

2600 Easton St. NE  
Canton, OH 44721

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April 25, 06

### **WORK SESSION**

#### **ATTENDANCE:**

Pamela Bossart, Albert Leno, II, Claude W. Shriver, II, Eric Williams, Dennis Allman, Sam Tuttle, Steve Peroz.  
Media present: Cal Peters, WHBC, Natalie Lariccia, the Repository; Betty O'Neill-Roderick, Akron Beacon Journal.

President Bossart convened the work session at 6:20 p.m. Nick Petrycki was present from the Aflac Insurance Company, and went over various portions of the Aflac policy that he would like to offer to Plain Township. He pointed out that this would not cost the Township any additional money, as it would be up to the employees to select what portion of the insurance they would provide. He went over personal short-term disability, accidental indemnity, cancer indemnity plan, hospital protection, personal recovery, vision plan, dental plan, and personal sickness indemnity. He said there would be no direct cost to the employer. It enhances the company's benefit package. It does not replace or conflict with any benefits that are currently in place. It provides financial security for the employee, offers the employee choice in the benefit selection, and provides additional income protection. At any rate, he would be willing to meet with each department head and their members to go over the various portions of the Aflac policy to see if there would be any interest.

### **REGULAR MEETING**

**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, Dennis Allman, Sam Tuttle, Steve Peroz.  
Media present: Cal Peters, WHBC; Natalie Lariccia, the Repository; Betty O'Neill-Roderick, Akron Beacon Journal.

**AGENDA:** The agenda was presented. Mr. Leno added Concerns of Trustees – Fire Levy. Mr. Giavasis added New Business #5 – Bob-O-Link Wastewater Plant.

#### **SHERIFF'S REPORT:**

Lt. Shankle was present to go over the Yearly Report for 2005. The Quarterly Report for October through December was included in that. He also went over the January – March 2006 Report. The incidents for 2005 were in the 5,000 range and have been for the last three years. Burglaries were down the past three years. Traffic crashes were down. Citations average in the 3,000 range per year. Alarms were down. Vehicle information – we are presently spending about 13 cents per mile on maintenance. The investigator, Ryan Hostetler, had 209 cases assigned to him for the year. Sixty percent of the cases have cleared. January through March 2006 statistics – call volume is up 1.5%, incidents are up 14%, citations are up 30%, accidents are down 22%, alarms are down 4%, and the vehicle maintenance remains the same at approximately 13 cents per mile.

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**SHERIFF'S REPORT:** (continued)

Another concern for the Sheriff's Report was the parking of long cars and limousine-type vehicles in the area of 3555 Farnham. It is creating a problem in the area and it is becoming hazardous for the kids that are the homes in that area.

Also, the Sheriff was aware of an alcohol outside event at Oakwood Square.

Jonathan King, of 3555 Stratham Dr. NW, was present. He was also there to vouch for the safety concern with the cars parked on Farnham.

Nick Fucci, of 6993 Pinetree, had a concern with the stop sign at Eastern and Pinetree. He said people go through it. It might as well not even be there. The Sheriff will look into this.

**UNFINISHED BUSINESS:**

- 1. List Bids – Schneider St. – bids were received from Central Allied, Northstar Asphalt, Superior Paving, and Tucson, Inc.

**NEW BUSINESS:**

- 1. Markley/Schneider St. Ditches –

#06-201 Motion by Mr. Giavasis,  
 BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to hire Humbert Excavating for the purpose of reshaping and cleaning of the ditch line that borders the following properties: 1665 Markley, 1581 Steiner, and 1560 Steiner; and also collects the water from all of the Steiner Heights Allotment for an amount not to exceed \$7,400.00, to be paid from Fund 01-M-04.  
 Seconded by Mr. Leno.  
 Vote: Mr. Leno, yes; Mr. Giavasis, yes; Mrs. Bossart, yes.

