

2600 Easton St. NE
Canton, OH 44721

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May 10, 05

WORK SESSION

ATTENDANCE:

Pamela Bossart, Louis Giavasis, Albert Leno, II, Claude W. Shriver, II, Mark Cozy, Eric Williams, Joe Iacino, Sam Tuttle, Steve Peroz, John Sabo, Mary Lee Sponseller.

President Giavasis convened the work session at 6:20 p.m. Two gentlemen from Harris/Day Architects were present to go over future meetings with the Fire Department and fire services within Plain Township. They were Jeff Day and Jeff Barber. They presented a handout to the Board and staff. They would go over building codes, zoning, handicapped accessibility to the current facilities, verify existing building layouts, sketch drainage solutions for parking areas at Station 4, prepare a sketch of possible additions and/or improvements to two of the stations, and develop cost estimates for all work with possible phasing to fit budgets as developed. The scope of work also shall be to develop remodeling schemes and associated cost for use in discussing fund raising options. The fee for the above services will be \$17,000, plus reimbursable expenses. They will have more information available by the first meeting in June. Chief Sabo said that he is very comfortable with this first step in the process, and that he would keep the Board informed as to the progress.

The Trustees adjourned to outside to look at the roof and picked out a shingle for the roof replacement.

REGULAR MEETING

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, Steve Peroz, John Sabo, Mary Lee Sponseller.

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

AGENDA: The agenda was presented. Added to the agenda were: Sheriff #3 – Speeding on 38th Street, Parks #3 – Alpine Park, and Concerns of Trustee – Executive Session.

SHERIFF'S REPORT:

1. Speeding on Marquardt – Joe Iacino said that he had a complaint from a resident saying that coming out of the North Canton portion of Marquardt, which is posted at 25 mph, cars are going very fast. This resident is claiming it is because our Township speed on that portion of the roadway is 35 mph. The Sheriff will take a closer look at this.
2. Harassment – an individual on Applegrove Rd. NW said that he is being harassed by individuals shooting a BB gun at his home, placing dead animals in his yard, and also some racist information.

UNFINISHED BUSINESS:

1. Ohio Division of Liquor Control – El Pacifico – is okay.

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UNFINISHED BUSINESS: (continued)

- 2. Ohio Division of Liquor Control – Dairy Mart – they are going to request a hearing for Dairy Mart on Fulton Rd.
- 3. Annexation Objection –

#05-219

Motion by Mr. Giavasis,
 WHEREAS, the Plain Township Board of Trustees is the chief legislative body of the Township;
 WHEREAS, a petition has been filed with the Stark County Board of Commissioners to annex approximately 11.7374 acres in Plain Township, Stark County, to the City of North Canton;
 WHEREAS, the Stark County Board of Commissioners shall review the said petition with the filed, written objection of a township or municipality; and the Plain Township Board of Trustees has retained the law firm of Pelini & Associates LLC to represent the Board at the petition review;
 NOW, THEREFORE, BE IT RESOLVED, that the Plain Township Board of Trustees objects to the said proposed annexation based upon the petition’s failure to meet the following conditions specified in OH ST S 709.023(E):

- (1) The petition meets all the requirements set forth in, and was filed in the manner provided in, section 709.021 of the Revised Code.
- (2) The persons who signed the petition are owners of the real estate located in the territory proposed for annexation and constitute all of the owners of real estate in that territory.
- (3) The territory proposed for annexation does not exceed five hundred acres.
- (4) The territory proposed for annexation shares a contiguous boundary with the municipal corporate to which annexation is proposed for a continuous length of at least five per cent of the perimeter of the territory proposed for annexation.
- (5) The annexation will not create an unincorporated area of the township that is completely surrounded by the territory proposed for annexation.
- (6) The municipal corporation to which annexation is proposed has agreed to provide to the territory proposed for annexation the services specified in the relevant ordinance or resolution adopted under division (C) of this section.
- (7) If a street or highway will be divided or segmented by the boundary line between the township and the municipal corporate as to create a road maintenance problem, the municipal corporation to which annexation is proposed has agreed as a condition of the annexation to assume the maintenance of that street or to otherwise correct the problem. As used in this section, “street” or “highway” has the same meaning as in section 4511.01 of the Revised Code.

The Plain Township Board of Trustees authorizes and appoints all Board members, administrators and others to appear and speak on behalf of the Board of Trustees at the review regarding said annexation.

Seconded by Mr. Leno.

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

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NEW BUSINESS:

1. 2005 County Drainage Program – letter from the Stark County Commissioners indicating the Fry Ditch participation \$60,000, the Avondale Storm Sewer at \$25,000, and the Graber Farm, \$45,000 to be split with the County and the Township. Mr. Leno said he had met with the Cooks on Chesham along with one of the Commissioners, Jane Vignos, and it was a very serious problem. The backyard turned into a natural pond that was about 8 feet deep because of this drainage problem. We would be in charge of getting easements for the Graber Farm Project, which would be somewhat time-consuming. Mr. Giavasis asked Mr. Cozy to alert him because he would like to meet with the Grabers also.

