

WORK SESSION

ATTENDANCE:

Pamela Bossart, Louis Giavasis, Albert Leno, II, Claude Shriver, Lisa Campbell, Eric Williams, John Sabo, Todd Alexander, Joe Iacino, Chuck Kegley and Steve Peroz.

Todd Alexander introduced Wendy Bullock with regard to information on Plain Township recycling. She is with the Stark-Tuscarawas-Wayne Joint Waste Management District and gave a very informative meeting saying that Plain Township is responsible for nine percent of the recycling; however, it was less than one pound person. She went over the fact that there are seven different types of plastics and only plastics numbered one and two could be recycled in our area. These numbers can be found on the bottoms of the plastic containers. Wendy provided information on recycling and the landfill process.

EXECUTIVE SESSION:

#09-055 Motion by Mr. Giavasis,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to adjourn to executive session at 6:53 p.m. from this regular meeting of February 10, 2009 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
- (d) discipline of a public employee or official
- (f) compensation of a public employee or official
- 3. a conference with the law director or other retained counsel concerning pending or imminent court action
- 4. preparing for, conducting or reviewing negotiations or bargaining sessions with public employees

Seconded by Mr. Leno.

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

#09-056 Motion was made by Mr. Giavasis to return to public session at 7:01 p.m.

Seconded by Mr. Leno.

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

REGULAR MEETING

OPENING: The regular meeting was called to order at 7:01 p.m. by President Giavasis who led the pledge of allegiance.

ATTENDANCE:

Pamela Bossart, Louis Giavasis, Albert Leno, II, Claude Shriver, Lisa Campbell, Eric Williams, John Sabo, Todd Alexander, Joe Iacino, Chuck Kegley and Steve Peroz. Media present: **Betty O'Neil**-Roderick, Akron Beacon Journal and Cal Peters from WHBC.

AGENDA: The Agenda stood as presented

SHERIFF'S REPORT:

- 1. Westmoreland
Mr. Iacino reminded the Sheriff's Department that complaints received during the recent snow storm regarding Westmoreland were for the portion of Westmoreland that is in the City of Canton. If they get anymore complaints in the future to please call the City.

UNFINISHED BUSINESS:

- #09-057 1. Bob Fonte, Stark Parks, Marquardt Sidewalk Project
Motion by Mr. Giavasis,

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BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to approve the attached plans for the Marquardt Sidewalk Project.

Seconded by Mr. Leno.

Discussion: Mr. Iacino asked if there would be curbs, the answer was no and if there would be handicap ramps and the answer was yes.

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

2. Insurance – Lisa Brown from Huntington Insurance was present. This was a continued discussion on cost comparisons and savings with regard to our medical insurance. Mr. Giavasis asked what the savings would be between now and June. Mrs. Brown replied with AultCare and OHCP between \$15,000 and \$30,000 depending on whether people stayed with Mercy and did not go to the out of area hospitals. Craig Mottice will check on co-pays, prescriptions, etc. The Board was advice to stay with AultCare for the time being since the insurance will go out to bid shortly.
3. Oakwood Plaza – Mr. Giavasis said he will be doing a walk thru shortly with the future anchor tenant.

7:15 P.M. PUBLIC HEARING:

This was tabled to the next meeting on February 24, 2009 due to lengthy discussion in the sign regulation portion of the resolution. Mr. Williams will research the 16 feet sign regulation, etc.

NEW BUSINESS:

1. Architect – New Fire Station – Matt Sutter and Melinda Smith of Harris Day Architects provided drawings and plans for the renovation of Station #4. The cost to renovate that station will be \$2.28 million and the cost to build new near the Township Hall would be \$2.62. The levy has approximately \$1,250,000 available. The Trustees will review the information provided by Harris Day and discussed at future meetings.
2. Stark County Health Department – information on the District Advisory Council Meeting to be held on March 5, 2009 which will be attended by Mrs. Bossart.

