

2600 Easton St. NE  
Canton, OH 44721

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September 14, 04

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

**ATTENDANCE:**

Pamela Bossart, Louis Giavasis, Albert Leno, II, Claude W. Shriver, II, Mark Cozy, Eric Williams, Joe Iacino, Mike Sherrard, Michelle Mahoney, John Sabo, Mary Lee Sponseller.  
Media present: Joan Porter, the Repository; Betty O’Neill-Roderick, Akron Beacon Journal.

**AGENDA:** The agenda was presented. Mr. Cozy added New Business #4 – Patent Health.

**SHERIFF'S REPORT:**

Sgt. Maskaluk and Detective Stantz were present. There was discussion with regard to speeding on Morris (a call that came in through the Road Department). Mr. Iacino said he had many calls complaining about speeding after 2:00 p.m., and also on Endrow. Mr. Leno also mentioned that he had another complaint about speeding on Chaucer Drive.

**UNFINISHED BUSINESS:**

1. Leaf Program - Mr. Cozy said that the description of our leaf program would be run in our newsletter.
2. Canton Park Basketball Court - Mr. Cozy is to meet with them on October 6. It is his understanding presently that the Park Board would not like to relinquish the property or sign a lease, but they would like to have us put the equipment up, and they would supervise it. Mr. Cozy said this might be the win-win situation, as we would not have any liability.
3. Plain Township Signs – Mr. Cozy showed the Board yet another sign made of refracted aluminum, at about half the price of the plastic signs and said that they would be experimenting in placing some of these to see how they held up since they were so much less expensive.
4. Police Cruiser Lease –

A RESOLUTION AUTHORIZING AND APPROVING THE EXECUTION AND DELIVERY OF A RENEWABLE LEASE-PURCHASE AGREEMENT FOR THE FINANCING OF THE PROJECT FACILITIES/EQUIPMENT OR A PORTION THEREOF AND AUTHORIZING AND APPROVING THE EXECUTION AND DELIVERY OF VARIOUS DOCUMENTS RELATED TO SUCH LEASE.

#04-529 Motion by Mrs. Bossart,  
WHEREAS, a board of township trustees, a joint township police district board and a board of fire district trustees of a fire district created under Section 505.371 of the Ohio Revised Code (each, a “Governing Body”) are authorized under various provisions of Chapter 505 of the Ohio Revised Code, including, but not limited to, Sections 505.262 and 505.267 thereof, and other Chapters of the Ohio Revised Code, to acquire, purchase, construct, rent, lease, enlarge, improve, equip, maintain, operate, rebuild, repair or furnish sites, buildings, equipment or other personal property for an authorized public purpose; and

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**UNFINISHED BUSINESS:** (continued)

WHEREAS, the Governing Body of Plain Township, Ohio (the "Political Subdivision") now desires pursuant to Sections 505.267 and 505.262 of the Ohio Revised Code to provide for a 2005 Crown Victoria Police Interceptor, including, without limitation, radios, light bars, cages and shotgun racks (the "Project Facilities/Equipment"), and in order to acquire the Project Facilities/Equipment to enter into a lease-purchase agreement (the "Lease") pursuant to Section 505.267 of the Ohio Revised Code with Ohio Township Association Leasing, LLC, a limited liability company duly organized and existing under the laws of the State of Ohio ("OTA Leasing"), under which the Governing Body of the Political Subdivision will lease from OTA Leasing and OTA Leasing will lease to the Governing Body of the Political Subdivision the Project Facilities/Equipment with an option to purchase the Project Facilities/Equipment at the end of the final term of the Lease; and

WHEREAS, OTA Leasing will absolutely assign all of its rights, title and interests under the Lease to a financial institution agreed to by the Governing Body (such agreement being evidenced by the Governing Body's execution and delivery of the Lease), as assignee, (the "Assignee"), in consideration of the Assignee's making available to or on the order of the Governing Body sufficient moneys to pay in full the purchase price of the Project Facilities/Equipment upon delivery and acceptance of such Project Facilities/Equipment by the Governing Body;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF PLAIN TOWNSHIP, OHIO:

**Section 1.** *Findings and Determinations of Governing Body of the Political Subdivision.* This Governing Body of the Political Subdivision hereby finds and determines that (i) the Project Facilities/Equipment will be public property to be used for public purposes, (ii) the Project Facilities/Equipment is essential to the proper, efficient and economic operation of the Political Subdivision and (iii) in order to implement the financing of the Project Facilities/Equipment, it is necessary and desirable and in the best interests of the Political Subdivision to enter into the Lease and other related documents and certificates for the purposes set forth in the Lease.