2. Aultcare Contract Renewal –

#05-220

Motion by Mr. Giavasis,
WHEREAS, the Plain Township Board of Trustees has entered into an agreement with AultCare Corporation, located at 2600 Sixth Street SW, Canton, Ohio, to provide medical coverage for Plain Township employees since June 1993 (Resolution #93-318);
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to continue this coverage and authorize the execution of the contract with AultCare Corporation for medical, dental, vision and prescription coverage for the period beginning June 1, 2005.
Seconded by Mrs. Bossart.
Discussion: Mr. Cozy said that he is going to have a work session with the broker from the Aultcare to go over some various items that would save the Township money.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

3. False Alarms –

#05-221

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	#
Movies 4	3911 Everhard Rd. NW	5th and 6th
Schumacher Homes	2715 Wise Ave. NW	4th
Brew Thru	3825 Cleveland Ave. NW	4th and 5th
Fisher Foods	4403 Cleveland Ave. NW	5th and 6th
Spee-D-Foods	3002 Market Ave. N.	4th and 5th
Marathon Station	7960 Cleveland Ave. NW	4th and 5th
Quick Stop	4235 Middlebranch Ave. NE	4th
Kilgore Mfg.	3552 Roosevelt Ave. NE	4th - 9th

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;

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NEW BUSINESS: (continued)

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.

4. Yard Waste Recycling –

#05-222

Motion by Mr. Giavasis,

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize payment to Warstler Brothers Landscaping in the amount of \$60.00 per 40-yd container of yard waste for the Stark County yard waste program.

Seconded by Mr. Leno.

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

CLERK’S REPORT:

1. Pending Warrants –

#05-223

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 \$76,422.41 as attached hereto and made a part of these minutes.

Seconded by Mrs. Bossart.

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

2. Regular Payroll –

#05-224

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 \$125,000.00.

Seconded by Mr. Leno.

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

3. Payment of Medical Claims –

#05-225

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>
05/03/05	EFT 50531	\$ 9,254.41
05/10/05	EFT 50532	12,841.22

Seconded by Mr. Giavasis.

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

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CLERK’S REPORT: (continued)

- 4. The Financial Report was given. Mr. Shriver said there was nothing in particular to point out, but interest rates were slowly climbing upward.
- 5. Transfer of Funds –

#05-226 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:

FROM	TO	AMOUNT
01-A-26E – Other Expenses	01-A-26 Other Expenses- Nuisance Properties	\$10,000.00

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

ADMINISTRATOR:

- 1. The Computer Systems Manager Monthly Report was given; there were no questions. Mrs. Bossart mentioned that she talked to the gentleman from the company who does our website update and he is willing to add any updates as the Trustees or staff see necessary.
- 2. Sidewalk Replacement –

#05-227 Motion by Mr. Leno,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize replacement of the sidewalk at the Plain Township Hall by Steve’s Concrete Service for the amount of \$1,350.00.
Seconded by Mrs. Bossart.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

- 3. Underground Storage Tank Fees –

#05-228 Motion by Mrs. Bossart,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to authorize the payment of underground storage tank fees to the State of Ohio UST Fund in the amount of \$2,800.00.
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 Chassis –

#05-229 Motion by Mr. Leno,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the purchase of three (3) 2006 4400 Series International Chassis from O.S. Hill and Company, Inc. under separate contract of the Ohio Cooperative Purchasing Program, Invitation #023005, Vendor #36-1264810, in the amount of \$59,588.00 each for a total of \$178,764.00, to be paid from Account #10-A-08.
Seconded by Mr. Giavasis.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

FIRE DEPARTMENT: (continued)

3. Purchase of Ambulances –

#05-230 Motion by Mr. Leno,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the purchase of three (3) 2005 Lifeline Highliner Ambulance Conversions from Pfund Superior Sales under Ohio State Term Schedule #776233A – Index #STS 223, in the amount of \$109,719.00 each, for a total of \$329,157.00, to be paid from Account #10-A-08.
Seconded by Mrs. Bossart.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

4. Purchase of Rescue Equipment –

#05-231 Motion by Mr. Giavasis,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the purchase of the following equipment:

2 Hurst Maverick Combination Spreader/Cutters	\$8,520
1 Hurst MocII Cutter	4075
1 Hurst Transformer Spreader	7500
1 Hurst T-41 Telescopic Ram	2795
1 Hurst Shackle Kit	900
6 Diamond Tips for Maverick Tool	930

from Finley Fire Equipment Co. Inc. in the total amount of \$24,720 to be taken from Account #10-A-08.
Seconded by Mr. Leno.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

ROAD DEPARTMENT:

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

2. Crack Sealing Bid – PS Construction Fabrics –

#05-232 Motion by Mr. Leno,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to contract with PS Construction Fabrics for the 2005 Crack Sealing Program not to exceed eighteen thousand three hundred dollars (\$18,300.00) from Fund 04-C-03.
Seconded by Mrs. Bossart.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