BICENTENNIAL UPDATE:

1. Reports - Mr. Rick Campbell said \$5,325 was received for the dinner with an expense of \$3,731 leaving a profit of \$1,600. To date \$33,185 has been received leaving approximately \$29,000 for operating expenses.
2. Update of Events – Mr. Campbell said the events are coming around very nicely. The next event will be the bell ringing of the churches within the Township.
3. Rick Campbell – Safety Meeting – this will be held on February 12th at 9 am with Chief Sabo, Joe Iacino and various Township officials to discuss safety for the festival and other events.

FISCAL OFFICER’S REPORT:

#09-058 1. Pending Warrants
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 \$272,753.50 as attached hereto and made a part of these minutes.

Seconded by Mr. Giavasis.

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

#09-059 2. Regular Payroll
Motion by Mr. Giavasis,

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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 \$220,000.00.

Seconded by Mr. Leno.

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

3. Medical Claims

#09-060

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 claims as provided by AultCare:

<u>DATE</u>	<u>WARRANT</u>	<u>AMOUNT</u>
1/27/09	14946	\$13,553.75
02/03/09	14970	16,156.81
02/10/09	14971	8,404.90

Seconded by Mr. Giavasis.

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

4. Financial Report – was given and accepted by the Board with no questions.

5. 2009 Appropriations

#09-061

Motion by Mr. Leno,

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio that to provide for the current expenses and other expenditures of said Board of Trustees, during the fiscal year, ending December 31, 2009, the attached sums be and the same are hereby set aside and appropriated for the several purposes for which expenditures are to be made for and during said fiscal year as attached to and made a part of these minutes.

Seconded by Mr. Giavasis.

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

6. Liquor Permit for Giant Ohio LLC – will be held to next meeting for public comment

7. Release of Fire Escrow – Karrer

#09-062

Motion by Mr. Leno,

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 March 4, 2008 at the home of Jack Karrer of 6925 Market Avenue N in the amount of \$7,500.00. The check is to be made payable and sent to Design Restoration and Reconstruction, Inc. at 4305 Mt. Pleasant St., NW, Suite 103, North Canton, Ohio 44720 as authorized by Thomas McCallin, Bureau of Life Safety and Records.

Seconded by Mr. Giavasis.

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

ADMINISTRATOR:

1. Stormwater Report – this was given by Lisa who said we would be doing a program in conjunction with the Canton Symphony at the **high school entitled “Bash the Trash” and Plain Township would be one of the expo presenters at the function on March 14th. Joe Iacino has volunteered to help with Plain Township’s display.**
2. CDBG Grant Application – a thank you to Lisa for serving on the FY 2009-2011 Stark County Community Development Block Grant (CDBG) Application Review Committee and her valuable insight.

FIRE DEPARTMENT:

Monthly Report was given

ROAD DEPARTMENT:

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- 1. Monthly Report was given

ZONING DEPARTMENT:

- 1. Monthly Report was given

PARKS & FACILITIES:

- 1. Monthly Report was given
- 2. Pepsi Contract – Mr. Alexander review proposals by Pepsi and Coke which showed advantages to offer the five year contract to Pepsi. This will be signed at the next meeting.
- 3. NatureWorks Grant – Financial Assistance

#09-063

Motion by Mr. Leno,
WHEREAS, the State of Ohio, through the Ohio Department of Natural Resources, administers financial assistance for public recreation purposes, through the State of Ohio NatureWorks; and WHEREAS, the Township of Plain located in Stark County desires financial assistance under the NatureWorks Program.

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

- 1. That the Board of Trustees of Plain Township approves filing an application for NatureWorks financial assistance.
- 2. That Todd A. Alexander – Parks, Grounds, & Facilities Director – is hereby authorized and directed to execute and file and application with the Ohio Department of Natural Resources and to provide all information and documentation required to become eligible for possible funding assistance.
- 3. That the Board of Trustees of Plain Township does agree to obligate the funds required to satisfactorily complete the proposed project and become eligible for reimbursement under the terms and conditions of the NatureWorks Program.

Seconded by Mr. Giavasis.

