

1-27-04 The regular meeting was called to order at 7:00 p.m. by President
OPENING: Giavasis, who led the staff and audience in the pledge of allegiance.

ATTENDANCE:

Pamela Bossart, Louis Giavasis, Albert Leno, Claude W. Shriver, II, Mark Cozy, Randy Traub, Michelle Mahoney, John Sabo, Mary Lee Sponseller.

Media present: Cal Peters, WHBC; Natalie Lariccia, the Repository; Betty O'Neill-Roderick, Akron Beacon Journal.

AGENDA: The agenda was presented. There was one addition by Mr. Shriver under Concerns of Clerk – Credit Card Usage.

SHERIFF'S REPORT:

There was a discussion with regard to an inoperable car on Woodridge. The snow ban was also discussed, as to how it was working. Mr. Leno cited an incident where a man who owns a business in Plain Township said that he was glad that he got the ticket because now when it snows, he makes sure the cars are moved. This was a positive with regard to the snow ban.

UNFINISHED BUSINESS:

1. Municipal Publications Map –

#04-136

Motion by Mrs. Bossart,

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize postage and mailing services for distribution of the Plain Township Map and Community Guide by Pinnacle Press in an amount not to exceed \$6,500.00, to be paid from Fund #01-A-26E.

Seconded by Mr. Leno.

Discussion: Mr. Cozy said the Plain Township Map and Community Guide will be going out in the mail and that it is very nice. There are couple little errors but nothing that would concern the public and would not affect their usage of it. He also noted that this Map and Community Guide will also be mailed to citizens of North Canton, as well as the unincorporated area of the Township.

Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis.

2. CDBG 26th and Harmon – a letter was passed out by Mr. Cozy. He said that he is going to contact them and did contact them to see if he could use the original funds for a temporary dry well, since the City of Canton does not have any interest in taking part in this with us. The letter from Stark County Regional Planning Commission

is attached.

CLERK'S REPORT:

1. 1. Pending Warrants –

#04-137

Motion by Mr. Giavasis,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,
Stark County, Ohio to authorize the payment of pending warrants in an
amount of \$152,043.08 as attached hereto and made a part of these
minutes.

Seconded by Mr. Leno.

Vote: Mrs. Bossart, yes ; Mr. Leno, yes; Mr. Giavasis, yes.

CLERK'S REPORT:

2. 2. Regular Payroll –

#04-138

Motion by Mrs. Bossart,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,
Stark County, Ohio to authorize payment of the regular payroll in an
amount not to exceed \$110,000.00.

Seconded by Mr. Giavasis.

Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

3. 3. Payment of Medical Claims –

#04-139

Motion by Mr. Leno,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,
Stark County, Ohio to authorize payment for the following medical
claims as provided by AultCare:

<u>DATE</u>	<u>WARRANT</u>	<u>AMOUNT</u>
01/20/04	EFT 40056	\$3,664.87
01/27/04	EFT 40110	6,783.41

Seconded by Mr. Giavasis.

Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

4. The Investment Report was given for December 2003. Mr. Shriver asked the Board to please note that there was an interim fund investment coming due on February 17, and that he would get with Mr. Cozy and shop the various depositories for the best interest rate and find out what they would like to do. He also noted there was nothing else to point out, other than the fact that Star Ohio provided us with the best interest income for the year.

5. OP&F Pickup Plan –

#04-140

Motion by Mr. Leno,
WHEREAS, the eligible employees of Plain Township, Stark County,
Ohio Fire Department participate in the Ohio Police and Fire Pension
Fund ("OP&F");

WHEREAS, the Plain Township Board of Trustees, Stark County, Ohio,
has previously adopted a pick-up plan through payroll reduction of all
the ten (10%) mandatory contributions required under Section 742.31 of
the Ohio Revised Code for participating employees of the Plain
Township Fire Department who are members of the OP&F (Resolutions
95-127 and 96-171);

WHEREAS, OP&F has adopted new procedures for reporting picked up
contributions in order to properly prepare 1099-R forms for its

members;

WHEREAS, the Plain Township Board of Trustees wishes to reaffirm and amend and restate its prior resolution in order to continue the pick-up under the new procedures;

NOW, THEREFORE, BE IT RESOLVED that effective as of January 27, 2004, the Plain Township Board of Trustees has determined to continue to pick-up all of the ten percent (10%) mandatory contributions by the employees who are members of the Ohio Police and Fire Pension Fund through a payroll reduction.