**Section 2.** *Authorization To Execute and Approval of Documents.* The Clerk of the Political Subdivision (the "Clerk") is hereby authorized and directed to make a written contract or contracts for the Project Facilities/Equipment in accordance with the laws of the State and, if required by the laws of the State, to take bids for the Project Facilities/Equipment in such manner as to permit an award to be made by separate contract for each item or for any combination of said items as the Clerk shall determine.

The Lease in substantially the forms on file in the office of the Clerk is hereby approved and the Governing Body of the Political Subdivision hereby authorizes the execution and delivery of the Lease by the Governing Body with any changes therein as are not adverse to the Political Subdivision; and the fact that any such changes are not adverse to the Political Subdivision shall be evidenced by execution of the Lease by the Governing Body of the Political Subdivision. The Lease shall be executed in the same manner as is provided in Section 133.27 of the Ohio Revised Code for the execution of Chapter 133 Securities (as defined for such Section) on behalf of a township.

**UNFINISHED BUSINESS:** (continued)

Subject to and in consideration of the execution and delivery of the Lease and the Ground Lease by the Political Subdivision and the assignment thereof by OTA Leasing to the Assignee, the purchase price of the Project and any other costs related to the Project, including, but not limited to, the reimbursement of moneys advanced by the Township for the acquisition of the Project in accordance with and pursuant to Section 133.15 of the Ohio Revised Code, and its financing by the Assignee pursuant to the Lease shall be paid by the Assignee.

**Section 3. Terms of the Lease.** The Clerk is hereby authorized and directed to negotiate and provide for the terms of the Base Rentals and any applicable Additional Rentals, as defined in the Lease, including, but not limited to, the aggregate principal component thereof, which for the initial term and all renewal terms in aggregate shall not exceed \$200,000 and the interest components thereof which interest components shall be fixed rate interest components and which fixed rate interest components shall not exceed ten percent (10%) per annum. Such Base Rentals, and the principal and interest components thereof, shall be set forth in an exhibit to the Lease.

**Section 4. Additional Authorizations.** The Clerk and this Governing Body of the Political Subdivision are each hereby authorized and directed to take any and all other actions and to execute any and all other certificates and documents as may be required by the Assignee or as may in their judgment be necessary, desirable, advisable or appropriate in connection with the execution and delivery of the Lease in order to give effect to the transactions contemplated to be performed on the part of the Political Subdivision under the Lease.

**Section 5. Authorizations relating to Compliance with Federal Tax Laws.** The Governing Body of the Political Subdivision, alone or in conjunction with any other officer or employee of the Political Subdivision, is authorized and directed (a) to cooperate with OTA Leasing and the Assignee by making, on behalf of the Political Subdivision, such covenants and representations in the Lease as are appropriate and necessary with respect to causing the interest component of the Base Rentals to be and remain excluded from gross income of the Assignee for federal income tax purposes and (b) to give an appropriate certificate of the Political Subdivision setting forth the reasonable expectations of the Political Subdivision regarding the amount and use of all the proceeds of the Lease, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest component of the Base Rentals. The Clerk and other appropriate officers are hereby further authorized and directed to take any and all actions, make calculations and rebate payments, and make or give reports and certifications, as may be appropriate to assure that the interest component of the Base Rentals will be and remain excluded from gross income for federal income tax purposes.

**Section 6. Appropriation of Lease Rental Payments for Initial Term.** To provide for the payment of Lease Rental Payments coming due during the Initial Term of the Lease, there is hereby appropriated from the Policy Levy Fund of the Political Subdivision an amount equal to the Lease Rental Payments set forth in Exhibit B to the form of Lease for the Lease Rental Payment Dates to occur during such Initial Term.

**Section 7. Severability.** If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

**UNFINISHED BUSINESS:** (continued)

**Section 8. *Open Meeting Law.*** This Governing Body hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Governing Body, and that all deliberations of this Governing Body and of its committees, if any, which resulted in formal action, were in meetings open to the public, in full compliance with applicable legal requirements.

**Section 9. *Conflicts.*** All resolutions, orders or parts thereof in conflict with the provisions of this Resolution are, to the extent of such conflict, hereby repealed and the provisions of this Resolution shall prevail and be given effect.

