

2600 Easton St. NE  
Canton, OH 44721

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April 11, 06

**EXECUTIVE SESSION:**

#06-173 Motion by Mrs. Bossart,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to adjourn to executive session at 6:21 p.m. from this regular meeting of April 11, 2006 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; compensation 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 Mr. Giavasis.  
Vote: Mr. Leno, yes; Mr. Giavasis, yes; Mrs. Bossart, yes.

#06-174 Motion by Mrs. Bossart to return to regular session at 6:54 p.m.  
Seconded by Mr. Giavasis.  
Vote: Mr. Leno, yes; Mr. Giavasis, yes; Mrs. Bossart, yes.

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

**ATTENDANCE:**

Pamela Bossart, Louis Giavasis, Albert Leno, II, Claude W. Shriver, II, Eric Williams, Joe Iacino, Sam Tuttle, Steve Peroz, John Sabo.  
Media present: Natalie Lariccia, the Repository; Betty O’Neill-Roderick, Akron Beacon Journal.

**AGENDA:** The agenda was presented. Mr. Giavasis added New Business #1 – Plain Local Schools.

**SHERIFF'S REPORT:**

Ryan Hostetler was present.

1. Barking Dogs on Lakeside was discussed. The Sheriff will look into it.

**UNFINISHED BUSINESS:**

1. List Bids – Graber Storm Sewer Project – Mr. Iacino went over the list of bids. Bids were received from Bitzel Excavating, Dempsey & Sons, Hysong Paving, Nickel Excavating, Ray Bertolini Trucking, Tucson, Inc. and Wenger Excavating.
2. Award Bid – Graber Storm Sewer Project –

#06-175 Motion by Mr. Leno,  
WHEREAS, the Plain Township Board of Trustees has advertised for bids for the Graber Storm Sewer Project on March 14, 2006 (Resolution #06-128); WHEREAS, the Plain Township Board of Trustees has received and reviewed all such bids timely submitted;  
NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to award the bid for the Graber Storm Sewer Project to Nickel Excavating, Inc. with its bid of one hundred thousand nineteen dollars and fifty cents (\$100,019.50) as the lowest responsive and responsible bidder. The amount of forty-two thousand five hundred dollars (\$42,500.00) will be reimbursed to the Township by the Stark County Commissioners.  
Seconded by Mr. Giavasis.  
Vote: Mr. Leno, yes; Mr. Giavasis, yes; Mrs. Bossart, yes.

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**UNFINISHED BUSINESS:** (continued)

3. Sign Contract – Graber Storm Sewer –

#06-176

Motion by Mr. Leno,  
WHEREAS, the Plain Township Board of Trustees has awarded a bid for the Graber Storm Sewer Project to Nickel Excavating, Inc. on April 11, 2006 (Resolution #06-175); and  
WHEREAS, a contract has been prepared according to the terms and conditions of the bid specifications for the Graber Storm Sewer Project;  
NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to authorize the execution of the contract with Nickel Excavating, Inc. for the Graber Storm Sewer Project, the language of which contract is incorporated by reference as if fully rewritten herein; and  
BE IT FURTHER RESOLVED that the Township shall pay the Contractor for the performance of the Work, the sum of \$100,019.50, subject to additions and deductions by Change Orders properly approved and executed. The amount of forty-two thousand five hundred dollars (\$42,500.00) will be reimbursed to the Township by the Stark County Commissioners.  
Seconded by Mrs. Bossart.  
Vote: Mr. Leno, yes; Mr. Giavasis, yes; Mrs. Bossart, yes.

4. Ohio Division of Liquor Control – Raisin Rack – approved to be sent in.

5. Electric Line – Diamond Park –

#06-177

Motion by Mr. Giavasis,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the installation of an electric line at the Diamond Park parking lot by Tasos Electric Company for the amount of \$1,640.00, to be paid from Fund #01-B-07.  
Seconded by Mr. Leno.  
Discussion: Mr. William Kessler, of 1702 Diamond, in charge of the concessions, said that he is willing to pay payments to the Township until the line would be paid off. Mrs. Bossart was concerned about the 220 volt line, and Mr. Kessler explained that actually it was two 110 lines that would be going out. The Board will have Mr. Tuttle watch the electric bill to see how it increases and come up with some flat rate that Mr. Kessler can pay the Township for the use of the electricity.  
Vote: Mr. Leno, yes; Mr. Giavasis, yes; Mrs. Bossart, yes.