- 2. False Alarms – March –

#06-202 Motion by Mrs. Bossart,  
 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	#
SpeedFoods	3002 Market Ave. N.	4th and 5th
Marathon Station	7960 Cleveland Ave. NW	4th and 5th

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 Mr. Giavasis.

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

3. Purchase of T-Shirts –

#06-203

Motion by Mr. Leno,

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the purchase of T-shirts from Akron Felt & Chenille in the amount of \$1,218.27, to be paid as follows:

\$136.50 from Fund #14-A-05; \$180.40 from Fund #01-B-05; and \$901.37 from Fund #04-A-13.

Seconded by Mr. Giavasis.

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

4. DMA – Mr. Williams said that this is a correspondence from Homeland Security, basically providing us with two forms that need to be filled out for any new hires.

5. Bob-O-Link Wastewater Plant – Mr. Giavasis wanted the Board to be aware that Bob-O-Link was going to attempt to renew their permit and is currently dumping 175,000 gallons of water into the West Branch of the Nimishillen Creek. He also noted that there would be a meeting this evening in North Canton with the Ohio EPA. Mr. Williams said that he would get in touch with Jeff Dutton with the County to see what circumstances are involved with this permit.

**FISCAL OFFICER’S REPORT:**

1. Pending Warrants –

#06-204

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 \$188,904.98 as attached hereto and made a part of these minutes.

Seconded by Mrs. Bossart.

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

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

2. Regular Payroll –

#06-205 Motion by Mr. Leno,  
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 Mrs. Bossart.  
Vote: Mr. Leno, yes; Mr. Giavasis, yes; Mrs. Bossart, yes.

3. Payment of Medical Claims –

#06-206 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>
04/18/06	EFT60484 (AultCare)	\$9,863.88
04/18/06	74663 (J. Guenther)	95.00
04/18/06	74664 (M. Johnson)	97.20
04/18/06	74665 (D. Woodyard)	39.40
04/25/06	EFT 60485 (AultCare)	7,938.38
04/25/06	74666 (R. Morton)	39.75

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

4. The Investment report was given and accepted by the Board. Mr. Shriver pointed out the most recent investment awarded a little over 5% interest on a six-month basis.

**ADMINISTRATOR:**

1 & Breezewood Storm Sewer and Graber Storm Sewer – Mr. Williams  
2. said that the Breezewood and Graber Storm Sewers were working  
out nicely. Mr. Allman also said that both projects were going along  
very well.

**FIRE DEPARTMENT:**

1. Purchase of Replacement Parts –

#06-207 Motion by Mr. Leno,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,  
Stark County, Ohio, to authorize the purchase of gas shocks, drain  
valves, air cleaners, spring catches, trim panel and tripod light switches  
from Finley Fire in an amount not to exceed \$1,000, to be taken from  
Account #10-A-09D.  
Seconded by Mrs. Bossart.  
Vote: Mr. Leno, yes; Mr. Giavasis, yes; Mrs. Bossart, yes.

2. Purchase of Lights & Lamps –

#06-208 Motion by Mr. Giavasis,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,  
Stark County, Ohio, to authorize the purchase of lamps, lights and  
strobes from Fallsway Equipment in an amount not to exceed \$1,500 to  
be taken from Account #10-A-09.  
Seconded by Mrs. Bossart.  
Vote: Mr. Leno, yes; Mr. Giavasis, yes; Mrs. Bossart, yes.

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**FIRE DEPARTMENT:**

3. Purchase of Protective Clothing –

#06-209 Motion by Mrs. Bossart,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the purchase of protective fire clothing of fire coat and pants from All-American Fire in an amount not to exceed \$1,700.00, to be paid from Account #10-A-09B.  
Seconded by Mr. Leno.  
Vote: Mr. Leno, yes; Mr. Giavasis, yes; Mrs. Bossart, yes.

**ROAD DEPARTMENT:**

1. List Bids – Road Materials – bids were received from Central Allied, J & D Mining, National Lime and Stone, Oster, Northstar and Massillon Asphalt.