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

LAW DIRECTOR:

- 1. Fosnaught Annexation

#09-064

RESOLUTION OBJECTIN TO
ANNEXATION PETITION

Board of Trustees

Plain Township, Stark County, Ohio

RESOLUTION NO. 2009-064

RESOLUTION OBJECTING TO PETITION TO ANNEX
25.933 ACRES, MORE OR LESS,

FROM JACKSON TOWNSHIP AND PLAIN TOWNSHIP,
STARK COUNTY, TO THE CITY OF NORTH CANTON

The Board of Trustees, Plain Township, Stark County, Ohio met in regular session on the 10th day of February, 2009 at 7:00 p.m. with the following members present:

Pamela S. Bossart

Albert P. Leno, II

Louis P. Giavasis

Mr. Louis Giavasis moved the adoption of the following resolution: WHEREAS, the Plain Township Board of Trustees is the chief legislative body of the Township;

WHEREAS, a petition has been filed with the Stark County Board of Commissioners to annex approximately 25.933 acres in Jackson Township and Plain Township, Stark County, to the City of North Canton;

WHEREAS, the Stark County Board of Commissioners shall review the said petition with the filed, written objection of a

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township or municipality; and the Plain Township Board of Trustees has retained the law firm of Pelini, Campbell, Williams & Traub LLC to represent the Board in this annexation matter; NOW, THEREFORE, BE IT RESOLVED, that the Plain Township Board of Trustees objects to the said proposed annexation based **upon the petition’s failure to meet the conditions specified in OH ST S 709.023(E):**

- (1) The petition meets all the requirements set forth in, and was filed in the manner provided in, section 709.021 of the Revised Code.
- (2) The persons who signed the petition are owners of the real estate located in the territory proposed for annexation and constitute all the owners of real estate in that territory.
- (3) The territory proposed for annexation shares a contiguous boundary with the municipal corporation to which annexation is proposed for a continuous length of at least five per cent of the perimeter of the territory proposed for annexation.
- (4) The annexation will not create an unincorporated area of the township that is completely surrounded by the territory proposed for annexation.
- (5) The municipal corporation to which annexation is proposed has agreed to provide to the territory proposed for annexation the services specified in the relevant ordinance or resolution adopted under division (C) of this section.
- (6) If a street or highway will be divided or segmented by the boundary line between the township and the municipal corporation as to create a road maintenance problem, the municipal corporation to which annexation is proposed of that street or to otherwise correct the problem. As used in **this section, “street” or “highway” has the same meaning as** in section 4511.01 of the Revised Code.

In addition, the Plain Township Board of Trustees objects to this annexation based on the fact that a petition for incorporation has been filed in Plain Township, invalidating any and all annexation petitions.

The Plain Township Board of Trustees authorizes and appoints all Board members, administrators and others to appear and speak on behalf of the Board of Trustees at the review regarding said annexation.

Mr. Albert Leno seconded the motion, and the roll was called on the question of its adoption. The vote was as follows:

- Mr. Leno, yes
- Mr. Giavasis, yes
- Mrs. Bossart, yes

#09-065

2. Central Allied Annexation
 RESOLUTION OBJECTING TO
 ANNEXATION PEITION
 Board of Trustees
 Plain Township, Stark County, Ohio
 RESOLTUION NO. 2009-065
 RESOLUTION OBJECTING TO PETITION TO ANNEX
 19.075 ACRES, MORE OR LESS,
 FROM PLAIN TOWNSHIP, STARK COUNTY,
 TO THE CITY OF CANTON

The Board of Trustees, Plain Township, Stark County, Ohio met in regular session on the 10th day of February, 2009 at 7:00 p.m. with the following members present:

- Pamela S. Bossart
- Albert P. Leno, II

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Louis P. Giavasis

Mr. Albert Leno moved the adoption of the following resolution:
WHEREAS, the Plain Township Board of Trustees is the chief legislative body of the Township;

WHEREAS, a petition has been filed with the Stark County Board of Commissioners to annex approximately 19.075 acres in Plain Township and Plain Township, Stark County, to the City of Canton;

WHEREAS, the Stark County Board of Commissioners shall review the said petition with the filed, written objection of a township or municipality; and the Plain Township Board of Trustees has retained the law firm of Pelini, Campbell, Williams & Traub LLC to represent the Board in this annexation matter;

NOW, THEREFORE, BE IT RESOLVED, that the Plain Township Board of Trustees objects to the said proposed annexation based **upon the petition's failure** to meet the conditions specified in OH ST S 709.023(E):

