

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, Eric Williams, Lisa Sabina-Campbell, Joe Iacino, Steve Peroz, Donald Snyder, Todd A. Alexander, Chuck Kegley.
Natalie Lariccia, **the Repository**; **Betty O’Neill**-Roderick, Akron Beacon Journal;

AGENDA: Approved as prepared.

SHERIFF'S REPORT:

- 1. Theft and Vandalism to Diamond Sports Complex – Mr. Alexander discussed the details of a non-forced entry and theft of the concessions stand at the Diamond Sports Complex. The possibility of placing an alarm system in the facility in the near future was discussed, as this facility is being used more often and people are aware of the concession stand.

UNFINISHED BUSINESS:

- 1. Dave Crowder – Mr. Giavasis shared that he and Mr. Leno met with Mr. Dave Crowder at his property with North Canton Officials to look at the problem that has been created with the installation of the bridge. Mr. Giavasis also attended a Stark County **Commissioner’s meeting today and received a phone call from Mr. Ed Stetz**, who is going to apply for a and research some preliminary engineering plans with Mr. Ashman to alleviate the problem.

FISCAL OFFICER’S REPORT:

- 1. Pending Warrants –

#07-675 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 \$268,991.26 as attached hereto and made a part of these minutes.
Seconded by Mr. Leno
Vote: Mr. Leno, yes; Mrs. Bossart, yes Mr. Giavasis, yes.

- 2. Regular Payroll –

#07-676 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; Mrs. Bossart, yes; Mr. Giavasis, yes.

- 3. Payment of Medical Claims –

#07-677 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

2600 Easton St. NE
Canton, OH 44721

claims as provided by AultCare:

<u>DATE</u>	<u>WARRANT</u>	<u>AMOUNT</u>
11/20/2007	12038	\$9,139.25
11/27/20007	12039	\$7,341.18

Seconded by Mrs. Bossart

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

4. The Financial report was given. Mr. Shriver noted that the Fiscal Office has just crossed over \$400,000.00 in interest income on the interim investments for this year.

5. Saratoga Hills Lighting District

#07-678

Motion by Mrs. Bossart

WHEREAS, the Plain Township Board of Trustees created the Saratoga hills Lighting District on March 8, 2005 (Resolution #05-112); and

WHEREAS, a request has been received to add additional lights in Phase II;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to approve the additional four metered street lights to be located as follows:

- 3091 Cloverhurst Street NE
- 3019 Cloverhurst Street NE, Lot 69
- 3079 Cloverhurst Street NE, Lot 75
- 7562 Woodway Street NE

BE IT FURTHER RESOLVED, by the Plain Township Board of Trustees to authorize the Plain Township Fiscal Officer to certify this cost as a special assessment to the property owners to the Stark County Auditor and to inform American Electric Power Company to install the additional lights.

Seconded by Mr. Leno

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

6. Set Records Commission Meeting – 7:15 p.m. for December 11, 2007

7. Sick Pay Bonus

#07-679

Motion by Mrs. Bossart

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to approve sick pay bonus as stated n the negotiated contract for the members of the Plain Township Firefighters Association as follows:

- Stephen Ash - \$0.00
- Matt DeCosta - \$500.00
- Jeremy Guenther - \$150.00
- Eric Haines - \$0.00
- Craig Hamilton - \$500.00
- Ben Hershberger, Jr. - \$0.00
- Howard Hershberger – \$0.00
- Jack Jackson - \$0.00
- Scott Jackson - \$150.00
- Robert Johnson - \$0.00
- John F. Klingaman - \$0.00
- Jason Kuhn - \$250.00
- Michael Lowmiller - \$0.00
- Brandon Mackall - \$250.00
- Bill Meers - \$0.00
- Robert Morton - \$500.00

FISCAL OFFICER’S REPORT CONTINUED:

Jeff Pierpont - \$500.00
 Robert Ramey - \$250.00
 William Reed Jr. – 500.00
 Charles Shalenberger - \$500.00
 Robert Skolmutch - \$0.00
 Troy Slabaugh - \$500.00
 Kevin Vandergrift - \$0.00
 Christopher Villard - \$500.00
 Douglas Woodyard - \$500.00
 Gregg Wright - \$0.00
 TOTAL: \$5,550.00
 Seconded by Mr. Giavasis
 Vote: Mr. Leno, yes; Mrs. Bossart, yes; Mr. Giavasis, yes.