2. Award Bids – Road Materials –

#06-210 Motion by Mr. Giavasis,  
WHEREAS, the Plain Township Board of Trustees' Invitation for Bids indicated that both price and the proximity of bidder's premises were to be considered in the evaluation of the bids received; and  
WHEREAS, in making its determination as to the best interests of the Township, the Plain Township Board of Trustees has properly considered its costs associated with materials loaded in Township trucks at bidder's place of business;  
NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to award the 2006 - 2007 Road Materials contracts as follows:  
LOADED IN TOWNSHIP TRUCKS AT BIDDER'S PLACE OF BUSINESS:

<u>Oster Sand &amp; Gravel, Inc.</u>	
Gravel #4	\$ 9.50
Gravel #57	\$ 8.00
Gravel #310	\$ 4.00
Grit # 9	\$ 3.00
Gravel #304	\$ 8.00
Gravel, Bank Run	\$ 3.50
<u>Central-Allied</u>	
Grit #9	\$3.25
Gravel #304	\$9.00

FOB PLAIN TOWNSHIP STOCKPILE:

<u>Central-Allied</u>	
Gravel #4	\$12.40
Gravel #57	\$11.40
Gravel #310	\$ 7.65
Grit #9	\$ 4.65
Gravel #304	\$10.65
Gravel, Bank Run	\$ 8.15

LOADED IN TOWNSHIP TRUCKS AT BIDDER'S PLACE OF BUSINESS

<u>J &amp; D Mining</u>	
Limestone #1	\$ 10.50
Limestone #2	\$10.50
Limestone #4	\$ 12.00
Limestone #57	\$ 12.00
Limestone #304	\$ 10.50
Limestone #411	\$ 10.50

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**ROAD DEPARTMENT: (continued)**

National Lime & Stone

Limestone #2	\$ 12.50
Limestone #4	\$ 12.50
Limestone #57	\$ 12.50
Limestone #304	\$ 11.50
Limestone #411	\$ 11.50

FOB PLAIN TOWNSHIP STOCKPILE:

National Lime & Stone

Limestone #2	\$ 15.20
Limestone #4	\$ 15.20
Limestone #57	\$ 15.20
Limestone #304	\$ 14.20
Limestone #411	\$ 14.20

LOADED IN TOWNSHIP TRUCKS AT BIDDER'S PLACE OF BUSINESS:

Central-Allied Enterprises, Inc.

Asphalt #402	\$ 33.00
Asphalt #404	\$ 33.00
Asphalt #301	\$ 30.00
Asphalt Cold Mix SS-921	\$ 60.00
HPM Mix	\$ 75.00
CURB Mix	\$ 50.00

Massillon Asphalt

Asphalt #402	\$30.00
Asphalt #404	\$30.00
Asphalt #412	\$38.00
Asphalt #301	\$26.00

Seconded by Mrs. Bossart.

Discussion: The Board questioned the fact that driving to Massillon may not be economical with fuel costs as they are presently. This may very well offset the savings. Mr. Allman stated that we could still use Central Allied for these supplies.

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

3. Sign Contracts – Road Materials –

#06-211

Motion by Mr. Giavasis,

WHEREAS, the contracts have been prepared according to the terms and conditions of the bid specifications for the 2006-2007 Road Materials;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to authorize the execution of the contracts with Oster Sand & Gravel, Inc., Central-Allied Enterprises, Inc., National Lime and Stone, J & D Mining, and Massillon Asphalt for the 2006-2007 Road Materials Project, the language of which contracts is incorporated by reference as if fully rewritten herein; and

BE IT FURTHER RESOLVED by the Plain Township Board of Trustees to authorize payments to Oster Sand & Gravel, Inc., Central-Allied Enterprises, Inc., National Lime and Stone, J & D Mining, and Massillon Asphalt upon satisfactory performance of the terms of the contracts and according to the schedule set forth therein.

Seconded by Mrs. Bossart.

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

4. List Bids – Culvert Pipe – bids were received from Baughman Tile, Discount Drainage, Marlboro Supply, Migchelbrink, National Waterworks, and Pipelines.