- (7) The petition meets all the requirements set forth in, and was filed in the manner provided in, section 709.021 of the Revised Code.
- (8) The persons who signed the petition are owners of the real estate located in the territory proposed for annexation and constitute all the owners of real estate in that territory.
- (9) The territory proposed for annexation shares a contiguous boundary with the municipal corporation to which annexation is proposed for a continuous length of at least five per cent of the perimeter of the territory proposed for annexation.
- (10) The annexation will not create an unincorporated area of the township that is completely surrounded by the territory proposed for annexation.
- (11) The municipal corporation to which annexation is proposed has agreed to provide to the territory proposed for annexation the services specified in the relevant ordinance or resolution adopted under division (C) of this section.
- (12) If a street or highway will be divided or segmented by the boundary line between the township and the municipal corporation as to create a road maintenance problem, the municipal corporation to which annexation is proposed of that street or to otherwise correct the problem. As used in this section, **“street” or “highway” has the same meaning as in section 4511.01 of the Revised Code.**

In addition, the Plain Township Board of Trustees objects to this annexation based on the fact that a petition for incorporation has been filed in Plain Township, invalidating any and all annexation petitions.

The Plain Township Board of Trustees authorizes and appoints all Board members, administrators and others to appear and speak on behalf of the Board of Trustees at the review regarding said annexation.

Mr. Louis Giavasis seconded the motion, and the roll was called on the question of its adoption. The vote was as follows:

Mr. Leno, yes
Mr. Giavasis, yes
Mrs. Bossart, yes

CENTRAL MAINTENANCE:

Monthly Report was given

COMMUNICATIONS:

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- 1. **Governor’s Regional** Office – information on the Federal Stimulus Package
- 2. Barbara Buckley – parking complaint on Paige Avenue between 43rd and 44th Streets during snow and is requesting full time no parking signs. Mr. Iacino said he has looked at this and would like Chief Sabo to also.
- 3. Stark Soil & Water Conservation District – Newsletter
- 4. Civil Design Associates, Inc. – regarding water quality projects for the Economic Stimulus Assistance in 2009.
- 5. SCRPC Annual Dinner Meeting

#09-066

Motion by Mr. Giavasis,
 BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to authorize any Zoning Department Staff, Administrator, Fiscal Officer, Law Director, members of the Board of Trustees, members of the Plain Township Zoning Appeals, and members of the Plain Township Zoning Commission to attend the Stark County Regional Planning Annual Dinner Meeting on Wednesday, March 25, 2009 at Skyland Pines Rustic Lodge and to further authorize payment of \$26.00 per person to the RPC Seminar and Meeting Fund in an amount not to exceed \$500.00.

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

CONCERNS OF CITIZENS:

- 1. Doug Kampfer – 1601 Steiner NW – was present to complain about the constant eight hour per day noise coming from the David Crowder residence who is now having fill dirt hauled into lands that he owns. He said it has totally disrupted any peace and tranquility of living in his home. He wanted to know if there was something about mining or reverse mining that could be used. The Board said they would like into home rule and also asked our law director to look into the various mining procedures to see if there are any violations going on to give Mr. Kampfer some kind of relief.

CONCERNS OF TRUSTEES:

None

CONCERNS OF FISCAL OFFICER:

None

APPROVAL OF MINUTES:

- 1. Regular Meeting January 26, 2009
 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 January 26, 2009 and make them 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 January 26, 2009 as presented.
 Seconded by Mr. Leno.
 Vote: Mr. Leno, yes; Mrs. Bossart, yes; Mr. Giavasis, Yes.

#09-067

EXECUTIVE SESSION:

- #08-068
 Motion by Mr. Giavasis,
 BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to adjourn to executive session at 9:06 p.m. from this regular meeting of February 10, 2009 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
 (d) discipline of a public employee or official

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- (f) compensation 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 Mr. Leno.

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

#09-069

Motion was made by Mr. Giavasis to return to public session at 9:35 p.m.

Seconded by Mr. Leno.

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

ADJOURNMENT:

#09-070

Motion by Mr. Giavasis,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,
Stark County, Ohio to adjourn at 9:36 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
Fiscal Officer