BE IT FURTHER RESOLVED, that said picked up contributions paid through a payroll reduction, even though designated as employee contributions for state law purposes are being paid by Plain Township in lieu of said contributions by the employee;

CLERK'S REPORT: (continued)

BE IT FURTHER RESOLVED, that said picked up contributions will not be included in the gross income of the employees for tax reporting purposes, that is, for federal or state income tax withholding taxes, until distributed from the Ohio Police and Fire Pension Fund;

BE IT FURTHER RESOLVED, that said picked up contributions will be included in the gross income of the employees, for employment tax purposes, as the contributions are made to the Ohio Police and Fire Pension Fund; and

BE IT FURTHER RESOLVED, that said employees shall not be entitled to any option of choosing to receive the contributed amounts directly instead of having them paid by the Plain Township Trustees to the Ohio Police and Fire Pension Fund.

Seconded by Mrs. Bossart.

Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis.

6. Permanent Appropriations –

Motion by Mr. Leno,

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio that to provide for the current expenses and other expenditures of said Board of Trustees, during the fiscal year, ending December 31, 2004, the attached sums be and the same are hereby set aside and appropriated for the several purposes for which expenditures are to be made for and during said fiscal year as attached to and made a part of these minutes.

Seconded by Mrs. Bossart.

Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis.

7. Refund of EMS Payment –

#04-143

Motion by Mr. Leno,

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize a refund as follows for overpayments for Emergency Medical Services as requested by Ohio Billing, Inc.:

PAYABLE TO	AMOUNT
USCW (for Christina Holder field)	\$383.10

Seconded by Mr. Giavasis.

Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis.

ADMINISTRATOR:

1. Hydrants – Lawr-Chester -

#04-143

Motion by Mr. Leno,

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize payment to the Canton Water Department for 24 hydrant assemblies for the Lawr-Chester Water Main Extension in the amount of \$53,032.80, to be paid from Fund #01-A-28A.

Seconded by Mr. Giavasis.

Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis.

2. Purchase Orders – discussion with regard to the raising of the ceiling of purchase orders from \$750.00 to \$2,500.00. The Board felt presently that we should look into this a little further and ask the various departments as to what pertinent items this would affect. They felt at this time that it was good to have a resolution required for the amount over \$750.00. Mr. Cozy will do a little investigating and get back to the Board at the next meeting.

ADMINISTRATOR: (continued)

3. ME Companies Contract –

#04-144

Motion by Mr. Leno,

WHEREAS, on January 8, 2001 (Resolution #01-040), the Plain Township Board of Trustees, Stark County, Ohio, authorized an agreement with ME Companies; and

WHEREAS, the scope of services and rates have been updated;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to adopt and authorize the placement of our signatures upon the attached agreement with ME Companies, Inc.

Seconded by Mr. Giavasis.

Discussion: The Board asked how long the contract would be for, and also asked about the various cost increases which Mr. Cozy went over in detail. Mr. Shriver also asked a question with regard to ME Companies regarding the bill for the Bellview design work. Mr. Cozy said that he had told them that he is not paying the bill. Mr. Shriver agreed, because the Clerk's office could not find any authorization for them to go ahead with that particular design project. Mr. Cozy is going to ask them for a further breakdown, because he thought perhaps part of it should be billed to ODOT.

Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis.

4. 20th & Lakeside Intersection Improvements –

#04-145

Motion by Mr. Giavasis,

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize an intersection study to make improvements to intersection safety at Lakeside and 20th by ME Companies for an amount not to exceed \$5,000.00.

Seconded by Mrs. Bossart.

Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis.

5. Stark County Regional Planning Commission Dues -

#04-146

Motion by Mrs. Bossart,
WHEREAS, on December 7, 1999 (Resolution #99-666) the Plain Township Board of Trustees resolved that it is in the Township's best interest to join the Stark County Regional Planning Commission;
NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the payment of \$3,000.00 in membership dues to the Stark County Regional Planning Commission for the year 2004.
Seconded by Mr. Giavasis.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis.

