

2600 Easton St. NE
Canton, OH 44721

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October 25, 05

WORK SESSION

ATTENDANCE:

Pamela Bossart, Louis Giavasis, Albert Leno, II, Claude W. Shriver, II, Eric Williams, Steve Peroz, Mary Lee Sponseller.

President Giavasis convened the work session at 6:20 p.m. Several items regarding the Zoning book were revised that Mrs. Sponseller needed clarification on.

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

AGENDA: The agenda was presented. Sheriff's Report #3 – Speeding on Windham was added.

SHERIFF'S REPORT:

Reckless driving on 49th Street at 3:30 a.m. was discussed.

A Sheriff's cruiser parked on Sweetwater was due to the construction at the Sheriff's Department. A couple of the Sheriff's deputies are taking their cruisers home and happen to live near there.

Speeding on Windham at all hours of the day was the third complaint.

UNFINISHED BUSINESS:

- 1. Emergency Management Agency Authorization –

#05-520

Motion by Mrs. Bossart,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize Mark Cozy, Administrator, to sign any forms required by the Emergency Management Agency. As soon as practically possible, the Plain Township Board of Trustees shall vote on a resolution to ratify any action taken by the Administrator pursuant to the authority bestowed upon him by this resolution. The authority conferred by this resolution shall last for the remainder of the year 2005.

Seconded by Mr. Giavasis.

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

UNFINISHED BUSINESS: (continued)

2. Set Public Hearing – 29th Street Sidewalks –

#05-521

Motion by Mr. Giavasis,
WHEREAS, the Plain Township Board of Trustees, Stark County, Ohio desires to create a sidewalk district as petitioned by the property owners of 29th Street NE on the south side between Market Avenue and Beverly Ave.; November 22, 2005, at 7:15 p.m. NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to approve the petition for sidewalk and curb repair for 29th Street NE on the south side between Market Avenue and Beverly Avenue.
Seconded by Mr. Leno.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

3. Leaf Recycling – Mr. Cozy asked Mr. Iacino how things were going with the present leaf recycling situation. Joe said so far, so good, but this Saturday it is supposed to clear up and we will see how they can keep up with our demand.
4. Health Insurance – Mr. Cozy presented a pamphlet put together by Jo Ellen Reikowski regarding our health insurance, showing how we might save some money and reduce our health insurance costs.

NEW BUSINESS:

1. CDBG Grant Application – Mr. Cozy went over the details of a Community Development Block Grant to be used for a storm sewer project. It would be a \$198,000 cost, and we could get \$180,000 if we are successful with our CDBG grant. Our cost would be \$18,000.
2. Cell Phone Policy – Mr. Williams went over the cell phone policy that he presented and asked the Board to review it and we will discuss that at the next meeting. Mr. Shriver also added that the auditors had indicated that in future audits, they may be pulling cell phone bills for inspection.

CLERK’S REPORT:

1. Pending Warrants –

#05-522

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 \$176,542.36 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 –

#05-523

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.

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**7:15 P.M. PUBLIC HEARING –
LEXINGTON FARMS LIGHTING DISTRICT, PHASE II:**

#05-524

Motion by Mr. Giavasis,
WHEREAS, a petition to light artificially the streets and public ways in an unincorporated district in this township was filed with the Plain Township Clerk on October 4, 2005 and was presented to the Plain Township Trustees on October 11, 2005 (Resolution #05-507); and
WHEREAS, the petition was signed by owners of more than one-half of the front feet of the lots and lands abutting on the streets and public ways of the aforesaid district, and that the petition complied with law in specifying the metes and bounds of the district but included no lands more than 660 feet from, nor any lands not abutting on, the streets and public ways in such districts; and
WHEREAS, notice of a hearing before the Plain Township Board of Trustees on the petition for October 4, 2005 was duly and timely served on all lot owners and corporation affected by the proposed improvement, and was duly and timely published against nonresidents, pursuant to RC 515.04, and return of due service and publication was made according to law;
NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to approve the petition for a lighting district for Lexington Farms with twenty-two (22) 9,000 lumens post-top street lights to be located as follows in Lexington Farms Phase II:

