

2600 Easton St. NE
Canton, OH 44721

REGULAR MEETING

OPENING: The regular meeting was called to order at 7:00 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, and Steve Peroz. Mr. Kegley was absent due to illness in family. Media present: **Betty O'Neil**-Roderick, Akron Beacon Journal, Ed Pritchard, Repository and Cal Peters from WHBC.

AGENDA: The Agenda stood as submitted.

SHERIFF'S REPORT:

No Report

UNFINISHED BUSINESS:

NEW BUSINESS:

1. False Alarms
#09-071 Motion by Mr. Leno,
WHEREAS, the Plain Township Board of Trustees has authorized charges for false alarms 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 (Resolution #06-568) in the following amounts: for the fourth **false alarm...\$50.00; for the fifth false alarm...\$100.00; for all false alarms in any calendar year occurring after the fifth false alarm...\$150.00; 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	#	AMOUNT
James & Mary Rocci	5715 Loma Linda Ln NE	4, 5	\$ 150.00
Robert Kasner	4404 Whipple Ave NW	6	150.00
O J Barbacci	1997 Applegrove St NW	4, 5	150.00
Edgewood Community	6852 Market Ave N	6	150.00
Key Bank	3010 Whipple Ave NW	8	150.00
Special FX	2136 Columbus Rd NE	4, 5	150.00
First American Cash Advance	2341 Columbus Rd NE	12,13,14, 15,16	750.00
Eller Media Company	4001 Cleveland Ave NW	5	100.00
Spee-D-Foods	3002 Market Ave N	9	150.00

NOW THEREFORE BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to direct the Plain Township Fiscal Officer 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;

BE IT FURTHER RESOLVED to direct the Plain Township Fiscal Officer 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 lien upon the real estate in the above-stated amount.

BE IT FURTHER RESOLVED that if payment is not made within 30 days, or just cause shown, then the Fiscal Officer shall cause the above-stated amounts for each false alarm in excess of three (3)

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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's General Fund**.

Seconded by Mr. Giavasis.

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

2. Stormwater Report by ME Companies

#09-072

Motion by Mr. Giavasis,

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to enter into an agreement with ME Companies to write the 2008 NPDES Report and to address all comments from the EPA; and

BE IT FURTHER RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to authorize payment to ME Companies in an amount not to exceed \$3,000.00 to be paid from Fund #1000-4110-599-0000.

Seconded by Mr. Leno.

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

BICENTENNIAL UPDATE:

Mr. Campbell gave the Board various reports on the Bicentennial updating them on the events that will be taking place, safety procedures and went over all the sponsorships. He noted his concern about a balloon liftoff with about five balloons. He mentioned he requested that they each have a million dollar liability coverage. The sub-chair of the balloon classic, Beth Davidson wanted to reduce that but Mr. Campbell told her that was not acceptable. He is waiting to see what the Plain Local Schools legal people have to say about it and their liability concern.

1. Reports
2. Update of Events
3. Safety
4. Sponsorships

7:15 P.M. PUBLIC HEARING:

#09-073

1. Zoning Amendment #545

Motion by Mr. Giavasis,

WHEREAS, a public hearing was held on February 10, 2009 and continued to February 24, 2009 by the Plain Township Board of Trustees to consider Amendment #545 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 **with the modification to be: "Temporary portable signs my be placed only on private property with the permission of the property owner. No temporary portable sign shall exceed sixteen (16) square feet in area in a residentially zoned district."**

Seconded by Mr. Leno.