3. Fuel Purchase –

#05-233 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. Leno.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

4. Damaged Windshield –

#05-234 Motion by Mr. Leno,
WHEREAS, an automobile belonging to Wayne Scaggs was damaged in the amount of \$380.38 by a Road Department vehicle;
WHEREAS, the Plain Township Board of Trustees has entered into an agreement regarding the property damage claim of Wayne Scaggs for the

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total amount of \$380.38;

ROAD DEPARTMENT: (continued)

BE IT HEREBY RESOLVED that the Plain Township Board of Trustees, Stark County, Ohio hereby authorizes that Wayne Scaggs be paid from Fund 4A-13 (Other Expenses) in the amount of \$380.38 as a full and final resolution of all claims he may have against Plain Township pursuant to the attached Release of All Claims.

Seconded by Mrs. Bossart.

Discussion: Mr. Williams explained that after looking into this situation, a rock from either a City truck or a Township truck caused this damaged windshield. The City of Canton and the Township are splitting the cost of this windshield.

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

5. Advertise Sale of Gradall –

#05-235

Motion by Mrs. Bossart,

BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees, Stark County, authorization to advertise the sale of a 1991 Gradall Model G3WD Serial #s G01D569-0136289 through publications, mailings and sealed bids.

Seconded by Mr. Giavasis.

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

6. Purchase of Dump Truck Bed –

#05-236

Motion by Mr. Leno,

BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees, Stark County, to authorize the purchase of a Henderson Model Mark Two 10' stainless steel dump body with poly fenders and one Gledhill model 2100H 304 stainless steel salt spreader from Gledhill Road Machinery Co. not to exceed \$11,000 from Fund 11-A-4.

Seconded by Mr. Giavasis.

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

ZONING DEPARTMENT:

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

2. Nuisance Abatement – 2917 31st Street NE –

#05-237

Motion by Mrs. Bossart,

WHEREAS, a public hearing was held on May 10, 2005 by the Board of Trustees regarding the property conditions at 2917 31st Street NE, Stark County, Ohio (Parcel #52-10017) and

WHEREAS, US Bank, has 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. Trash and/or 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 Mr. Leno.

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

PARKS & RECREATION:

1. The Monthly Report was given. Mr. Tuttle also said he is having a difficult time after calling about eight vendors in getting someone to come out to look at pulling the carpet up and putting something more substantial in the Community Room at the Diamond Community Center.
2. Purchase of Fertilizer –

#05-238

Motion by Mrs. Bossart,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to purchase spring fertilizer from Hoopes Fertilizer for the amount of \$938.92.
Seconded by Mr. Leno.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

3. Alpine Park Complaint – a complaint was added by Mrs. Bossart about excessive dog waste. Mr. Tuttle said it is much better than it has been in the past. The Trustees will have some of the park employees say something to the people who are abusing this. Mr. Leno suggested that if it continues, a sign be put up that if this is not corrected, the Trustees will pass a resolution stating that no dogs will be permitted in the park.

PLANNING:

1. The Monthly Report was given. Mrs. Sponseller also said that the Zoning Review Board is approaching the final stage for a final view of everything. She would like to schedule some work sessions in the future and possibly have the Board of Zoning Appeals and the Board of Revision to go over the changes.

COMMUNICATIONS:

1. Stark County Commissioners – regarding the denial of the vacation of the end of Bellview.
2. Insurance Services Office – regarding their survey of the Plain Township Fire Department.
3. Stark County Commissioners – regarding the Community Development Block Grant program.
4. Stark County Commissioners - regarding the vacation of McDowell and Grove, which was approved.
5. Stark County Commissioners - concerning the cancellation of the tax abatement at American Aluminum Extrusion.

CONCERNS OF TRUSTEES:

Mrs. Bossart said that her concern was that many times we go out to executive session late and are not real fresh. She suggested that the Board look at having an executive session at 6:00 p.m. while the Board is fresh, especially with some important issues. Most of the staff agreed. This will be tested and tried in the future.

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APPROVAL OF MINUTES:

#05-239 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 April 26, 2005 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
April 26, 2005 as presented.
Seconded by Mr. Leno.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

EXECUTIVE SESSION:

#05-240 Motion by Mr. Giavasis,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,
Stark County, Ohio to adjourn to executive session at 7:50 p.m. from this
regular meeting of May 10, 2005 as authorized under Ohio Revised Code
121.22(G) for the purpose of the consideration of: compensation of a public
employee or official; the purchase of real, personal, tangible or intangible
property;
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.

#05-241 Motion by Mr. Giavasis to return to regular session at 8:28 p.m.
Seconded by Mr. Leno.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

ADJOURNMENT:

#05-242 Motion by Mr. Giavasis,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,
Stark County, Ohio to adjourn at 8:28 p.m.
Seconded by Mrs. Bossart.
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