**Section 10. *Effective Date.*** This Resolution shall take effect from and after its passage, as provided by law.

Seconded by Mr. Giavasis.

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

**NEW BUSINESS:**

- 1. Newsletter -

#04-530

Motion by Mr. Leno,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the printing and distributing of Issue 3, Fall 2004 of the Plain Township Newsletter by Pinnacle Press at a cost not to exceed \$6,000.00.

Seconded by Mr. Giavasis.

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

- 2. False Alarms (July & August) –

#04-531

Motion by Mr. Giavasis,  
WHEREAS, the Plain Township Board of Trustees has authorized a charge of twenty-five dollars (\$25.00) for each false alarm from an automatic security alarm system in excess of three (3) false alarms within a calendar year pursuant to its authority under Ohio Revised Code Section 505.511 (Resolutions #95-96); and

WHEREAS, the Plain Township Board of Trustees has been duly notified by the Stark County Sheriff, under contract to Plain Township, that an excess of three (3) responses to such alarms have been made at the following businesses and/or residences:

NAME	ADDRESS	#
Movies 4	3911 Everhard Rd. NW	5th and 6th
Key Bank	3010 Whipple Ave. NW	5th
Schumacher Homes	2715 Wise Ave. NW	4th, 5th 6 <sup>th</sup> , 7th
Frannie O'Briens	2668 Easton St. NE	4th
Fisher Foods	4403 Cleveland Ave. NW	4th and 5th
McDonalds	3934 Everhard Rd. NW	6th, 7 <sup>th</sup> , 8th
Rice's Nursery	1651 55th St. NE	9th and 10th
Time Warner Cable	5520 Whipple Ave. NW	5th
Labor Ready	719 30th St. NE	11th
Aldi's	2725 Maret St. NE	4th
Jack Cannell	4216 38th St. NW	5th
Lee Columber	5325 Aster Ave. NE	4th
Cecile Sabella	366 Northridge St. NW	4th
Les Dennis	2241 38th St. NW	4th

NOW THEREFORE BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to direct the Plain Township Clerk to send a Notice of Bill for Excess False Alarms to the locations identified above; and

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**NEW BUSINESS:** (continued)

In the event that any bill noted above is not paid within thirty (30) days of the date of such notice;

BE IT FURTHER RESOLVED to direct the Plain Township Clerk to send a notice by certified mail to the manager and the owner, if different, of the real estate of which the commercial establishment is a part, or to the occupant, lessee, agent or tenant and to the owner, if different, of the real estate of which the residence is a part, stating that failure to pay the bill within 30 days, or to show just cause why the bill should not be paid, will result in the assessment of a \$25.00 lien upon the real estate.

BE IT FURTHER RESOLVED that if payment is not made within 30 days, or just cause shown, then the Clerk shall cause the sum of \$25.00 for each false alarm in excess of three (3) per year to be entered upon the tax duplicates of each location as a lien upon said real estate from the date of entry, which shall be collected as other taxes and returned to the Township general fund.

Seconded by Mrs. Bossart.

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

3. Railroad Annexation –

#04-532

Motion by Mr. Giavasis,  
WHEREAS, the City of Canton has filed an Annexation Petition for an area commonly known as “City of Canton/Railroad Annexation Area” consisting of 15 +/- acres in Plain Township; and

WHEREAS, Pursuant to Ohio Revised Code §709.023 this annexation has been filed as an Expedited Type II Annexation; and

WHEREAS, under an Expedited Type II Annexation and the requirements set forth in Chapter 709 of the Ohio Revised Code, the Plain Township Board of Trustees may file a resolution consenting to the annexation within 25 days after the petition was filed; and

WHEREAS, the Board of County Commissioners at its next regular session after this consenting resolution shall enter upon its journal a resolution granting the proposed annexation; and

NOW, THEREFORE BE IT RESOLVED that the Board of Trustees for Plain Township, Stark County, Ohio does hereby consent to the City of Canton/Railroad Annexation for the area to be known as the “City of Canton/Railroad Annexation Area” consisting of 15 +/- acres in Plain Township.

Seconded by Mrs. Bossart.