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**ROAD DEPARTMENT: (continued)**

5. Award Bids – Culvert Pipe –

#06-212

Motion by Mr. Giavasis,  
WHEREAS, the proposed Road Department projects will require primarily polyethylene storm sewer pipe; and  
WHEREAS, in making its determination as to the best interests of the Township, the Plain Township Board of Trustees has properly considered its costs associated with materials loaded in township trucks at bidder's place of business; and  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to award the 2006-2007 Culvert Pipe Contract as follows:

CORRUGATED SMOOTH LINED POLYETHYLENE STORM SEWER PIPE  
LOADED IN TOWNSHIP TRUCKS AT BIDDER'S PLACE OF BUSINESS)

Marlboro	
08" Cor.	\$ 1.98
10" Cor.	\$ 2.95
12" Cor.	\$ 3.53
15" Cor.	\$ 4.88
18" Cor.	\$ 7.57
24" Cor.	\$ 11.67
30" Cor.	\$ 17.88
36" Cor.	\$ 22.88

CORRUGATED SMOOTH LINED POLYETHYLENE STORM SEWER PIPE  
FOB PLAIN TOWNSHIP STOCKPILE:

Marlboro	
08" Cor.	\$ 1.98
10" Cor.	\$ 2.95
12" Cor.	\$ 3.53
15" Cor.	\$ 4.88
18" Cor.	\$ 7.57
24" Cor.	\$ 11.67
30" Cor.	\$ 17.88
36" Cor.	\$ 22.88

PVC/SDR35 OR EQUIVALENT CULVERT PIPE  
LOADED IN TOWNSHIP TRUCKS AT BIDDER'S PLACE OF BUSINESS

Discount Drainage	
08" Dia.	\$ 3.41
10" Dia.	\$ 5.34
12" Dia.	\$ 7.67
15" Dia.	\$ 11.41
18" Dia.	\$ 17.32
24" Dia.	\$ 31.78

PVC/SDR35 OR EQUIVALENT CULVERT PIPE  
FOB PLAIN TOWNSHIP STOCKPILE:

Discount Drainage	
08" Dia.	\$ 3.49
10" Dia.	\$ 5.47
12" Dia.	\$ 7.84
15" Dia.	\$ 11.67
18" Dia.	\$ 17.72
24" Dia.	\$ 32.50

**ROAD DEPARTMENT: (continued)**

CATCH BASINS

LOADED IN TOWNSHIP TRUCKS AT BIDDER'S PLACE OF BUSINESS

Marlboro	
2' x 2'	\$ 95.00
2' x 3'	\$115.00
2' x 4'	\$135.00
24" Precast CB Risers	\$ 75.00
12" Precast CB Risers	\$ 45.00
4" Precast CB Risers	\$ 35.00

GRATES

LOADED IN TOWNSHIP TRUCKS AT BIDDER'S PLACE OF BUSINESS

Pipelines	
27" X 27"	\$ 75.60

GRATES

FOB PLAIN TOWNSHIP STOCKPILE

Pipelines	
27" X 27"	\$ 75.60

FRAMES

FOB PLAIN TOWNSHIP STOCKPILE

Pipelines	
27" X 27"	\$49.72

Seconded by Mr. Leno.

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

6. Sign Contracts – Culvert Pipe –

#06-213

Motion by Mr. Leno,  
WHEREAS, the Plain Township Board of Trustees has awarded a bid for 2006-2007 Culvert Pipe to Marlboro Supply, Discount Drainage, and Pipelines;

WHEREAS, contracts have been prepared according to the terms and conditions of the bid specifications for 2006-2007 Culvert Pipe;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to authorize the execution of the contracts for 2006-2007 Culvert Pipe, the language of which contract is incorporated by reference as if fully rewritten herein; and

BE IT FURTHER RESOLVED by the Plain Township Board of Trustees to authorize payments to Marlboro Supply, Discount Drainage, and Pipelines upon satisfactory performance of the terms of this contract and according to the following schedule set forth therein.