6. 29<sup>th</sup> Street Sidewalks -

#06-178

Motion by Mrs. Bossart,  
WHEREAS, on November 22, 2005 (Resolution #05-575) the Plain Township Board of Trustees, Stark County, Ohio, approved the petition for sidewalk and curb repair for 29th Street NE on the south side between Market Avenue and Beverly Avenue, authorized the Plain Township Clerk to certify 50% of this cost as a special assessment to the property owners to the Stark County Auditor, to be assessed over a period of 5 years, and authorized Dickerson to perform these repairs per agreement;  
NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize payment to Dickerson Construction Co. in the amount of \$24,960.00 upon completion of the repairs per agreement, to be paid from Fund #03-C-03.  
Seconded by Mr. Giavasis.  
Vote: Mr. Leno, yes; Mr. Giavasis, yes; Mrs. Bossart, yes.

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**UNFINISHED BUSINESS:** (continued)

7. Carmen Drainage Issues –

#06-179

Motion by Mrs. Bossart,  
WHEREAS, the Plain Township Board of Trustees, Stark County, Ohio desires to undertake steps to solve a drainage problem that has occurred at or near the Sanctuary Golf Course;  
BE IT HEREBY RESOLVED that the Plain Township Board of Trustees, Stark County, Ohio will pay for a portion of the materials, services and labor necessary to remediate this problem, at a cost not to exceed Ten Thousand Dollars (\$10,000.00), to be paid from Fund #01-M-04.  
Seconded by Mr. Giavasis.  
Vote: Mr. Leno, yes; Mr. Giavasis, yes; Mrs. Bossart, yes.

**NEW BUSINESS:**

- 1. Plain Local Schools – Mr. Giavasis wanted to tell the Board that Ms. Jackie DeGarmo put in her resignation today. He wanted to let the Board know that he appreciated the work she did with the schools and wished her well as did the other Board members.

**FISCAL OFFICER’S REPORT:**

1. Pending Warrants –

#06-180

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 \$52,912.61 as attached hereto and made a part of these minutes.  
Seconded by Mrs. Bossart.  
Vote: Mr. Leno, yes; Mr. Giavasis, yes; Mrs. Bossart, yes.

2. Regular Payroll –

#06-181

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 \$150,000.00.  
Seconded by Mr. Giavasis.  
Vote: Mr. Leno, yes; Mr. Giavasis, yes; Mrs. Bossart, yes.

3. Payment of Medical Claims –

#06-182

Motion by Mrs. Bossart,  
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>
04/04/06	EFT 60427 (AultCare)	\$9,690.36
04/04/06	74523 (Eric Haines)	47.09
04/04/06	74524 (Jeff Pierpont)	125.42
04/11/06	74525 (Robert Morton)	78.14
04/11/06	74526 (M. Lowmiller)	96.84
04/11/06	EFT 60428 (AultCare)	5,816.05

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

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

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**FISCAL OFFICER'S REPORT:** (continued)

- 5. Ohio Division of Liquor Control – Marathon – approved to go ahead because it is merely a transfer of a license.
- 6. Road Department Longevity –

#06-183 Motion by Mrs. Bossart,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the additional benefits of longevity pay to members of the Utility Workers Union of America AFL-CIO Local 561 who meet the requirement of the attached schedule effective April 1, 2006.  
Seconded by Mr. Giavasis.  
Vote: Mr. Leno, yes; Mr. Giavasis, yes; Mrs. Bossart, yes.

- 7. Release of Fire Escrow –

#06-184 Motion by Mr. Leno,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the balance of insurance proceeds being retained for a loss caused by fire on September 24, 2005 at 2280 Zircon St. NE, Canton, OH 44721 in the amount of \$20,000.00 payable to Sharon K. Kraner as authorized by Thomas M. McCallin, Captain, Bureau of Life Safety and Records.  
Seconded by Mr. Giavasis.  
Vote: Mr. Leno, yes; Mr. Giavasis, yes; Mrs. Bossart, yes.

- 8. Section 125 Cafeteria Plan –

#06-185 Motion by Mrs. Bossart,  
WHEREAS, the Plain Township Board of Trustees entered into an agreement with AultCare Corporation, located at 2600 Sixth Street SW, Canton, OH to provide medical coverage for Plain Township employees since June 1993 (Resolution #93-318);  
WHEREAS, the Plain Township Board of Trustees entered into an agreement with AultCare Corporation for AultCare's 90% Purchasing Plan I Schedule of Benefits effective April 1, 2006 (Resolution #06-155);  
WHEREAS, the Plain Township Board of Trustees resolved that each insured employee shall contribute towards the cost of the medical insurance beginning April 1, 2006 (Resolution #06-155);  
NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, by the Plain Township Board of Trustees, Stark County, Ohio, to form a Section 125 Premium Only Plan effective April 1, 2006 that the form of Section 125 Cafeteria Plan presented to this meeting is hereby approved and adopted and that the proper officers of the Employer are hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the Plan.  
RESOLVED, that the Administrator shall be instructed to take such actions that are deemed necessary and proper in order to implement the Plan, and to set up adequate accounting and administrative procedures to provide benefits under the Plan.  
RESOLVED, that the proper officers of the Employer shall act as soon as possible to notify the employees of the Employer of the adoption of the Cafeteria Plan by delivering to each employee a copy of the summary description of the Plan in the form of the Summary Plan Description presented to this meeting, which form is hereby approved.  
Seconded by Mr. Giavasis.  
Vote: Mr. Leno, yes; Mr. Giavasis, yes; Mrs. Bossart, yes.