Discussion: Mr. Giavasis said he wanted it noted in the minutes that Walker’s Mountain was one-third of our general fund revenue, and he also felt that there was something not quite right when North Canton wanted to annex the railway right-of-way along the Zimber Ditch but did not want to actually take control and annex the ditch itself. He felt that there was something underhanded going on. Therefore, Plain Township worked out an annexation agreement with the City of Canton and this would seclude Plain Township from any future attempts to take Walker’s Mountain from the Township. Mr. Leno also wanted to point out that we needed to work together with the cities in the future with CEDAs and JEDDs and that the future together for the good of the people should be our goal. Mrs. Bossart agreed that she felt also that this was in the best interest of the residents of Plain Township.

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

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**NEW BUSINESS:** (continued)

- 4. Patent Health – a business located in the City of Green will be moving to take advantage of our Enterprise Zone into the plaza at the corner of Whipple and Everhard Rd. They will be sending an agreement to the Commissioners. They will be asking for 100% tax abatement for ten years. This would only be on new taxes in the area, not on anything previous to their completion of entering Plain Township and moving their business. Mr. Giavasis also mentioned the number of jobs that would be coming to the Township due to this move.

**CLERK’S REPORT:**

- 1. Pending Warrants –

#04-533 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 \$ 600,549.37 as attached hereto and made a part of these minutes.  
Seconded by Mr. Leno.  
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

- 2. a. Regular Payroll –

#04-534 Motion by Mr. Leno,  
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.

- b. Volunteer Payroll –

#04-535 Motion by Mr. Giavasis,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize payment of the volunteer payroll for the 3<sup>rd</sup> Quarter 2004 in an amount not to exceed \$30,000.  
Seconded by Mrs. Bossart.  
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

- 3. Payment of Medical Claims –

#04-536 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>
08/31/04	EFT 48908	\$10,985.49
09/02/04	EFT 48964	11,736.33
09/08/04	EFT 48964	702.49
09/14/04	EFT 48973	13,198.54

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

- 4. The Financial Report was given. There were no questions.

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**CLERK’S REPORT:** (continued)

5. Transfer of Funds –

#04-537	Motion by Mr. Giavasis, FROM	TO	AMOUNT
	01-A-26E – Other Expenses	01-A-18 – Advertising Delinquent Lands	\$52.00
	04-A-04 – Tools & Equipment	04-A-13A – Other Expenses – Auditor’s & Treasurer’s Fees	7,500.00
	09-A-10A – Contracts – Dare Officer	09-A-10B - Contracts – School Resource Officer	15,414.66
	09-A-07 – Tools & Equipment	09-A-10B - Contracts – School Resource Officer	25,245.31
	09-A-07 – Tools & Equipment	09-A-14A – Other Expenses Auditor’s & Treasurer’s Fees	8,000.00
	10-A-08 – Tools & Equipment	10-A-15C – Other Expenses – Auditor’s & Treasurer’s Fees	21,000.00
	11-A-04 - Tools & Equipment	11-B-3 – Contracts	5,000.00
	11-A-04 - Tools & Equipment	11-A-12A – Other Expenses – Auditor’s & Treasurer’s Fees	5,500.00

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

6. Appropriation of Funds –

#04-538	Motion by Mr. Leno, WHEREAS, the Plain Township Board of Trustees requested an Additional Amended Certificate of Estimated Resources from the Stark County Auditor (Res. #04-509); BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to appropriate the funds certified by the Stark County Auditor as follows:		
	Code		Amount
	01-A-03 – Travel & Other Expenses		\$1,000.00
	01-A-10 – Legal Counsel		15,778.33
	01-M-03b – Contracts – 29 <sup>th</sup> St. Storm Sewer		120,000.00
	01-M-03f – Contracts – Fulton Rd.		6,786.00

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

7. Depository Agreement Amendment –

#04-539 Motion by Mrs. Bossart,  
WHEREAS, the Plain Township Board of Trustees, Stark County, Ohio, adopted Resolution #01-332 on July 24, 2001 awarding depository contracts for the period of August 15, 2001 to August 14, 2006; and WHEREAS, Second National Bank has now become part of Sky Bank; NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to award a Depository Contract for Active and/or Interim Funds of Plain Township to Sky Bank as attached and to authorize the Plain Township Clerk to sign the Memorandum of Agreement for Deposit of Public Funds.  
Seconded by Mr. Leno.  
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