Seconded by Mr. Giavasis.

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

7. Purchase of Fuel –

#06-214

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 \$25,000.00 from Fund 3-A-5A.

Seconded by Mr. Leno.

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



**ROAD DEPARTMENT: (continued)**

8. 2006 Crack Sealing –

#06-215 Motion by Mr. Giavasis,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,  
Stark County, Ohio to contract with PS Construction Fabrics for the  
2006 Crack Sealing Program not to exceed \$24,250.00 from Fund  
04-C-03.  
Seconded by Mr. Leno.  
Vote: Mr. Leno, yes; Mr. Giavasis, yes; Mrs. Bossart, yes.

9. Payment for Gas Charge –

#06-216 Motion by Mr. Leno,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,  
Stark County, Ohio to authorize payment to Dominion East Ohio for  
damages to a gas line by the Road Department in an amount not to  
exceed \$1,400.00 from fund 4-A-13.  
Seconded by Mr. Giavasis.  
Vote: Mr. Leno, yes; Mr. Giavasis, yes; Mrs. Bossart, yes.

**ZONING DEPARTMENT:**

1. Set Public Hearing – Zoning Amendment 544 -

#06-217 Motion by Mr. Giavasis,  
WHEREAS, the Plain Township Zoning Commission conducted a public  
hearing on Zoning Amendment #544 on April 12, 2006; and  
WHEREAS, the Plain Township Zoning Commission is recommending  
APPROVAL 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 its 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 #544  
on May 9, 2006 at 7:15 PM at the Plain Township Hall and to further  
instruct and authorize the Plain Township Fiscal Officer to prepare and  
publish notice of the public hearing in the Repository on Saturday, April  
29, 2006.  
Seconded by Mrs. Bossart.  
Vote: Mr. Leno, yes; Mr. Giavasis, yes; Mrs. Bossart, yes.

2. Nuisance Abatements –

a. 2216 49<sup>th</sup> St. NE –

#06-218 Motion by Mrs. Bossart,  
WHEREAS, a public hearing was held on April 25, 2006 by the Board  
of Trustees regarding the Junk Motor Vehicle and trash and/or debris  
at 2216 49th Street NE, Stark County, Ohio (Parcel # 52-00502) and  
WHEREAS, Daniel Florian, 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:

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**ZONING DEPARTMENT:** (continued)

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. Trash and/or debris constitutes a nuisance under Ohio Revised Code Section 505.87 and
4. The nuisance shall be abated, controlled, or removed according to the procedures outlined in ORC Section 505.87, and
5. Notice of this decision will be provided to the property owners.

Seconded by Mr. Leno.

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

b. 4004 Middlebranch Ave. NE –

#06-219

Motion by Mr. Giavasis,

WHEREAS, a public hearing was held on April 25, 2006 by the Board of Trustees regarding the Junk Motor Vehicles at 4004 Middlebranch Avenue NE, Stark County, Ohio (Parcel # 52-02881) and WHEREAS, Paul & Annette Williamson, have 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 Mrs. Bossart.

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

c. 2537 41<sup>st</sup> Street NW –

#06-220

Motion by Mrs. Bossart,

WHEREAS, Ohio Revised Code Section 505.87 authorizes the Board of Trustees to provide for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the Township if the Board determines that the property owners maintenance of such vegetation, garbage, refuse and other debris constitutes a nuisance; and

WHEREAS, a complaint was filed and processed regarding a nuisance property condition at 2537 41<sup>st</sup> Street NW, Stark County, Ohio (Parcel # 52-15892) and

WHEREAS, a certified notice providing the property owner with seven (7) days to address the matter with the Zoning Director was sent April 19, 2006 and returned "Unclaimed"; and

WHEREAS, the Zoning Director has provided evidence of a nuisance condition on the property;

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

1. High grass and/or weeds constitutes a nuisance under
2. Trash and/or debris constitutes a nuisance under Ohio Revised Code Section 505.87, and
3. The nuisance shall be abated, controlled, or removed according to the procedures outlined in ORC Section 505.87, and

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**ZONING DEPARTMENT:** (continued)

4. Instruct and authorize the Plain Township Clerk to prepare and publish notice of this decision by publication in a newspaper of general circulation within Plain Township.