1. Intersection of Easton Street NE and Rosedown Blvd.
2. On Rosedown Blvd. south of Seabiscuit Drive
3. At northeast corner of Rosedown Blvd. and Seabiscuit Drive
4. Between lots 113 & 114 on Seabiscuit Drive
5. Between lots 120 & 121 on Seabiscuit Drive
6. Between lots 128 & 129 on Bellview Street
7. At northwest corner of Lot 125 on Bellview Street
8. At southwest corner of intersection Rosedown Blvd. and Pine Bluff NE
9. Between lots 109 & 110 on Pine Bluff NE
10. Between lots 105 & 106 on Pine Bluff NE
11. At northwest corner of Lot 102 on Pine Bluff NE
12. At southeast corner of intersection of Rosedown Blvd. & Ledger Ave. NE
13. Between lots 69 & 70 on Ledger Ave. NE
14. Between lots 72 & 73 on Ledger Ave. NE
15. Between lots 84 & 85 on Secretariat St. NE
16. Between lots 81 & 82 on Secretariat St. NE
17. At the northwest corner of Lot 76 on Horseshoe Ave. NE
18. Between lots 40 & 41 on Harness Circle NE
19. Between lots 60 & 61 on Harness Circle NE
20. Between lots 47 & 48 on Harness Circle NE
21. Between lots 52 & 53 on Harness Circle NE
22. At the southwest corner of Lot 38 on Harness Cir. NE and Stone Crossing

AND BE IT FURTHER RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the Plain Township Clerk to certify this cost as a special assessment to the property owners to the Stark County Auditor and to authorize American Electric Power to install the lights per agreement.
Seconded by Mrs. Bossart.

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

CLERK’S REPORT: (continued)

3. Payment of Medical Claims –

#05-525

Motion by Mr. Giavasis,
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>
10/24/05	EFT51267	\$6,944.12
10/25/05	EFT51268	5,848.22

Seconded by Mr. Leno.

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

4. The Investment report was given and accepted by the Board.

5. Ohio Division of Liquor Control – Meadowlake – will be sent in. It is just a transfer.

6. Transfer of Funds –

#05-526

Motion by Mr. Leno,
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-26E – Other Expenses	01-E-01 – Contracts	\$ 4,000.00
01-M-04 – Other Expenses	01-M-03C – Contracts – Columbus/Harmont	85,000.00
10-A-08 – Tools & Equipment	01-A-15B – Other Expenses – Building Maintenance	23,000.00

Seconded by Mrs. Bossart.

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

7. Refund of Soccer Fees –

#05-227

Motion by Mrs. Bossart,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize a refund for soccer fees of \$60.00 to Kim Perduk, 1013 Stone Crossing St. NE, Canton, OH 44721.

Seconded by Mr. Leno.

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

ADMINISTRATOR:

1. Columbus/Harmont Right-of-Way Acquisition –

#05-528

Motion by Mrs. Bossart,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize right-of-way acquisition for Columbus and HarmOnt by the Stark County Engineer’s office; and

BE IT FURTHER RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize payment to the Stark County Engineer’s Office in the amount Of \$60,066.67, to be paid from Fund #01-M-03C.

Seconded by Mr. Leno.

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

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FIRE DEPARTMENT:

1. Purchase of Hurst Tool Equipment -

#05-529 Motion by Mr. Giavasis,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the purchase of a Hurst Rescue Tool from Finley Fire Equipment in an amount not to exceed \$11,000.00 to be taken from Account #10-A-08.
Seconded by Mr. Leno.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

2. Purchase of Tires –

#05-530 Motion by Mrs. Bossart,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the purchase of tires for Ladder 3, Bureau 1 and Battalion from North Central Tire in an amount not to exceed \$1,650.00, to be taken from Account #10-A-09E.
Seconded by Mr. Giavasis.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

3. Purchase of Miscellaneous Filters –

#05-531 Motion by Mr. Leno,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the purchase of miscellaneous filters for vehicle supply inventory from CarQuest in an amount not to exceed \$1,750.00 to be taken from Account #10-A-09D.
Seconded by Mrs. Bossart.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