**ADMINISTRATOR:**

1. The Computer Systems Manager Monthly Report was given. Mrs. Bossart wanted to be sure that the other Board members and Department Heads had viewed the latest version of the website. She also wanted to note that changes could be made to it. Anyone desiring to have changes or additions should get with Teresa Dolan or herself. Mr. Giavasis asked if it would be possible to put pictures of the community center room or the ball fields on the website, and Mrs. Bossart acknowledged that that could be done.
2. Fulton Widening – put on hold until next meeting. They wanted more specifics as to why the particular wall costs were the same.
3. Sale of Cemetery Lot –

#04-540

Motion by Mrs. Bossart,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to sell grave #1 in Section 131 in the Plain Township Cemetery to Faith Naber at a price of \$500.00;  
BE IT FURTHER RESOLVED by the Plain Township Board of Trustees to execute the appropriate cemetery deed.  
Seconded by Mr. Leno.  
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

4. 25<sup>th</sup> Street Storm Sewer –
  - a. OPWC Grant Authorizing Legislation – A RESOLUTION AUTHORIZING MARK COZY, ADMINISTRATOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTIVE CONTRACTS AS REQUIRED.

#04-541

Motion by Mrs. Bossart,  
WHEREAS, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure, and WHEREAS, the Plain Township Trustees are planning to make capital improvements to 25<sup>th</sup> Street NE Storm Sewer Project, and WHEREAS, the infrastructure improvement herein above described is considered to be a priority need for the community and is a qualified project under the OPWC programs,  
NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio:  
Section 1: The Administrator, Mark Cozy, is hereby authorized to apply to the OPWC for funds as described above.  
Section 2: The President of the Board, Louis Giavasis, is further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.  
Seconded by Mr. Giavasis.  
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

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**ADMINISTRATOR:** (continued)

b. Consultant Fees -

#04-542 Motion by Mr. Giavasis,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,  
Stark County, Ohio, to authorize ME Companies to complete the 25<sup>th</sup> Street  
Storm Sewer OPWC application, including the capital improvement report,  
capital improvement plan, and coordination of all elements of the process  
with the City of Canton for an amount not to exceed \$2,500.00, to be paid  
from Fund #04-C-03.  
Seconded by Mr. Leno.  
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

**FIRE DEPARTMENT:**

1. The Monthly Report was given; there were no questions.
2. Purchase of Fire and Rescue Equipment and Supplies –

#04-544 Motion by Mr. Giavasis,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,  
Stark County, Ohio, to authorize the purchase of the attached equipment  
from Finley Fire Equipment in an amount not to exceed \$12,000 from  
Account #10-A-08.  
Seconded by Mrs. Bossart.  
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

3. Replacement of Concrete at Station # 3 –

#04-545 Motion by Mr. Leno,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,  
Stark County, Ohio, to authorize the repair of the concrete approaches to  
the garage bays at Station #3 by Tony Antonelli Concrete in an amount not  
to exceed \$5,000.00, from Account #10-A-06.  
Seconded by Mr. Giavasis.  
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

4. 505.86 – 2031 39<sup>th</sup> St. NW –

#04-546 Motion by Mr. Leno,  
WHEREAS, ORC 505.86 authorizes the Board of Trustees to provide for the  
removal, repair, or securance of buildings or other structures that have  
been declared insecure, unsafe, or structurally defective or unfit for human  
habitation; and  
WHEREAS, a written report has been prepared and presented to the Board  
by the Fire Inspector as a result of a complaint;  
NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township  
Board of Trustees, Stark County, Ohio, that:  
1. The conditions inside the structure at 2031 39<sup>th</sup> St. NW, Parcel  
#52-06100, constitute an unsafe and hazardous condition pursuant to  
ORC 505.86.  
2. The conditions are such that they constitute an emergency.  
3. The conditions shall be remedied by Plain Township pursuant to the  
procedures outlined in ORC 505.86.  
4. The Township Clerk shall certify the total cost of such remedies to the  
County Auditor and have them applied to the tax duplicate of the above  
stated property.

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**FIRE DEPARTMENT:**

5. Notices of this decision will be provided to the property owners and any holders of liens of record thereon.

Seconded by Mr. Giavasis.

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

5. Auditor and Treasurer Fees – Chief Sabo wanted to point out that we need to revisit our capital improvements probably for each department, as when you look over the auditor and treasurer fees that are being charged to take care and administer our levies, they are rather high and it is a pretty big hit, in excess of \$25,000. The Board is going to look into this and contact the Auditor’s office to ask what precipitated the change and increase in the fees.