6. Governmental Law Seminar –

#04-147

Motion by Mrs. Bossart,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to authorize any Zoning Department Staff, Administrator, Clerk, Law Director, Planning & Economic Development Coordinator, members of the Board of Trustees, members of the Plain Township Board of Zoning Appeals, and members of the Plain Township Zoning Commission to attend the Stark County Governmental Law Seminar on Saturday, February 28, 2004 at the Holiday Inn-Belden Village and to further authorize payment of \$22.00 per person to the RPC Seminar and Meeting Fund in an amount not to exceed \$500.00.
Seconded by Mr. Giavasis.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis.

FIRE DEPARTMENT:

1. Purchase of Fuel –

#04-148

Motion by Mr. Leno,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to authorize the purchase of gasoline, oil and diesel fuel at a cost not to exceed \$6,000.00.
Seconded by Mr. Giavasis.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis.

ROAD DEPARTMENT:

1. Cintas Uniform Contract Renewal – put on hold until further discussion with Cintas and a meeting can be held. Mr. Traub, our legal representative, said that there is a possibility of a breach of contract within the agreement, and the Board will wait until the meeting to make any passage of future agreements with Cintas.
2. 55th St. Speed Limit Revision – documentation from ODOT that

the limit will be reduced from Frazer to Market Ave. going west to 35 m.p.h. and also from Lindford NE to Middlebranch, to 40 m.p.h., which it presently is. This documentation is to be signed and forwarded back to the state after the signs are changed.

3. Annual Road Report was presented.

ZONING DEPARTMENT:

1. Zoning Fees –

#04-149

Motion by Mr. Giavasis,

WHEREAS, the Plain Township Board of Trustees held a public hearing on November 10, 2003 to consider Amendment #525 to the Plain Township Zoning Resolution and adopted the recommendation of the Plain Township Zoning Commission for approval with modifications to delete the fee schedule from the Plain Township Zoning Resolution in an effort to periodically adjust the fees without going through the zoning amendment process;

NOW, THEREFORE, BE IT HEREBY RESOLVED to establish exhibit #1 as the fee schedule to be followed by Plain Township.

Seconded by Mrs. Bossart.

Discussion: The Board felt that Mrs. Mahoney did a good job with this, as she checked with our neighboring townships and kept in line with them. This was a needed increase for the Zoning Department, as it had not been done since 1994.

Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis.

COMMUNICATIONS:

1. Craig Haueter – thanking the Road crew for cleaning up the ice buildup problem on Bridlewood St. NW.

PLANNING:

Mary Lee Sponseller said that they are working on some zoning book changes also including district regulations. She also gave an update on the CRA, and also talked about adult uses and felt that maybe they should be moved into an industrial district.

CONCERNS OF CLERK:

Credit Card Usage – Mr. Shriver said that it had come to the attention of the Clerk's office that there was a bill charged at Home Depot in the amount of \$461.47. The items purchased were 70 2' x 6's and the receipt was signed for by a Chris Cooper. We do not have a Chris Cooper working in Plain Township, and he wanted the Board to know that this had happened. There

has since been a security code word that needs to be used before a card can be used. The Clerk's office will be sending a letter of dispute to Home Depot, and we will keep the Board abreast as to the outcome and if need be, involve legal authorities into this situation.

APPROVAL OF MINUTES:

#04-150 Motion by Mrs. Bossart,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to waive the reading of the minutes of the regular meeting held January 13, 2004 and make them a part of the record as if read in their totality; and
BE IT FURTHER RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to approve the minutes of the regular meeting held January 13, 2004 as presented.
Seconded by Mr. Leno.
Vote: Mrs. Bossart, yes ; Mr. Leno, yes; Mr. Giavasis, yes.

EXECUTIVE SESSION:

#04-151 Motion by Mr. Giavasis,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to adjourn to executive session at 8:02 p.m. from this regular meeting of January 27, 2003 as authorized under Ohio Revised Code 121.22(G) for the purpose of the consideration of: investigation of charges or complaints against a public employee, official, licensee, or regulated individual; preparing for, conducting or reviewing negotiations or bargaining sessions with public employees.
Seconded by Mr. Leno.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

#04-152 Motion by Mr. Giavasis to return to regular session at 8:43 p.m.
Seconded by Mr. Leno.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

ADJOURNMENT:

#04-153 Motion by Mrs. Bossart,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to adjourn at 8:44 p.m.
Seconded by Mr. Giavasis.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

Pamela S. Bossart
Trustee

Louis P. Giavasis
Trustee

Albert P. Leno, II
Trustee

ATTEST: _____
Claude W. Shriver, II
Clerk