4. Purchase of Uniform Items –

#05-532 Motion by Mr. Giavasis,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the purchase of uniform allowance items from D & G Uniforms in an amount not to exceed \$3,000.00 to be taken from Account #10-A-09C.
Seconded by Mrs. Bossart.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

5. Purchase of Outerwear Protective Jackets –

#05-533 Motion by Mr. Leno,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the purchase of Blauer winter outerwear jackets from D & G Uniform in an amount not to exceed \$8,000.00, to be taken from Account #10-A-09B.
Seconded by Mr. Giavasis.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

FIRE DEPARTMENT: (continued)

6. Deployment to Louisiana - Chief Sabo went over a complete dissertation regarding his deployment to Louisiana. He thanked the Board and also wished to thank Deputy Chief Snyder for his fine work in taking care of the Fire Department in his absence. Chief Sabo said that it is a thing that will never be forgotten in his lifetime. He thoroughly was appreciative for the opportunity. If anyone would like to have further information, he will be happy to discuss it with them, and said that they have collectively probably 4,000 slides for presentation.

ROAD DEPARTMENT:

1. Carmen Drive Drainage Pipe – this has to do with a drainage pipe that goes on to the property of the Sanctuary Golf Course. Mr. Iacino explained that the concrete portion of the pipe joins a steel portion that has rotted. Joe Iacino does not feel that it is our problem. Mr. Lemmon, from the Sanctuary Golf Course, has called to see if we might be doing something about this. The Trustees want to go out and look at this before there is any decision made.
2. Stop Sign – 35th St. NE –

#05-534

Motion by Mr. Leno,
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 Road Superintendent at:
EASTBOUND ON 35TH ST NE AT ROOSEVELT NE
Seconded by Mr. Giavasis.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

3. Frazer/Schneider Storm Sewer Project – there is a resident that would like to have this taken care of. Mr. Iacino said that Gary Connor was out there and gave a suggestion of how this might be taken care of. It would involve moving the pipe. The Board, after discussion, has decided that they would want to meet with a Commissioner, possibly Commissioner Vignos or Commissioner Regula, out there to see if they may get involved. Mr. Iacino did say that it does need dressed up so that the erosion on the one individual's property doesn't continue. Mr. Joseph Fraley, of 5915 Frazer, was present to speak to the problem and said that the area in his yard keeps getting larger and larger with the various storms we are getting season after season. We will schedule an appointment with a Commissioner to meet with Trustees out there to see how they might remedy this problem collectively.

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ROAD DEPARTMENT: (continued)

4. Radiator Repair –

#05-535 Motion by Mr. Giavasis,
BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees, Stark County, to authorize payment to Roma Radiator in the amount not to exceed \$785.00 from fund #3-A-6 for the repair of the radiator to Unit #16.
Seconded by Mrs. Bossart.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

5. Purchase of Sweatshirts –

#05-536 Motion by Mr. Leno,
BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees, Stark County, to authorize payment to Ace Cleaners and Reconditioners in an amount not to exceed \$700.00 from fund #4-A-13 for the purchase of sweatshirts for the Road Department.
Seconded by Mr. Giavasis.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

ZONING DEPARTMENT:

1. Set Public Hearing – Zoning Amendment #540 -

#05-537 Motion by Mr. Giavasis,
WHEREAS, the Plain Township Zoning Commission conducted a public hearing on Zoning Amendment #540 on October 12, 2005; and
WHEREAS, the Plain Township Zoning Commission is recommending DENIAL of the proposed amendment; and
WHEREAS, the Plain Township Zoning Commission is submitting such recommendation along with application, text, and map pertaining thereto to the Plain Township Board of Trustees within the required thirty days following it's public hearing; now
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to set a public hearing for Zoning Amendment #540 on November 9, 2005 at 7:15 PM at the Plain Township Hall and to further instruct and authorize the Plain Township Clerk to prepare and publish notice of the public hearing in the Repository on Saturday, October 29, 2005.
Seconded by Mr. Leno.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