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**FISCAL OFFICER’S REPORT:** (continued)

9. Transfer of Funds –

#06-186

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:

FROM	TO	AMOUNT
01-M-04 – Other Expenses	01-A-28H – Contractual Services - Health	\$ 31,400.00
01-M-04 – Other Expenses	01-M-03I – Contracts – Graber Storm Sewer	100,025.00

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

**ADMINISTRATOR:**

1. The Computer Systems Manager Monthly Report was given; there were no questions.
2. The Buildings & Grounds Maintenance Coordinator Monthly Report was given; there were no questions.
3. Stark County Health District Stormwater Agreement –

#06-187

Motion by Mrs. Bossart,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to enter into and execute the attached Memorandum of Understanding between the Stark County Combined General Health District and Plain Township for activities related to Phase II Stormwater of storm sewers located within the urbanized area of the Township, and  
BE IT FURTHER RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize payment to the Stark County Combined General Health District in an amount not to exceed \$15,700.00 annually for a two-year period from April 15, 2006 to April 15, 2008, to be paid from Fund #01-A-28H.

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

4. Wide Area Network Connection –

#06-188

Motion by Mr. Leno,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize Himebaugh Consulting to upgrade the wide area network to enable computers at all township buildings to connect, at a cost not to exceed \$2,002.00, to be paid as follows: from Fund 10-A-15, \$1,000.00; from Fund 03-A-04, \$334.00; and from Fund 01-A-05, \$668.00.

Seconded by Mrs. Bossart.  
Discussion: Chief Sabo stated that that figure was on the high side and it probably was not going to cost that much money. Mrs. Bossart agreed and said that it was just an adjustment to a router.  
Vote: Mr. Leno, yes; Mr. Giavasis, yes; Mrs. Bossart, yes.

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**FIRE DEPARTMENT:**

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

#06-189

Motion by Mr. Giavasis,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the purchase of 9 portable grass and wildland pumps from Darley Equipment in an amount not to exceed \$1,550.00 to be taken from Account #10-A-08.

Seconded by Mrs. Bossart.

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

3. County Radio System – an update by Chief Sabo. He said that one of the problems with the new County radio system is a lack of frequencies, and presently they are trying to combine the County with the cities. The Township received \$150,000 worth of radio equipment at no cost to the Township, but the Chief pointed out that that does not mean there are no other costs. We will have maintenance costs, etc. He did have good news that Plain Township and Jackson Township had been chosen to become the beta testers to monitor the system and challenge its capabilities. The reason Jackson and Plain were chosen is because they work so closely together. Chief Sabo said that this was definitely an advantage for our department to be able to use this new radio equipment. He was excited about the challenge in doing the beta testing.

4. Safety City T-shirts –

#06-190

Motion by Mr. Giavasis,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the purchase of t-shirts for Safety City from ASAP for an amount of \$588.00, to be paid from Fund #01-A-26E.

Seconded by Mr. Leno.

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

**ROAD DEPARTMENT:**

1. The Monthly Report was given; there were no questions.
2. Advertise for Bids – Paving and Road Repair –

#06-191

Motion by Mrs. Bossart,  
BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees, Stark County, to direct the Plain Township Fiscal Officer to place an Advertisement for Bids for the Plain Township 2006 Paving and Road Repair Project in a newspaper published in Stark County and of general circulation in the Township on April 26th and May 3rd, with bids to be received by 2:00 p.m. on May 16, 2006 and opened at 2:00 p.m. on May 16, 2006.

Seconded by Mr. Leno.

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

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**ZONING DEPARTMENT:**

- 1. The Monthly Report was given; there were no questions.
- 2. Appoint Zoning Board of Appeals Member –

#06-192 Motion by Mr. Giavasis,  
 BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to appoint Fred Rossetti as a member of the Plain Township Board of Zoning Appeals to fill the unexpired term created by the resignation of Virginia Ferencz. This term expires December 31, 2006.  
 Seconded by Mrs. Bossart.  
 Vote: Mr. Leno, yes; Mr. Giavasis, yes; Mrs. Bossart, yes.

