

2600 Easton St. NE  
Canton, OH 44721

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October 26, 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, Sam Tuttle, 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. We added #2 – Soccer Tournament and #3 – Alpine Gates to the Sheriff's Report.

**SHERIFF'S REPORT:**

1. Speeding on 30<sup>th</sup> St. NE – it is posted as 45 m.p.h. The complainant said at any time of the day people are doing 50 and 60.
2. Soccer Tournament – Mr. Tuttle wanted to remind the Sheriff's Department of the soccer tournament on October 30 and 31, this weekend. Please be in the area to see that people do not park on Diamond Street.
3. Gates at Alpine Park – again the gates have not been being locked at the proper time. Mr. Leno said that possibly Mr. Snyder, who is taking care of restrooms and some other park activities, might be willing to do this, but it was up to the other two trustees as well. He also stated that, in reality, maybe it should not be the duty of the Sheriff to break up their regular patrol to go and lock the gates. The Board will discuss this and Mr. Tuttle will call Mr. Snyder tomorrow and talk to him about the possibility of him locking the park.

**UNFINISHED BUSINESS:**

1. 25<sup>th</sup> Street Storm Sewer – Mr. Cozy informed the Board that it had been certified by the City of Canton which was good news to get this project underway.
2. 29<sup>th</sup> Street Storm Sewer – Mr. Cozy said that there was a letter from the City of Canton and there was an issue with the estimates that had come back. Basically the City of Canton's portion was double compared to the original amount in the estimate. The City has said that they were willing to go ahead with the project, but asked that their costs be more in line with the original estimates.
3. Canton Court Security – Mrs. Bossart attended a recent meeting and passed out an e-mail copy that she had sent to the judges and those involved. Basically, she had questions and wanted to know why Plain Township would be paying one-third of the total cost of the jail. Operating costs for 2003 would be \$56,000 approximately to the Township. She also wanted to know that if the reality cost was \$63 or thereabouts, why are we paying almost double that amount? The Board will get with the Law Director and seek more information with regard to this issue to see what the Township can do. Mrs. Bossart did not feel it was fair to the taxpayers to have their money taken, and literally, this would be taking one officer off of the streets due to the cost.

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**NEW BUSINESS:**

1. False Alarms –

#04-592

Motion by Mr. Leno,  
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	#
Schumacher Homes	2715 Wise Ave. NW	8th, 9th, 10th and 11th
Carlisle Engineering	3131 Columbus Rd. NE	5th and 6th
McDonalds	3700 Harmont Ave. NE	4th
McDonalds	3934 Everhard Rd. NW	9th
Labor Ready	719 30th St. NE	12th
Speedway	2570 Easton St. NE	4th
Sherwin Williams	2305 Columbus Rd. NE	4th and 5th
Lee Columber	5325 Aster Ave. NE	5th
Fred Kloots	3206 Enfield St. NW	4th and 5th
S. Dash	3846 Croydon Dr. 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

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.

2. Schneider Street Widening –

#04-593

Motion by Mr. Leno,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize CT Consultants to provide plans, specifications, and cost estimate for the Schneider Street Widening Project for a lump sum fee of \$24,500.00; and

BE IT FURTHER RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize a soil investigation by PSI Company in the amount of \$2,695.00 for the Schneider Street Widening Project.  
Seconded by Mr. Giavasis.

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**NEW BUSINESS:** (continued)

Discussion: Mr. Giavasis asked what fund the dollars would come from. Mr. Cozy told him that we would need to adjust Clerk #5 later in the meeting to add a fund transfer for this particular resolution.

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

**CLERK’S REPORT:**

1. Pending Warrants –

#04-594 Motion by Mr. Leno,  
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 \$211,034.33 as attached hereto and made a part of these minutes.  
Seconded by Mr. Giavasis.  
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

2. Regular Payroll –

#04-595 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. Payment of Medical Claims –

#04-596 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>
10/19/04	EFT 49145	\$ 9,926.74
10/26/04	EFT 49146	13,265.54

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

4. The Investment Report was given. Mr. Shriver pointed out that the Board might take note of the different laddered dates that investments are coming due. He also stated that he was very favorable in how the Budget Commission reacted at the meeting on Monday morning with regard to the Road and Fire Departments respectively.

5. Transfer of Funds –

#04-597 Motion by Mrs. Bossart,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the following transfer of funds:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
01-A-26L – Other Expenses – Leaves	01-A-26R- Other Expenses – Recycling	\$3,000.00
01-A-26D – Other Expenses – Contracts	01-K-09 – Utilities	1,000.00
03-B-02 – Materials	03-A-05A – Supplies – Fuel	\$10,000.00
09-A-09 – Repairs	09-A-12 – Other Expenses – Auditor and Treasurers Fees	165.00
10-A-08 – Tools & Equipment	10-A-15C - Other Expenses – Auditor and Treasurers Fees	300.00

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**CLERK’S REPORT:** (continued)

