project and (ii) the disbursement of the Project Advance for the acquisition, construction, equipping, installation, and improvement of the Project and the transfer of the Special Assessments by the Township to the Investor to pay principal and interest and other costs relating to the Project Advance; and

Whereas, this Board of Trustees duly passed Resolution No. 22-109 on April 12, 2022, and determined to proceed with the Project and adopted the estimated Special Assessments (as defined in the Resolution of Necessity) filed with the Board of Trustees and the Fiscal Officer pursuant to the Resolution of Necessity; and

Now, therefore, be it hereby resolved by the Jackson Township Board of Trustees, Stark County, Ohio that:

Section 1. Definitions. Each capitalized term not otherwise defined in this Resolution or by reference to another document shall have the meaning assigned to it in the Resolution of Necessity.

Section 2. Special Assessments. The list of Special Assessments to be levied and assessed on the Property in an amount sufficient to pay the costs of the Project, which is \$1,726,688.20, including other related financing costs incurred in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued to pay costs of the Project in anticipation of the receipt of the Special Assessments, capitalized interest on, and financing reserve funds for, such securities, nonprofit corporate obligations, or other obligations so issued, including any credit enhancement fees, trustee fees, and District administrative fees and expenses, which costs were set forth in the Petition and previously reported to this Board of Trustees and are now on file with the Board of Trustees and the Fiscal Officer, is adopted and confirmed, and that the Special Assessments are levied and assessed on the Property. The interest portion of the Special Assessments, together with amounts used to pay administrative expenses, are determined to be substantially equivalent to the fair market rate or rates of interest that would have been borne by securities issued in anticipation of the collection of the Special Assessments if such securities had been issued by the Township.

The Special Assessments are assessed against the Property commencing in tax year 2023 for collection in 2024 and shall continue through tax year 2045 for collection in 2046. The semi-annual installment of the Special Assessments shall be collected in each calendar year equal to a maximum semi-annual amount of Special Assessments as shown in Exhibit A, attached to and incorporated into this Resolution.

All Special Assessments shall be certified by the Board of Trustees or the Fiscal Officer to the County Auditor of Stark County, Ohio pursuant to the Petition and Ohio Revised Code Chapter 727.33 to be placed on the tax list and duplicate and collected with and in the same manner as real property taxes are collected and as set forth in the Petition.

The Special Assessments shall be allocated among the parcels constituting the Property as set forth in the Petition and the List of Special Assessments attached to and incorporated into this Resolution as Exhibit A.

Section 3. Amount of Special Assessments. This Board of Trustees finds and determines that the Special Assessments are in proportion to the special benefits received by the Property as set forth in the Petition and are not in excess of any applicable statutory limitation.

Section 4. Waiver of Cash Settlement. The Owner has waived its right to pay the Special Assessments in cash, and all Special Assessments and installments of the Special Assessments shall be certified by the Board of Trustees or the Fiscal Officer to the County Auditor of Stark County, Ohio as provided by the Petition and Ohio Revised Code Section 727.33 to be placed by him or her on the tax list and duplicate and collected with and in the same manner as real property taxes are collected and as set forth in the Petition.

Section 5. Appropriation of Special Assessments. The Special Assessments will be used by the Township to provide the Authorized Improvements in cooperation with the District in any manner, including assigning the Special Assessments actually received by the Township to the District or to another party the Township deems appropriate, and the Special Assessments are appropriated for such purposes.

Section 6. Special Assessments File. The Board of Trustees and the Fiscal Officer shall keep the Special Assessments on file in their respective offices.

Section 7. Agreements. This Board of This Board of Trustees hereby approves the Cooperative Agreement, a copy of which is on file in the office of the Board of Trustees and the Fiscal Officer. The President of this Board of Trustees, the Township Administrator, the Township Fiscal Officer, or any of them, shall sign and deliver, in the name and on behalf of the Township, the Cooperative Agreement, in substantially the form as is now on file with the Board of Trustees and the Fiscal Officer. The Cooperative Agreement is approved, together with any changes or amendments that are not inconsistent with this Resolution and not substantially adverse to the Township and that are approved by the President of this Board of Trustees, the Township Administrator, the Township Fiscal Officer, or any of them, on behalf of the Township, all of which shall be conclusively evidenced by the signing of the Cooperative Agreement or amendments to the Project Agreements. The Township is hereby authorized to enter into such other documents, instruments, or agreements that are not inconsistent with the Resolution of Necessity and this Resolution and that are approved by the President of this Board of Trustees, the Township Administrator, the Township Fiscal Officer, or any of them, on behalf of the Township, all of which shall be conclusively evidenced by the signing of such documents, instruments, or agreements or any amendments to such documents, instruments, or agreements.

Section 8. Certification to County Fiscal Officer. That in compliance with Ohio Revised Code Section 319.61, the Board of Trustees and the Fiscal Officer are directed to deliver a certified copy of this Resolution to the County Auditor of Stark County, Ohio within 20 days after its passage.