**ROAD DEPARTMENT:**

1. The Monthly Report was given; there were no questions.

2. Purchase of Radios –

#04-547

Motion by Mr. Leno,  
BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees, Stark County, to authorize the purchase and installation of two GE model MLSH041 Mobile Radios from Domer Communication, Inc. not to exceed the amount of \$1,390.00 from Fund 4-A-04.

Seconded by Mrs. Bossart.

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

3. Reimbursement – Removal of Hydraulic Oil –

\$04-548

Motion by Mr. Giavasis,  
BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees, Stark County, to authorize payment to Kim Harris, 7050 Pinetree Ave NE, Canton, OH 44721, in the amount of \$133.13 from fund #4-A-13 for reimbursement for removal of hydraulic oil to her vehicle caused by the Road Department.

Seconded by Mr. Leno.

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

4. Reimbursement – Broken Car Window – from a piece of asphalt that was thrown up from a truck that was a hauler for Central-Allied. There was discussion as to whether it was our responsibility. Our Law Director, Mr. Williams, indicated that it really would not make any sense for us to go ahead and reimburse the lady in question and go after it, as there may be something within the agreement and he will check into this. However, he feels at this time it is best if Central-Allied and the hauler for Central-Allied deal with this on an individual basis with the resident.

**ZONING DEPARTMENT:**

1. The Monthly Report was given; there were no questions.

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**ZONING DEPARTMENT:** (continued)

2. Nuisance Abatement – 2104 40<sup>th</sup> NW -

#04-549

Motion by Mrs. Bossart,  
 WHEREAS, Ohio Revised Code Section 505.87 authorizes the Board of Trustees to provide for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the Township if the Board determines that the property owners maintenance of such vegetation, garbage, refuse and other debris constitutes a nuisance; and  
 WHEREAS, a complaint was filed and processed regarding a nuisance property condition at 2104 40<sup>th</sup> NW, Stark County, Ohio (Parcel #52-10704); and  
 WHEREAS, a certified notice providing the property owner with seven (7) days to address the matter with the Zoning Director was sent August 24, 2004 and returned "Unclaimed"; and  
 WHEREAS, the Zoning Director has provided evidence of a nuisance condition on the property;  
 NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio that:

1. High grass and/or weeds constitute a nuisance under Ohio Revised Code Section 505.87 and
2. The nuisance shall be abated, controlled, or removed according to the procedures outlined in ORC Section 505.87, and
3. Instruct and authorize the Plain Township Clerk to prepare and publish notice of this decision by publication in a newspaper of general circulation within Plain Township.

Seconded by Mr. Leno.

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

3. Payment & Certification of Nuisance Abatements –

a. 3834 Royal NW –

#04-550

Motion by Mr. Leno,  
 WHEREAS, the Plain Township Board of Trustees, Stark County, Ohio has given notice to the owner of property located at 3834 Royal Avenue NE (Parcel #52-04991) to abate the nuisance on this property (Resolution #04-487) on August 10, 2004; and  
 WHEREAS, the Plain Township Board of Trustees provided for said abatement through the services of Plain Township Maintenance Department at a cost of \$348.00; and  
 WHEREAS, the Plain Township Board of Trustees incurred costs for services and notification in the amount of \$172.98;  
 NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to instruct the Clerk to forward to the Stark County Auditor the Report To County Auditor of Township Action Regarding Abatement of a Nuisance certifying the total cost of \$520.98 to be placed on the property owner's tax duplicate.

Seconded by Mrs. Bossart.

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

b. 4005 Regentview NE –

#04-551

Motion by Mrs. Bossart,  
 WHEREAS, the Plain Township Board of Trustees, Stark County, Ohio has given notice to the owner of property located at 4005 Regentview NE (Parcel #52-04780) to abate the nuisance on this property (Resolution #04-523) on August 24, 2004; and

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**ZONING DEPARTMENT:** (continued)

WHEREAS, the Plain Township Board of Trustees provided for said abatement through the services of Plain Township Maintenance Department at a cost of \$156.00; and

WHEREAS, the Plain Township Board of Trustees incurred costs for services and notification in the amount of \$145.01;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to instruct the Clerk to forward to the Stark County Auditor the Report To County Auditor of Township Action Regarding Abatement of a Nuisance certifying the total cost of \$301.01 to be placed on the property owner's tax duplicate.