27-A-09 – Other Expenses	27-A-08 – Contracts	10,000.00
28-a-05 – Tools & Equipment	28-A-09 – Other Expenses	2,000.00
11-A-04 - Tools & Equipment	11-C-03 – Contracts	27,195.00

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

6. Refund of EMS Fees –

#04-598	Motion by Mrs. Bossart, PAYABLE TO	AMOUNT
	Sandra J. Lewton	\$196.99
	Darlene K. McKinney	243.76
	Palmetto GBA (for Mark Hannan)	8.27
	Ohio Dept. of Job & Family Services (for Sherman M. Oakes)	173.50

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

**ADMINISTRATOR:**

1. Mower Trade - put on hold until Mr. Cozy could do more research on costs.
2. Amend Resolution #04-498 (School Resource Officer)

#04-599 Motion by Mr. Leno,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to amend Resolution #04-498 to read as follows:  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the Plain Township Administrator to enter into a contract with the Stark County Sheriff’s Office to provide a School Resource Officer to the Plain Local School for the 2004/2005 school year until June 2005 in an amount not to exceed \$35,447.30;  
BE IT FURTHER RESOLVED that the Plain Local School District shall reimburse Plain Township in an amount equal to one-half of the contract amount (not to exceed \$17,723.65). The Plain Local School District shall tender such reimbursement to Plain Township within thirty (30) days of receiving the invoice for the utilization of the School Resource Officer.  
Seconded by Mr. Giavasis.  
Discussion: Mrs. Bossart said that she previously had not been against a resource officer; however, she was against the monies being used from our Plain Township funds to pay for a portion of that resource officer.  
Vote: Mrs. Bossart, no; Mr. Leno, yes; Mr. Giavasis, yes.

**FIRE DEPARTMENT:**

1. The Monthly Report was given; there were no questions.
2. Purchase of Fuel –

#04-600 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, yes.

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**FIRE DEPARTMENT:** (continued)

- 3. Purchase of New Replacement Turnout Gear –

#04-601 Motion by Mr. Giavasis,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the purchase of protective clothing of fire coats and pants from All-American Fire in an amount not to exceed \$2,800.00. Seconded by Mr. Leno.  
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

**ROAD DEPARTMENT:**

- 1. Purchase of Fuel -

#04-602 Motion by Mrs. Bossart,  
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 \$10,000.00 from Fund 3-A-5A.  
Seconded by Mr. Giavasis.  
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

- 2. Removal of Stop Sign – Dauphin –

#04-603 Motion by Mr. Leno,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, that the existing stop sign be removed from Dauphin per the recommendation of the Stark County Engineering Traffic Department.  
Seconded by Mr. Giavasis.  
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

- 3. Placement of Stop Sign – Ayrshire at Dauphin –

#04-604 Motion by Mrs. Bossart,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, pursuant to the authority of the Ohio Revised Code Section 4511.10, that a traffic control device in the form of a stop sign be placed at the following intersection based upon the recommendation of the Stark County Traffic Engineering Dept. on: Ayrshire at Dauphin.  
Seconded by Mr. Leno.  
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

- 4. Willowbrook Speed Zone –

#04-605 Motion by Mrs. Bossart,  
WHEREAS, a request has been made to this Board that the statutory vehicular speed limit established by Sec. 4511.21, Revised Code of Ohio is greater than that considered reasonable and safe on Willowbrook Ave NE between Martindale Road and 38th St NE, Plain Township, Stark County, Ohio.  
WHEREAS, this Board has caused to be made a traffic engineering investigation upon the section of road described above; and  
WHEREAS, it is the belief of this Board that such investigation confirms the allegation that the statutory speed limit of 55 mph is unrealistic;  
NOW THEREFORE, BE IT RESOLVED by the Plain Township Trustees of Stark County, Ohio that:

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**ROAD DEPARTMENT:** (continued)

By virtue of the provisions of Sec. 4511.21, Revised Code of Ohio, the Township Trustees have determined that the Roadway Superintendent has declared a reasonable and safe speed limit of 25 mph on the section of road described hereof, therefore, standard signs, properly posted and giving notice thereof will be erected.

Seconded by Mr. Giavasis.

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

**ZONING DEPARTMENT:**

1. Nuisance Abatement -

a. 3200 Royal Ave. NE –

#04-606

Motion by Mr. Leno,  
WHEREAS, a public hearing was held on October 26, 2004 by the Board of Trustees regarding the property conditions at 3200 Royal Ave. NE, Stark County, Ohio (Parcel #52-16835);  
WHEREAS, William & Christina Kroah III, have failed to demonstrate satisfactory progress in correcting the violations at the above property; and  
WHEREAS, the Plain Township Board of Trustees has provided the owner(s) of the property with notice and opportunity to be heard on this matter;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio that:

1. High grass and/or weeds, and trash and/pr debris constitutes 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. Notice of this decision will be provided to the property owners and any holders of liens of record thereon.

Seconded by Mrs. Bossart.

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

b. 2430 41<sup>st</sup> St. NW – put on hold until the property owner can be present at a meeting.