8. Transfer of Funds

#07-680

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
1000-4110-240-0000 – Compensation	1000-4110-122-9010 – Salaries - Fiscal Office Staff	\$ 3,216.00
1000-4910-910-0000 – Operating Transfers Out	1000-4610-599-0000 – Other	1,000.00
1000-4910-910-0000 – Operating Transfers Out	1000-4110-211-0000 – Public Emp. Retirement	1,000.00
1000-4910-910-0000 – Operating Transfers Out	1000-4110-213-0000 – Medicare	200.00
1000-4910-910-0000 – Operating Transfers Out	1000-4110-313-0000 – Accounting Software Fees	2,400.00
1000-4910-910-0000 – Operating Transfers Out	1000-4110-599-7020 – Leaves	15,000.00
1000-4910-910-0000 – Operating Transfers Out	1000-4390-317-0000 – Engineer Consultants	15,000.00
2021-4330-360-0000 - Contracts	2021-4330-420-3070 – Fuel & Oil	15,000.00
2031-4330-222-0000 – Insurance	2031-4330-213-0000 – Medicare	100.00
2031-4330-381-0000 – Property Ins.	2031-4330-353-0000 – Nat. Gas	5,000.00
2111-4760-740-0000 – Machinery	2111-4220-190-9060 – Salaries OT	20,000.00
2111-4760-740-0000 - Machinery	2111-4220-222-0000 – Life Ins.	100.00
2111-4760-740-0000 - Machinery	2111-4220-323-0000 – Repairs & Maintenance	2,500.00
2141-4330-360-0000 – Contracts	2141-4330-323-0000 – Repairs & Maintenance	12,000.00
2281-4230-190-9070 – Salaries CE	2281-4230-213-0000 – Medicare	100.00
2901-4610-381-0000 – Property In.	2901-4610-190-9160 – Salaries –	1,000.00
2901-4610-381-0000 – Property Ins	2901-4610-322-0000 – Garbage	100.00
2901-4610-381-0000 – Property Ins	2901-4610-351-0000 – Electric	50.00

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

FISCAL OFFICER'S REPORT CONTINUED:

9. Release Fire Escrow

a) Stark County Park District

#07-681

Motion by Mr. Giavasis

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to authorize the release of insurance proceeds being retained for a loss caused by fire on August 19, 2007 at 2955 Werner Church Road NE in the amount of \$12,145.71 payable to Stark County Park District, c/o Daniel M. Kunz – 798 Genoa Road NW, Massillon, OH 44646 as authorized by Thomas M. McCallin, Captain, Bureau of Life Safety and Records.

Seconded by Mrs. Bossart

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

b) Terry & Mui-Ying Krueck

#07-682

Motion by Mr. Giavasis

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to authorize the release of insurance proceeds being retained for a loss caused by fire on January 10, 2007 at 2331 44th Street NW in the amount of \$6,500.00 payable to Terry F. & Mui-Ying C. Krueck at 3006 22nd Street NW, Canton, OH 44708 as authorized by Thomas M. McCallin, Captain, Bureau of Life Safety and Records.

Seconded by Mr. Leno

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

10. Schneider Park Bond Payment

#07-683

Motion by Mr. Leno

WHEREAS, the Plain Township Board of Trustees passed Resolution 06-457 (August 22, 2006) approving the purchase of property on Schneider Street and the issuance of bonds for a portion of the cost;

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to authorize payment for the current principal and interest payment due Key Bank in the total amount of \$120,925.00 on December 1, 2007.

Seconded by Mrs. Bossart

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

ADMINISTRATOR:

1. Right of Way - Applegrove

#07-684

Motion by Mr. Giavasis

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to authorize the payment of \$23,625.50 to the Stark County Engineers for the right of way parcel purchases in conjunction with the Applegrove Street Widening Project as agreed on February 26, 2002 in Resolution # 02-097 and amended on October 14, 2003 in Resolution # 03-537.

Seconded by Mrs. Bossart

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

ADMINISTRATOR CONTINUED:

- 2. Drug Free Workplace – Mrs. Campbell announced that we have had a series of three classes for the Drug Free Workplace Program, and that she will be filling out the forms for the grant that will reimburse the Township for that payment.
- 3. Stark Soil and Water Conservation District – A newsletter that spotlighted Plain Township with a full-page article, explaining our Nimishillen Creek Cleanup and the efforts made by a local Girl Scout Troup in placing markers on our storm drains.