Section 9. Compliance with Open Meetings Requirements. This Board of Trustees finds and determines that all formal actions of this Board of Trustees concerning and relating to the passage of this Resolution were taken in an open meeting of this Board of Trustees, and that all deliberations of this Board of Trustees and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Ohio Revised Code Section 121.22, and utilizing electronic means, as permitted by Substitute House Bill 51 of the 134th General Assembly of the State of Ohio, effective February 17, 2022.

**3-0 yes**

## **Public Works Department**

### **Highway Division**

5:00 p.m. Bid Openings

2022 Curbing Replacement Project:

- |                      |              |
|----------------------|--------------|
| 1. RMI Cement        | \$188,617.50 |
| 2. Lockhart Concrete | \$227,204.55 |
| 3. TR Snyder         | \$172,210.05 |

2022 Resurfacing Project:

- |                      |                |
|----------------------|----------------|
| 1. Superior Paving   | \$1,681,534.50 |
| 2. Northstar Asphalt | \$1,844,729.60 |

The bid will be reviewed and a recommendation will be made at the next meeting.

### **ATTACHMENT 04/12/22 F**

Hawke moved and Pizzino seconded a motion to authorize the hiring one (1) new leased Highway Worker, as attached, through a temporary service, subject to a negative drug screen, effective and at the rate and start date identified in the attached memorandum from Rich Rohn.

**3-0 yes**

### **RESOLUTION 22-112 ATTACHED KECK PARK CIRCLE NW – SPEED LIMIT**

Hawke moved and Pizzino seconded a motion whereas, township trustees are required to set a speed limit pursuant to statute; and

Whereas, this Board has caused an engineering and traffic investigation to be made prior to the construction of Keck Park Circle NW; and

Whereas, it is the belief of this Board that such investigation confirms Keck Park Circle NW; is described best by Ohio Revised Code (ORC) Section 4521.21(K)(5)(a).

Be it resolved, by virtue of ORC Section 4511.21(K)(5)(b) the Jackson Township Board of Trustees declares a reasonable and safe prima-facie speed limit of twenty-five miles per hour on Keck Park Circle NW. The speed limit of twenty-five miles per hour shall become effective when appropriate signs giving notice thereof are erected at Keck Park Circle NW, by the Township.

**3-0 yes**

## **Park Division**

### **RESOLUTION 22-113 ATTACHED NORTH PARK PICKLEBALL COMPLEX AWARD**

Hawke moved and Pizzino seconded a motion that whereas, at their March 22, 2022 Meeting, the Board of Trustees, by clerical error inadvertently awarded the wrong dollar amount North Park Pickleball Complex Award.

Be it resolved that we hereby determine that Vasco Sports Contractors is the lowest and best bidder for the North Park Pickleball Complex Project and hereby award a Contract to them in the amount of \$233,215.00 in accordance with the Company's proposal and the Specifications and authorize the placement of the Board's signatures on the Contract. Resolution No. 22-099 is hereby rescinded, effective immediately.

**3-0 yes**

### **ATTACHMENT 04/12/22 G**

Hawke moved and Thomas seconded a motion to approve an appropriation transfer from 214.510.5387 Discretionary-Parks, to 214.510.5432 Computer Svcs-Parks, in the amount of \$5,000.00.

**3-0 yes**

Hawke moved and Thomas seconded a motion to accept the following 2022 Community Celebration Sponsorships:

ReMax Edge Realty	\$ 1,000.00
Robert F. Fay, CPA	\$ 100.00
Wood Electric Inc.	\$ 100.00

**3-0 yes**

### **ATTACHMENT 04/12/22 H**

Hawke moved and Thomas seconded a motion to authorize the hiring of two (2) (one returning and one new) leased Park Maintenance Workers, as attached, through a temporary service, subject to a negative drug screen, effective and at the rate and start date identified in the attached memorandum from David Ruwadi.

**3-0 yes**

**ATTACHMENT 04/12/22 I**

Hawke moved and Thomas seconded a motion to approve an unpaid leave of absence, effective March 23, 2022, for full-time Park Crew Leader, Justis Garabrandt, with the exception that the unpaid leave of absence terminates if the employee returns to work full-time without restriction prior to exhausting his remaining FMLA balance, or separates from Township employment, or separates from employment, pursuant to an OPERS approved benefit. Employee shall be responsible for his employee share of extended health benefits from March 23, 2022, until he returns to active payroll status.