2. Zoning Board Positions –

#04-607

Motion by Mr. Giavasis,  
WHEREAS, there are appointed positions on the Plain Township Board of Zoning Appeals and the Plain Township Zoning Commission with terms expiring December 31, 2004; and  
WHEREAS, the Plain Township Board of Trustees desire to fill these positions with five-year terms beginning January 1, 2005;

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to instruct the Plain Township Clerk to publish the following public notice in The Repository on Sunday, November 7, 2004.

PUBLIC NOTICE: The Plain Township Trustees are accepting letters of interest for positions on the Board of Zoning Appeals and Zoning Commission for five-year terms beginning January 1, 2005. Applicants must be residents of Plain Township and must be able to devote up to 3 evenings per month for public hearings. Zoning knowledge is preferred. Submit letters of intent with a brief resume to the Plain Township Zoning Director, 2600 Easton Street NE, Canton, Ohio 44721 by Wednesday, November 24, 2001. Office hours are 8:00 AM to 4:30 PM, Monday through Friday. EOE. No phone calls please.

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**ZONING DEPARTMENT:(continued)**

PLAIN TOWNSHIP BOARD OF TRUSTEES, Stark County, Ohio  
Louis P. Giavasis President  
Pamela S. Bossart  
Albert P. Leno, II  
Claude W. Shriver II, Clerk  
Publish: Sunday, November 7, 2004 in The Repository.  
Seconded by Mr. Leno.  
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

**PARKS & RECREATION:**

1. Rental of Portable Toilets –

#04-608 Motion by Mr. Giavasis,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize rental of portable toilets from Miller and Company for the October soccer tournaments in the amount of \$1,410.00. Seconded by Mrs. Bossart.  
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

2. Purchase of Grass Seed –

#04-609 Motion by Mr. Leno,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the purchase of 1800 pounds of grass seed at \$1.41 per pound from Besturf, for a total amount not to exceed \$2,538.00. Seconded by Mr. Giavasis.  
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

**COMMUNICATIONS:**

1. U. S. Healthworks – announcing a date for a tailgate party on October 28.
2. Parkridge Homeowners’ Association – a thank you to the Road Department.
3. Plain Local Schools – a thank you to Plain Township for subsidizing the cost of a resource officer.
4. Stark County Commissioners – request for vacation of Endrow NE. After some discussion, Chief Sabo and Mr. Iacino will go out and look at the road before they reply to the Board of Commissioners.
5. Dale T. Zeiger – regarding road repairs on Orchardale Drive NW.
6. Stark County Emergency Management Agency - a letter regarding homeland security grants. Chief Sabo went into detail as to what equipment we have purchased and what may be available.
7. City of North Canton – from the Administrator, Michael Miller, rescinding his comment that we are in violation of a CEDA agreement.
8. Stark County Commissioners – regarding meetings with the Pembroke Allotment to resolve flooding problems.

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### CONCERNS OF CITIZENS:

Alva Halter, of 4004 Regentview NE, has a problem with the quarry lake backing up in his yard and flooding yards on Regentview. This is a rather new problem, and it seems that nothing is draining properly and it has become very serious. His next-door neighbor has asked that his basement be waterproofed and the man from the waterproofing company said that it could not be done because the water table was at his foundation. He also felt that the water coming into the yard may be contaminated, as he has found some dead animals. Mr. Cozy said that they should be contacting the Ohio Department of Natural Resources. Joe Iacino said that he had talked with George Braden, from Central-Allied, and he will be meeting with him on October 28. The residents also brought a film of this problem and Mr. Giavasis has been out to the house and witnessed the problem. As of today, the water has still not receded.

Richard Hickman, of 3920 Regentview, also was present to state the same concern. All three trustees were very much concerned with this situation and are going to do everything they can to get it resolved and find out what is causing it.

### APPROVAL OF MINUTES:

#04-610 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 special meeting held October 5, 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 special meeting held October 5, 2004 as presented.  
Seconded by Mr. Leno.  
Vote: Mrs. Bossart, yes; Mr. Leno, yes.

#04-611 Motion by Mr. Leno,  
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 October 12, 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 October 12, 2004 as presented.  
Seconded by Mr. Giavasis.  
Vote: Mr. Leno, yes; Mr. Giavasis, yes.

### EXECUTIVE SESSION:

#04-612 Motion by Mr. Giavasis,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to adjourn to executive session at 8:47 p.m. from this regular meeting of October 26, 2004 as authorized under Ohio Revised Code 121.22(G) for the purpose of the consideration of: appointment of a public employee or official; employment of a public employee or official; a conference with the law director or other retained counsel concerning pending or imminent court action; preparing for, conducting or reviewing negotiations or bargaining sessions with public employees.  
Seconded by Mrs. Bossart.  
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

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**RETURN TO REGULAR SESSION**

#04-613 Motion by Mr. Giavasis to return to regular session at 9:41 p.m.  
Seconded by Mrs. Bossart.  
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

**ADJOURNMENT:**

#04-614 Motion by Mrs. Bossart,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark  
County, Ohio to adjourn at 9:42 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