FIRE DEPARTMENT:

- 1. Purchase of Atmospheric Monitors

#07-685

Motion by Mr. Giavasis
 BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the purchase of five Atmospheric Monitors from Hazco Services in an amount not to exceed \$3,800.00 to be taken from Account 2111-4760-740-0000.
 Seconded by Mrs. Bossart
 Vote: Mr. Leno, yes; Mrs. Bossart, yes; Mr. Giavasis, yes.

ROAD DEPARTMENT:

- 1. Schneider Road Guardrail

#07-686

Motion by Mr. Giavasis
 BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees, Stark County, Ohio, to authorize payment to the Stark County Engineering Department to install new end anchor assemblies on the guardrail on Schneider Road at the new road widening ½ mi. east of SR 43 at a cost of \$1,650.00 from Fund #2141-4330-360-0000.
 Seconded by Mrs. Bossart
 Vote: Mr. Leno, yes; Mrs. Bossart, yes; Mr. Giavasis, yes.

- 2. Sale of Scrap Metal

#07-687

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

- 3. Speed Zone Study – Mr. Iacino stated that we have received a notice from the Stark County Engineers regarding our one free speed zone study for the Township. He is recommending that we study Schneider Street between Market Avenue and Middlebranch Avenue, due to the fact that part of the road set to 35 miles per hour and there are three schools there now.

PARKS & RECREATION:

1. Concession Stand – Mr. Alexander stated that they opened the Concession Stand on November 10-11, 2007. People were very enthusiastic about this and the whole department feels confident in the outcome of the project. Mr. Alexander also wanted to announce that it will be open from 8:00 a.m. to 7:00 p.m. on Saturdays, and 12:00 p.m. to 7:00 p.m. on Sundays. Plain Township employees on duty during weekends for fire duties, plowing snow, or other responsibilities will receive a free cup of coffee and an additional twenty-five cents off any menu item.

LAW DIRECTOR:

1. Noise Ordinance

#07-688

Motion by Mr. Giavasis

WHEREAS, Ohio Revised Code §504.04 authorizes the Plain Township Board of Trustees to exercise powers of local self government and to adopt and enforce within the Township local police, sanitary, and other similar regulations;

WHEREAS, Ohio Revised Code §504.05 authorizes the Plain Township Board of Trustees to impose a civil fine for a violation of a resolution adopted under Ohio Revised Code §504;

WHEREAS, it has been determined that unnecessary noise may have the potential to become hazardous within the Township;

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, pursuant to Chapter 504 of the Ohio Revised Code and within the authority of limited-self government, that the following legislation is hereby adopted regulating noise nuisance legislation within the Township and the corresponding fines for a violation thereof must take effect and to be enforced from and after the earliest period allowed by law:

- A. No person shall make, cause, suffer, allow or permit to be made within Plain Township, Stark County, Ohio any unreasonably loud, disturbing, and unnecessary noise or noises of such character, intensity or duration as to be detrimental to the life, health and right to peace and enjoyment to any individual. Loud, disturbing and unnecessary noises in violation of this section shall include, but are not limited to, the following:
 - (1) The sounding of any horn, bell, or other signal or warning device on any motor vehicle, except as a danger or warning signal.
 - (2) No person shall play any music, amplifying sound, radio, music player, television, audio system or musical instrument in such a manner or at such volume as to annoy or disturb the peace and quiet, comfort, or repose of neighboring inhabitants or those who said noise is audible within 150 feet of said sound source having due regard for the proximity of places of residence, hospital, or other residential institutions and to any other conditions affected by such noises or at a volume which is audible or within 150 feet of said sound source or till persons other than those who are in the vehicle, structure, or room in which such device or instrument is played and are voluntary listeners thereof.

