

2600 Easton St. NE
Canton, OH 44721

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December 27, 05

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, Steve Peroz, Mary Lee Sponseller.

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

AGENDA: Approved as prepared.

SHERIFF'S REPORT:

Cars parked on the sidewalk on 31st St. NE were discussed. This complaint came in through the Road Department, and will be handled through the Sheriff's Department.

UNFINISHED BUSINESS:

1. Stark County Regional Planning Commission – a letter stating that Earth N Wood was the recipient for the 2006 recycling contract. Mr. Cozy said that he understood that they won the bid by one penny.
2. Parking Commercial Vehicles – in particular, tractor trailers. We had a copy of Jackson Township's regulations available, and our current regulation where we state that tractor trailer or semi-tractor trailers are not to be parked on the street. Mr. Williams suggested that we be very clear, should we decide to exercise the enforcement of this zoning rule.
3. Carmen Drive Drainage Pipe – Mr. Cozy said that there is a drainage pipe on the Sanctuary Golf Course that receives water. Part of it is metal and has deteriorated. The owner of the golf course wants to know if the Township will take part in fixing it. Mr. Iacino said the cost for the pipe would be \$6,800. Mr. Giavasis said that he would consider this, if they would put a moratorium on any future annexations. He felt that the moratorium should be equal to the length of the moratorium on the CEDA, which is located across the street. Mr. Williams will look into it to see if that CEDA is 50 or 75 years and review it and get back to the Board.

NEW BUSINESS:

1. First Christian Church Community Center – a letter explaining the receiving of a grant from First Christian Church for a community center, and asking that a member of Plain Township be appointed on a Board to oversee this project.

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FISCAL OFFICER’S REPORT:

1. Pending Warrants –

#05-623 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 \$719,237.30 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. Regular Payroll –

#05-624 Motion by Mr. Giavasis,
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 –

#05-625 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>
12/21/05	EFT 51521	\$18,112.39
12/27/05	EFT 51580	5,243.46

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

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

5. Transfer of Funds –

#05-626 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-A-12 – Employers Retirement Sys.	\$ 4,000.00
01-A-26E - Other Expenses	01-A-81 – Salary – Administrator	2,400.00
04-B-02 - Materials	04-A-02 – Employers Retirement Sys.	10,400.00
04-B-02 - Materials	04-A-10 – Insurance	6,300.41
04-B-02 - Materials	04-B-01 – Salaries	6,000.00
10-A-08 – Tools & Equipment	10-A-01D – Salaries – Dispatchers	5,000.00
10-A-08 – Tools & Equipment	10-A-04 – Assessments & Contributions	13,000.00
10-A-08 – Tools & Equipment	10-A-14 – Insurance	12,148.31
14-A-05B – Supplies - Turf	14-A-01 – Salaries	500.00
14-A-05B – Supplies - Turf	14-A-02 – Employers Retirement Sys.	400.00
14-A-05B – Supplies - Turf	14-A-08C – Insurance	1,078.04
28-A-05 – Tools & Equipment	28-A-09 – Other Expenses	1,000.00

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

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FISCAL OFFICER’S REPORT: (continued)

6. Payment – Board of Zoning Appeals & Zoning Commission –

#05-627

Motion by Mrs. Bossart,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize payment to members of the Plain Township Boards of Zoning Appeals and Zoning Commission for the period of July 1, 2005 through December 31, 2005 at the rate of \$50 per meeting for a total of \$2,650.00.

Seconded by Mr. Leno.

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

7. Record Commission Meeting –

#05-628

Motion by Mr. Leno,
WHEREAS, the Plain Township Records Commission met on December 27, 2005 at 6:50 p.m. in accordance with Ohio Revised Code Sections 149.42 and 149.43 and was presented a Certificate of Records Disposal (Form RC-3); and

WHEREAS, the Plain Township Records Commission approved this form;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to approve the attached Certificate of Records Disposal (Form RC-3); and

BE IT HEREBY FURTHER RESOLVED by the Plain Township Board of Trustees to authorize the Plain Township Clerk to submit this form to the Ohio Historical Society and Auditor of State, Bureau of Inspection and Supervision for approval.

Seconded by Mr. Giavasis.