Seconded by Mr. Leno.

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

c. 2031 39<sup>th</sup> St. NW –

#04-552

Motion by Mrs. Bossart,

WHEREAS, the Plain Township Board of Trustees, Stark County, Ohio has given notice to the owner of property located at 2031 39<sup>th</sup> St. NW (Parcel #52-06100) to abate the nuisance on this property (Resolution #04-522) on August 24, 2004; and

WHEREAS, the Plain Township Board of Trustees provided for said abatement through the services of Plain Township Maintenance Department at a cost of \$208.00; and

WHEREAS, the Plain Township Board of Trustees incurred costs for services and notification in the amount of \$100.54;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to instruct the Clerk to forward to the Stark County Auditor the Report To County Auditor of Township Action Regarding Abatement of a Nuisance certifying the total cost of \$308.54 to be placed on the property owner's tax duplicate.

Seconded by Mr. Giavasis.

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

**PARKS & RECREATION:**

1. The Monthly Report was given; there were no questions.

2. Purchase of Fall Fertilizer –

#04-553

Motion by Mr. Giavasis,

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the purchase of fertilizer from Hoopes Fertilizer in the amount of \$768.36, to be paid from Fund #14-A-05B.

Seconded by Mr. Leno.

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

**PLANNING:**

1. The Monthly Report was given; there were no questions.

**COMMUNICATIONS:**

1. Work Health & Safety Services – regarding flu shot schedule for the Township.

2. United States Postal Service – regarding a meeting on September 28 to determine whether collection boxes should be removed.

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**COMMUNICATIONS:** (continued)

3. Stark County Building Department – a letter from Sharon Woofter complaining about a builder located in Plain Township.
4. Ken Nisly – a letter to Mr. Caplea with problems with a new development he is having.
5. A concerned neighbor - a complaint of different homes on Zircon NE.
6. Lawrence Township Trustees – wishing to have copies of our noise control regulations.
7. Michael Miller – regarding water agreements.

**CONCERNS OF CITIZENS:**

David Miner, of 4806 Darlington NW, wanted to thank the Fire Department for the truck and the EMS unit that was used at a recent picnic. Also, he wanted to know what the status was on the Kim property. Mr. Williams said that they were past the point of notice. There were asbestos inspections due, and then we would be down to the point of demolition. He asked about the dry well on 50th Street. Mr. Iacino said that it should be installed in late October or November. Regarding the 47<sup>th</sup> Street widening, Mr. Iacino said that he had gotten the cost for the tree and stump removals. He will be receiving bids for the numbers on the widening project, which he felt the Road Department could do.

William Wackerly, of 3706 Whipple NW, was present to discuss his problem that he is having with a garage sale going on at the property, more or less a perpetual type garage sale. He was asked if he is selling vehicles and motorcycles and boats and he said that they are all gone.

Mr. Robert Bolek, or 3959 37<sup>th</sup> St. NW, was also present to complain about this garage sale activity, saying that it is a parking problem and they are dumping junk in his yard, such as cigarette butts and beer cans. Mr. Wackerly said that he would be happy to come over and pick up the debris and also stated that most of these items would be gone and he wanted to run the garage sale one more weekend and that it would all be cleaned up. The Board took his word for this and will take action should this not cease after this weekend.

Mr. William Goulden, of 904 29<sup>th</sup> St. NE, was present to ask about the sewer problem on 29<sup>th</sup> St. NE. Mr. Cozy said that the project is out for bid. Mr. Iacino said that the bids would be opened on October 1 and also he would like to start the project this year.

**APPROVAL OF MINUTES:**

#04-554

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 August 24, 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 August 24, 2004 as presented.  
Seconded by Mr. Giavasis.  
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

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**EXECUTIVE SESSION:**

#04-555 Motion by Mr. Giavasis,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,  
Stark County, Ohio to adjourn to executive session at 8:42 p.m. from this  
regular meeting of September 14, 2004 as authorized under Ohio Revised  
Code 121.22(G) for the purpose of the consideration of: the purchase of  
real, personal, tangible or intangible property.  
Seconded by Mrs. Bossart.  
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

#04-556 Motion by Mr. Giavasis to return to regular session at 9:04 p.m.  
Seconded by Mrs. Bossart.  
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

**ADJOURNMENT:**

#04-557 Motion by Mrs. Bossart,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,  
Stark County, Ohio to adjourn at 9:04 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