LAW DIRECTOR CONTINUED:

- (3) The making of any unnecessary or unseemly noise by a person or by his operation of any instrument, device, agency, or vehicle within 150 feet by any portion of the grounds and premises on which is located a hospital or other institution reserved for the sick, aged, or infirm, or within 150 feet of any school, courthouse, church, or building in which religious services are held, during school hours, hours of court, or hours of public worship, respectively.
- B. A violation shall be deemed to have occurred when any person makes, causes, suffers, allows or permits to be made within Plain Township, Stark County, Ohio any unreasonably loud, disturbing and unnecessary noise or noises as described in this legislation.
- C. Nothing in this legislation shall be construed or interpreted in any manner legislate against the production of common noises **during Plain Local School’s sporting events held at Glen Oak Stadium** and other Plain Local School venues.
- D. Whoever violates this resolution is subject to a fine of \$100.00 for the first violation, and a fine of \$300 for each subsequent violation.

BE IT FURTHER RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, that this resolution be duly recorded and authenticated by the signature of the Township Fiscal Officer and the Plain Township Board of Trustees shall hereby advise the Clerk to publish same in a newspaper of general circulation within the Township according to the requirements of Ohio Revised Code §504.11 and §504.12.

Discussion: Mr. Williams stated that this would be something that the deputies could put in their arsenal and use. For a while, it will be trial and error, but Mr. Williams and the Trustees feel it will be workable. Mrs. Bossart stated that since she has been a trustee, there has always been talk about a noise ordinance. Mr. Leno, said that he has spoken with personnel **from the Sheriff’s Dept.** who said this will be excellent tool **for the Sheriff’s Department.**

Seconded by Mr. Leno

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

- 2. Patent Health – Mr. Williams discussed a letter concerning tax abatement with Napier Ohio Development. There is a disagreement within the language of the document that he feels will be able to be worked out and should not present a problem.

COMMUNICATIONS:

- 1. ICAN, Inc. – A request to distribute flyers within the Township to count all of the homeless people in Stark County.
- 2. **Ohio Bureau of Worker’s Compensation** – Approval of a decrease in our rate from 90% to 80% that has not yet taken place.

CONCERNS OF CITIZENS:

Mr. Tom Pieper of 2810 River Run Circle NW requested more detail about the fire investigation information was under Fiscal Officer's Report 9a and 9b. It was explained to him that these monies are held until the property is cleaned up and investigations are underway, and then it is released to the owner. He also voiced concern about an ongoing investigation of the burning of the barn at Warner Church Road and Boettler Street. Deputy Chief Snyder explained to him that that he is not at liberty to discuss this investigation at this time, but he will check into this and inform Mr. Pieper of the status of this investigation.

CONCERNS OF TRUSTEES:

Mr. Giavasis noted an issue regarding Mr. Bob Robertson, a resident in the Pembroke Allotment, who had given a petition to the trustees. This petition is to extend water into Pembroke and to ask the Trustees if they would facilitate a meeting with the City of Canton once the petition is completed.

APPROVAL OF MINUTES:

#07-689 Motion by Mrs. Bossart
BE IT FURTHER RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to approve the minutes of the regular meeting held, November 13, 2007 as presented.
Seconded by Mr. Giavasis
Vote: Mr. Leno, yes; Mrs. Bossart, yes; Mr. Giavasis, yes.

EXECUTIVE SESSION:

#07-690 Motion by Mr. Giavasis
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to adjourn to executive session at 7:41 p.m. from this regular meeting of November 27, 2007 as authorized under Ohio Revised Code 121.22(G) for the purpose of the consideration of:
1. (a) appointment of a public employee or official
(b) employment of a public employee or official
3. a conference with the law director or other retained counsel concerning pending or imminent court action
Seconded by Mrs. Bossart
Vote: Mr. Leno, yes; Mrs. Bossart, yes; Mr. Giavasis, yes.

#07-691 Motion by Mr. Giavasis to return to regular session at 8:45 p.m.
Seconded by Mrs. Bossart
Vote: Mr. Leno, yes; Mrs. Bossart, yes; Mr. Giavasis, yes.

ADJOURNMENT:

#07-692 Motion by Mrs. Bossart
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to adjourn at 8:45 p.m.
Seconded by Mr. Giavasis
Vote: Mr. Leno, yes; Mrs. Bossart, yes; Mr. Giavasis, yes.

PLAIN TOWNSHIP BOARD OF TRUSTEES

2600 Easton St. NE
Canton, OH 44721

Regular

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Pamela S. Bossart
Trustee

Louis P. Giavasis
Trustee

Albert P. Leno, II
Trustee

ATTEST: _____
Claude W. Shriver, II
Fiscal Officer