**3-0 yes**

**Central Maintenance Division**

**RESOLUTION 22-114 ATTACHED  
SAFETY CENTER ROOF REPLACEMENT PROJECT AWARD**

Hawke moved and Pizzino seconded a motion that we hereby determine that DCA Commercial Roofing is the lowest and best bidder for the Safety Center Roof Replacement Project and hereby award a Contract to them in the amount of \$194,100.00 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**

**Fire Department**

**RESOLUTION 22-115 ATTACHED  
FIRE DEPARTMENT EQUIPMENT SALE**

Hawke moved and Thomas seconded a motion that pursuant to ORC Section 505.101, the Board of Trustees of Jackson Township, Stark County, Ohio and the Board of Trustees of Lawrence Township, Stark County, Ohio hereby agree that Jackson Township will sell as is to Lawrence Township two (2) OEM Tools 30" pedestal fans for \$75.00 each, two (2) DryGuy boot & glove dryer for \$20.00 each, three (3) Underwater Kinetics exposure suit hanger power fan coat dryer for \$20.00 each, and two (2) 63" Rolling Z garment racks for \$40.00 each for a total purchase price of \$330.00.

Be it further resolved that we hereby authorize the placement of our signatures upon the attached Agreement with Lawrence Township.

**3-0 yes**

Hawke moved and Thomas seconded a motion to accept a donation of a \$50.00 Visa gift card from Chris and Susie Keim.

**3-0 yes**

## **Zoning and Planning Department**

### **ATTACHMENT 04/12/22 J**

Hawke moved and Thomas seconded a motion to accept the attached resignation from Full-time Zoning Investigator, Chad E. Cline, effective, April 22, 2022 at 16:30 hours.

**3-0 yes**

5:00 p.m. – Public Hearing

Proposed Zoning Amendment 653-22: The Jackson Township Zoning Commission and Jackson Township Trustees, via designee, propose misc. text amendments to the zoning resolution.

Poindexter presented a summary of the proposed zoning amendments. There were no comments for or against the amendments.

### **ATTACHMENT 04/12/22 K**

Hawke moved and Pizzino seconded a motion to adopt the recommendation of the Zoning Commission as attached.

**3-0 yes**

## **Fiscal Office**

### **ATTACHMENT 04/12/22 L**

Hawke moved and Pizzino seconded a motion to pay the bills in the amount of \$1,254,134.21.

**3-0 yes**

### **ATTACHMENT 04/12/22 M**

Hawke moved and Pizzino seconded a motion to approve the minutes of the March 22, 2022 Board of Trustees' Meeting.

**3-0 yes**

### **ATTACHMENT 04/12/22 N**

Hawke moved and Pizzino seconded a motion to approve the minutes of the November 9, 2021 Board of Trustees' Meeting.

**3-0 yes**

### **ATTACHMENT 04/12/22 O**

Hawke moved and Pizzino seconded a motion to approve the monthly reports for March 2022.

**3-0 yes**

## **Routine Business**

### **Announcements**

- Next regular **Board of Trustees'** meeting, April 26, 2022, 4:00 p.m., Executive Session and/or Work Session; 5:00 p.m., General Session, Jackson Township Hall.
- **CIC**, April 14, 2022, 9:00 a.m., Jackson Township Hall
- **SPECIAL LOGIC**, April 15, 2022 9:00 a.m., Jackson Safety Center, Chief's Conference Room
- **LOGIC**, May 2, 2022 9:00 a.m., Jackson Safety Center, Chief's Conference Room
- **Celebration Committee Meeting**, April 19, 2022, 2:30 p.m., Jackson Township Hall
- **Zoning Meetings:**
  - **Board of Zoning Appeals**, April 28, 2022 at 5:00 p.m., Jackson Township Hall
  - **Zoning Commission**, None Scheduled
- **Fishing Day**, Saturday, May 7, 2022, 8:00 a.m to 10:00 a.m., Jackson North Park Pond. Free event, but must register with the park division by Friday, April 22, 2022.

### **Old Business - None**

### **New Business**

#### **RESOLUTION 22-116 ATTACHED HIGHWAY FOREMAN**

Hawke moved and Thomas seconded a motion that we hereby appoint Nicholas O. Lare to the position of Highway Foreman in the Jackson Township Highway Department, at the compensation rate of \$29.00 per hour, effective April 16, 2022 at 0700, with the benefits of a Class B employee as described in the Benefit Package for Management Personnel, and will serve a one year probationary period.

**3-0 yes**

#### **RESOLUTION 22-117 ATTACHED SCHURING PARK – WETLAND DELINEATION AND PERMITTING**

Hawke moved and Thomas seconded a motion that we hereby adopt and authorize the placement of the Board Chairman's signature upon the attached proposal for wetland delineation and permitting by ms consultants, inc.

**3-0 yes**

Vaccaro informed the Board that, based on the authority the Board gave him concerning a grant for the Schuring Park Construction, the Township was getting ready to file a notice with the recorder's office that states that the property is solely to be used as a public park or natural resource conservation and cannot be converted to anything else until June 30, 2037.

**Public Speaks**

A student in attendance asked about the interest groups in the Township. Gonzalez spoke about the fact that Jackson Township is always referred to as "Massillon Jackson" due to there being 37 other Jackson Townships throughout Ohio. He said that it would be a good project that the students could take on to change the name.

Hawke moved and Pizzino seconded a motion to adjourn.

**3-0 yes**

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**Todd Hawke**

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**Randy Gonzalez**