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

8. Refund of FEMA Grant Overpayment –

#05-629

Motion by Mr. Giavasis,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize a refund in the amount of \$558.01 to the Federal Emergency Management Agency, Financial Services Branch, Attn: Accounting Officer, 500 C Street SW, Room 726, Washington, DC 20472 for funds advanced through a FEMA Grant to the Plain Township Fire Department and not spent.

Seconded by Mrs. Bossart.

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

9. Amended Certificate and Appropriation of Funds –

#05-630

Motion by Mr. Leno,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the Plain Township Clerk to request an Additional Amended Certificate of Estimated Resources from the Stark County Auditor for additional revenue of \$151,719.83 received as follows:

01- General Fund	\$117,680.42
02- Motor Vehicle License Tax Fund	462.48
04 – Road & Bridge Fund	380.33
10- Fire District	2,364.75
13 – Zoning Fund	4,006.85
17 – (Expendable) Trusts – Deposits	25.00
27 – Fiduciary Fund – Medical Insurance	26,800.00

FISCAL OFFICER’S REPORT: (continued)

AND BE IT FURTHER RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, upon certification by the Stark County Auditor to appropriate these funds as follows:

01-A-26E – Other Expenses	\$114,680.42
01-B-04 – Utilities	3,000.00
02-B-02 – Material	462.48
04-A-13 – Other Expenses	380.43
10-A-15 – Other Expenses	2,364.75
13-A-05 – Other Expenses	4,006.85
17-A-01 – Payouts – Deposits Returned	25.00
27-A-09 – Other Expenses – Medical Claims	26,800.00

Seconded by Mr. Giavasis.

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

10. Credit Card Policy –

#05-631

Motion by Mr. Giavasis,
WHEREAS, the Plain Township Board of Trustees, Stark County, Ohio, desires to implement a written policy for the use of Township credit cards by its employees;

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, that the credit card policy attached hereto and incorporated herein by reference is hereby adopted and implemented.
Seconded by Mr. Leno.

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

11. Stale-dated Checks –

#05-632

Motion by Mrs. Bossart,
WHEREAS, Plain Township has four outstanding, stale-dated warrants from 1997 and 1998; and
WHEREAS, unsuccessful attempts were made to notify the payees; and
WHEREAS, the liability for the unclaimed funds is greater than five years;

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to remove the following warrants from the outstanding warrant list and transfer the funds to the General Fund. In the event that Plain Township is contacted regarding payment, it will be made from the General Fund.

45599	10/06/97	Emogene Hagerty	Easement – Laurel Ridge	\$ 1.00
45601	10/06/97	Wm & Jennie Quinn	Easement – Laurel Ridge	1.00
45608	10/06/97	Nancy L Caron	Easement – Laurel Ridge	1.00
49597	12/22/98	Uniforms & More Inc	Uniforms – Fire Dept.	118.31

Seconded by Mr. Giavasis.

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

12. 2006 Temporary Appropriations –

#05-633

Motion by Mr. Giavasis,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize Temporary Appropriations for the year 2006 as attached hereto and made a part of these minutes.
Seconded by Mr. Leno.

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

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FISCAL OFFICER’S REPORT: (continued)

13. EMS Refund –

#05-634 Motion by Mr. Leno,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,
Stark County, Ohio, to authorize a refund as follows for overpayments
for Emergency Medical Services as requested by Ohio Billing, Inc.:
PAYABLE TO AMOUNT
AultCare (for Springman, Sandra) \$416.80
Seconded by Mrs. Bossart.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

7:30 PM PUBLIC HEARING – ZONING AMENDMENT 541

Following discussion by the Board, Mrs. Bossart said that she would be okay with the motion, and recommended that it be modified.