Seconded by Mr. Giavasis.

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

**LAW DIRECTOR:**

1. DioGuardi Annexation – Mr. Williams went over the annexation of the DioGuardi Annexation and the fact that the Commissioners did deny it because it was an invalid signature.

**COMMUNICATIONS:**

1. Muskingum Watershed Conservancy District – regarding the Maintenance Assessment Funding.
2. Dave Ross – regarding people using the berm lane on Schneider heading east at Schneider and Market as a pass lane.
3. EPA Citizen Advisory – regarding the Bob-O-Link Wastewater Treatment Plant.
4. Concerned Citizens – complaints about Spangler Road repairs to the street, aprons, numerous complaints regarding lawns needing mowing, etc.

**CONCERNS OF CITIZENS:**

S. H. Kim, of McLean, VA, the former owner of the S.H. Kim Tae Kwon Do Studio, at 5000 Whipple Ave. NW, said that he had moved to Virginia in 1995. He apologized for having to have letters sent to him about weeds and the distasteful looks of his property on Whipple Ave. He explained that the building was built in 1983. It was a tae kwon do studio. He put in expensive landscaping and he stated that a lawsuit was the problem with the deterioration of the building. Buckeye Demolition went in and removed the air conditioners from the roof, plumbing, and all metal material. He went over the process that the Township went through and had copies of all correspondence. However, he felt that the last two correspondences that were given to him, though the others were mailed to the McLean, VA address, the last two were mailed to the 5000 Whipple Rd. address, and he wanted some type of restitution. Our Law Director, Mr. Williams, very pointedly told Mr. Kim that we followed the law to the letter, and that we were not even required to send the last two letters. The discussion went on for approximately 40 minutes and Mr. Kim became very irate and upset and was told to calm down by Mr. Williams. Mr. Williams told him if he had any further action to take, he could contact him directly. Mr. Kim did apologize to the audience and to the Board and left quietly.

**CONCERNS OF TRUSTEES:**

Fire Levy - Mr. Leno said that as much as he admires WHBC, there is a large error going on in that they are reporting that our fire levy is going to increase the owner of a \$150,000 home by \$300 when in reality, it is only \$44. He is asking that the radio station please get this right as it could hurt our levy. It was announced yesterday throughout the day, that it was a \$300 increase for a \$150,000 property. In reality, it is a \$44 increase to the owner of a \$150,000 property.

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**APPROVAL OF MINUTES:**

#06-221 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 11, 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  
April 11, 2006 as presented.  
Seconded by Mr. Giavasis,  
Vote: Mr. Leno, yes; Mr. Giavasis, yes; Mrs. Bossart, yes.

**EXECUTIVE SESSION:**

#06-222 Motion by Mrs. Bossart,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,  
Stark County, Ohio to adjourn to executive session at 8:34 p.m. from  
this regular meeting of April 25, 2006 as authorized under Ohio Revised  
Code 121.22(G) for the purpose of the consideration of: employment of  
a public employee or official; discipline of a public employee or official;  
compensation of a public employee or official.  
Seconded by Mr. Giavasis,  
Vote: Mr. Leno, yes; Mr. Giavasis, yes; Mrs. Bossart, yes.

#06-223 Motion by Mrs. Bossart to return to regular session at 9:02 p.m.  
Seconded by Mr. Giavasis.  
Vote: Mr. Leno, yes; Mr. Giavasis, yes; Mrs. Bossart, yes.

**ADJOURNMENT:**

#06-224 Motion by Mrs. Bossart,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,  
Stark County, Ohio to adjourn at 9:03 p.m.  
Seconded by Mr. Leno.  
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