- 3. Nuisance Abatement – 2926 Harrisburg Rd. NE –

#06-193 Motion by Mrs. Bossart,  
 WHEREAS, a public hearing was held on April 11, 2006 by the Board of Trustees regarding the Junk Motor Vehicles at 2926 Harrisburg Road NE, Stark County, Ohio (Parcel # 52-01220) and  
 WHEREAS, Sophie Michel, has failed to demonstrate satisfactory progress in correcting the violations at the above property; and  
 WHEREAS, the Plain Township Board of Trustees have 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. A Junk Motor Vehicle constitutes a nuisance under Ohio Revised Code Section 505.173 and
- 2. The nuisance shall be abated or removed according to the procedures outlined in ORC Section 505.173, and
- 3. Notice of this decision will be provided to the property owners.

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

Mr. Peroz also brought up the necessity of the abatement of the Slabaugh properties. We already have a court judgment. The Trustees will sign those papers this evening. Mr. Leno happens to know the owner of these properties, and will try to contact her along with Mr. Peroz in the near future before we go ahead with any abatement proceedings.

**PARKS & RECREATION:**

- 1. The Monthly Report was given; there were no questions.
- 2. Glen Oak Soccer Booster Concessions –

#06-194 Motion by Mrs. Bossart,  
 BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to enter into an agreement with the GlenOak Soccer Boosters to provide concessions at the Diamond Community Center, a copy of which agreement is attached hereto and made a part of the record.  
 Seconded by Mr. Giavasis.  
 Vote: Mr. Leno, yes; Mr. Giavasis, yes; Mrs. Bossart, yes.

**COMMUNICATIONS:**

1. Tuscarawas River Buried Valley Watershed Council – regarding a meeting on April 18.
2. Pandemic Flu Summit – announcing a meeting on May 10 regarding the possibility of an influenza pandemic.
3. Ohio EPA Citizen Advisory – regarding a meeting on April 12.
4. Senator Dale Miller – thanking the Board for its support of House Bill 299.
5. Aflac – information regarding Aflac insurance. There is an insurance person who would like to do a free presentation to the Trustees at no cost to the Township in the event that the employees would like added benefits with the cost to be taken as a payroll deduction.

**APPROVAL OF MINUTES:**

- #06-195      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 March 21, 2006 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 March 21, 2006 as presented.  
Seconded by Mr. Giavasis.  
Vote: Mr. Leno, yes; Mr. Giavasis, yes; Mrs. Bossart, yes.
- #06-196      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 March 28, 2006 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 March 28, 2006 as presented.  
Seconded by Mrs. Bossart.  
Vote: Mr. Leno, yes; Mr. Giavasis, yes; Mrs. Bossart, yes.

**EXECUTIVE SESSION:**

- #06-197      Motion by Mrs. Bossart,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to adjourn to executive session at 7:57 p.m. from this regular meeting of April 11, 2006 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; compensation 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 Mr. Giavasis.  
Vote: Mr. Leno, yes; Mr. Giavasis, yes; Mrs. Bossart, yes.
- #06-198      Motion by Mrs. Bossart to return to regular session at 9:29 p.m.  
Seconded by Mr. Giavasis.  
Vote: Mr. Leno, yes; Mr. Giavasis, yes; Mrs. Bossart, yes.

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**ANNOUNCEMENTS:**

#06-199 Motion by Mrs. Bossart,  
 BE IT HEREBY RESOLVED that the Plain Township Board of Trustees, Stark County, Ohio, shall hire Lisa Sabina as the Plain Township Administrator at a salary of \$54,500 plus full benefits for a probationary period of 90 days starting May 3, 2006. After this probationary period, if successful, the salary for this position will be adjusted to \$57,000 plus full benefits.  
 Seconded by Mr. Giavasis.  
 Discussion: Mr. Leno stated that he had reservations because there were other people who had rather good qualifications that submitted their resumes. He also said that that did not necessarily mean that Ms. Sabina was not going to do a good job; however he felt that the other people were better qualified. Mrs. Bossart wanted to welcome her. She said that she had experience in management and welcomed her to Plain Township. Mr. Giavasis said that this was an extensive process and he agreed with Mr. Leno. It was a difficult decision, but he feels that he made the right one and he welcomed her aboard and said that we should start off running.  
 Vote: Mr. Leno, no; Mr. Giavasis, yes; Mrs. Bossart, yes.

**ADJOURNMENT:**

#06-200 Motion by Mrs. Bossart,  
 BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to adjourn at 9:32 p.m.  
 Seconded by Mr. Giavasis.  
 Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

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Pamela S. Bossart  
Trustee

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Louis P. Giavasis  
Trustee

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Albert P. Leno, II  
Trustee

ATTEST: \_\_\_\_\_  
 Claude W. Shriver, II  
 Fiscal Officer