#05-635 Motion by Mrs. Bossart,
WHEREAS, a public hearing was held on December 13, 2005 and continued to December 27, 2005 by the Plain Township Board of Trustees to consider Amendment #541 to the Plain Township Zoning Resolution; and
WHEREAS, such hearing was properly and timely held pursuant to Ohio Revised Code 519.12; and
WHEREAS, the Plain Township Board of Trustees has duly considered the nature of the amendment and the reasons therefore, the recommendation of the Plain Township Zoning Commission, the Stark County Regional Planning Commission, and the information provided by any and all other interested persons,
NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to modify the recommendation of the Plain Township Zoning Commission, modification to be: elimination of 602.5 (A) (1) and renumber resolution; (A) (1) to state “shall not exceed the following” etc. to lot size schedule.
Seconded by Mr. Giavasis.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

FIRE DEPARTMENT:

1. Acceptance of County Grant Radio Contract -

#05-635 Motion by Mrs. Bossart,
WHEREAS the Stark County Board of Commissioners and the Stark County Sheriff have obtained a county-wide emergency communication system, to allow radio communication between all emergency response agencies in Stark County; and
WHEREAS the Sheriff, through the Board, and with the use of funds from federal grant #2004CKWX0245 has purchased Motorola radios and equipment for the use of all emergency response agencies in Stark County;
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize Fire Chief John A. Sabo to enter into the attached agreement in order to receive the above described radios.
Seconded by Mr. Giavasis.

FIRE DEPARTMENT: (continued)

Discussion: Mr. Williams said that after review of the contract, it did appear that we are responsible for maintenance of these radios. Mrs. Bossart pointed that she did not have a problem accepting or replacing a battery for the radios occasionally and also pointed out that these radios would be used only the case of a countywide type emergency.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

ROAD DEPARTMENT:

1. Scrap Iron -

#05-636

Motion by Mr. Leno,
WHEREAS, Ohio Revised Code Section 505.10(A) provides that the Board of Trustees may sell property at private sale, if the Board determines that: 1) the property is no longer needed; and 2) the value of the property is less than \$2,500.00; and
WHEREAS, the Township has accumulated scrap metal which it no longer needs and which has a salvage value of less than \$2,500.00;
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio that said scrap metal is sold.
Seconded by Mrs. Bossart.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

2. No Parking – Barr Avenue –

#05-637

Motion by Mrs. Bossart,
BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees, Stark County, to authorize the posting of "No Parking" signs during Fawcett Stadium events on the following streets as requested by the Pro Football Hall of Fame.
East side of Barr Ave NW from Woodward St NW to 21st NW
Woodward St NW from Barr to George Halas.
Seconded by Mr. Leno.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

COMMUNICATIONS:

1. Loretta Wagner – of 47th St. NW, a letter complaining about water problems on her home that she feels are being derived from Neil Circle. The Board spent quite a bit of discussion talking about this. Mr. Leno said that maybe we should look at the situation again. Mr. Iacino said that Gary Connor, the County Hydraulics Engineer, has been out there and if it was something we could fix, he would have fixed it by now. The Board will look at the situation again to see if anything could be done. This is a road that doesn't go anywhere because it is a cul-de-sac.

CONCERNS OF CITIZENS:

Sandy Deck, of 7015 Pinetree, was concerned about the tractor trailers parked in her neighborhood. She was told that we had worked on this earlier and were going to be working on our legislation to prevent this from happening in the future. That would happen in April or May by the time the hearings take place and the resolution is in effect.

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APPROVAL OF MINUTES:

#05-639 Motion by Mr. Giavasis,
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 November 29, 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 November 29, 2005 as presented.
Seconded by Mrs. Bossart.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

#05-640 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 December 13, 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 December 13, 2005 as presented.
Seconded by Mr. Leno.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

EXECUTIVE SESSION:

#05-641 Motion by Mr. Leno,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,
Stark County, Ohio to adjourn to executive session at 7:58 p.m. from
this regular meeting of December 27, 2005 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.

#05-642 Motion by Mr. Giavasis, to return to regular session at 8:22 p.m.
Seconded by Mr. Leno.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

ADJOURNMENT:

#05-643 Motion by Mr. Leno,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,
Stark County, Ohio to adjourn at 8:23 p.m.
Seconded by Mrs. Bossart.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

Following the adjournment, the Honorable W. Scott Gwinn made himself available at the Township to do the swearing-in of Trustee Pamela Bossart and Trustee Louis Giavasis. Those in attendance at the swearing-in ceremony were Mark Cozy, Claude Shriver, Albert Leno and Joseph Iacino.

Pamela S. Bossart
Trustee

Louis P. Giavasis
Trustee

Albert P. Leno, II
Trustee

ATTEST: _____
Claude W. Shriver, II, Fiscal Officer