2. Payment & Certification of Nuisance Abatements –

a. Vacant Lots #5, 6, 7 on 50th Street NW, 5000 Whipple Ave. NW & 2.53 Acres on Whipple Ave. NW -

#05-538 Motion by Mr. Leno,
WHEREAS, the Plain Township Board of Trustees, Stark County, Ohio has given notice to the owner of property located at Vacant lots #5, 6, & 7 on 50th Street NW, 5000 Whipple Avenue NW, & 2.53 acres on Whipple Avenue NW (Parcel number #'s 52-02529, 52-02530, 52-02531, 52-15317, & 55-02008) to abate the nuisance on this property (Resolution #05-493) on September 27, 2005; and

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 \$ 416.00; and
WHEREAS, the Plain Township Board of Trustees incurred costs for services and notification in the amount of \$79.53;
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 \$495.53 to be placed on the property owner's tax duplicate.

Seconded by Mrs. Bossart.

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

3. Zoning Board Positions –

#05-539

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, 2005; and
WHEREAS, the Plain Township Board of Trustees desire to fill these positions with five-year terms beginning January 1, 2006;
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 6, 2005.

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, 2006. 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 23, 2005. Office hours are 8:00 AM to 4:30 PM, Monday through Friday. EOE. No phone calls please.

Seconded by Mrs. Bossart.

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

PARKS & RECREATION:

1. Portable Toilets for Tournament –

#05-540

Motion by Mrs. Bossart,

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 \$750.00, to be paid from Fund #14-A-08.

Seconded by Mr. Leno.

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

COMMUNICATIONS:

1. SCRPC – regarding the yard waste recycling, on what is permitted and not permitted.
2. Ohio Department of Natural Resources – regarding the oil/gas well in the Glenhaven Development. There is no permit and there is not going to be any drilling.

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COMMUNICATIONS: (continued)

- 3. Petition – Hollydale & Firestone Residents – regarding the skateboard area. Mr. Peroz said that there has been a permit taken out, and what they have is legal. There are no lights on it for night time use any more. The Board asked that these residents be contacted and told that they do have a permit and it is a legal situation.
- 4. Holy Trinity Lutheran Church – thanking Chuck Shalenberger and the Fire Department for the use of a trailer in transporting goods for donations to the Katrina hurricane victims.
- 5. Aultcare – a letter showing their ratings through J.D. Power & Associates regarding their superior service.

CONCERNS OF CITIZENS:

Matt Donnelly was present to talk about a problem he is having receiving his mail. He built a new home at 8189 Middlebranch Rd. He has been told by the post office that he will not have delivery to his home, and that he must pick it up at the post office. His problem is that he can only get his mail on Saturday, because he doesn't get off work until after the post office is closed at 4:30 during the week. The Board is going to contact the postmaster and try to help Mr. Donnelly with this problem.

APPROVAL OF MINUTES:

#05-541 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 October 11, 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 October 11, 2005 as presented.
 Seconded by Mr. Giavasis.
 Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

EXECUTIVE SESSION:

#05-542 Motion by Mr. Giavasis,
 BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to adjourn to executive session at 8:03 p.m. from this regular meeting of October 25, 2005 as authorized under Ohio Revised Code 121.22(G) for the purpose of the consideration of: compensation of a public employee or official; 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.

#05-543 Motion by Mr. Giavasis to return to regular session at 8:59 p.m.
 Seconded by Mr. Leno.
 Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

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ANNOUNCEMENTS:

#05-544 Motion by Mr. Giavasis,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to hire the following employees at the following hourly rates paid to part-time recreation supervisors as follows: Liza Parkinson to \$8.00; Kristie Koehler to \$9.00; Cheryl Lasick to \$8.50; Steve Lasick to \$8.25; Beth Murphy to \$7.00; and Mike Brown to \$7.50; to be effective October 25, 2005. Seconded by Mr. Leno.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

ADJOURNMENT:

#05-545 Motion by Mr. Giavasis,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to adjourn at 9:08 p.m. Seconded by Mr. Leno.
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