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

FISCAL OFFICER’S REPORT:

- 1. Pending Warrants
#09-074 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 \$63,953.51 as attached hereto and made a part of these
minutes.
Seconded by Mr. Giavasis.
Vote: Mr. Giavasis, yes; Mr. Leno, yes; Mrs. Bossart, yes.
- 2. Regular Payroll
#09-075 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 \$220,000.00.
Seconded by Mr. Leno.
Vote: Mr. Giavasis, yes; Mr. Leno, yes; Mrs. Bossart, yes.
- 3. Medical Claims
#09-076 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>
02/17/09	15060	\$10,951.57
02/24/09	15061	13,436.39

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

Mr. Leno interrupted the meeting to ask Mrs. Bossart why she was not making any motions or seconding any resolutions at the meeting. He felt she was being stubborn and wanted an answer as to why. Mrs. Bossart stated that it was Roberts Rules of Order and **she didn’t know of any legal reason she had to make a motion and that she is participating in the meetings. Mr. Leno continued to say that he felt it was sad that she wouldn’t take more of an active role in bringing to the table resolutions as did Mr. Giavasis on behalf of the citizens. Mr. Shriver in jest said “I have one more item to cover children”, Mr. Giavasis said “go ahead Father” and Shiver said “thank you my son” Following the final item of the Fiscal Officers report Shriver said “that completes the report for this evening” and Giavasis said “thank you Father” and Shriver responded “your are welcome my son”.**

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

ADMINISTRATOR:

- 1. Huntington Insurance Long-Term Disability Coverage – Meetings for employees on coverage for voluntary long-term disability insurance will be held on Tuesday March 3rd at 8:30 am and on Wednesday, March 4th at 1:30 pm.
- 2. Amendment to Drug Free Workplace Policy
#09-077 Motion by Mr. Giavasis,
BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees, Stark County, Ohio to amend the Drug & Alcohol Policy attached herewith.
Seconded by Mrs. Bossart.
Vote: Mr. Giavasis, yes; Mr. Leno, yes; Mrs. Bossart, yes.

FIRE DEPARTMENT:

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- #09-078 1. Purchase of UHF Radios on State of Ohio Purchasing Contract
Motion by Mr. Leno,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to authorize the purchase of six (6) portable UHF radios on State of Ohio Purchasing Contract Schedule #573077-0-1 from Motorola c/o Mark Blewitt in the amount of \$7,000.00 per the attached quote to be taken from Account #2111-4760-740-0000.
Seconded by Mr. Giavasis.
Vote: Mr. Leno, yes; Mr. Giavasis, yes; Mrs. Bossart, yes.
- #09-079 2. Sale of Obsolete Equipment
Motion by Mr. Giavasis,
WHEREAS, Ohio Revised Code Section 505.101 provides that the Board of Township Trustees may by resolution enter into a contract, without advertising or bidding, for the sale of equipment to any department, agency, or political subdivision of the State, so long as the resolution shall set forth the purchased price for the equipment; and describe the equipment to be sold; and
WHEREAS, Plain Township Fire District Chief John A. Sabo has recommended the sale of the attached Self Contained Breathing Apparatus (SCBA) Equipment to the Village of Dalton, said equipment being no longer suitable for the purposes of the Plain Township Fire District; and
WHEREAS, The Village of Dalton is a department, agency or political subdivision of the State as contemplated by O.R.C. 505.101; and
WHEREAS, contingent upon the execution of a valid sales contract and acceptance of said equipment, as above described, by the Village of Dalton for the sum of Three Thousand Six Hundred Dollars (\$3,600.00) and other valuable consideration;
NOW, THEREFORE, BE IT RESOLVED that contingent upon the execution and acceptance of a valid sales contract by the Village of Dalton that the Plain Township Board of Trustees does sell, convey, transfer and assign the attached list of SCBA Equipment to the Village of Dalton, a department, agency or political subdivision of the State.
Seconded by Mr. Leno.
Vote: Mr. Leno, yes; Mr. Giavasis, yes; Mrs. Bossart, yes.
- #09-080 3. Fire Station Report – Mr. Sabo went over the attached report with the Trustees and asked them to study it and call him with questions or concerns and he would explain it to them.

4. Purchase of Lifepac Monitor/Defibrillator
Motion by Mr. Leno,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to authorize approval for the annual maintenance contract with Medtronic Physio-Control for preventive maintenance, batteries and repairs on the Lifepac monitor/defibrillator in the amount of \$5,353.28 from account #2281-4230-370-6330.
Seconded by Mr. Giavasis.
Vote: Mr. Leno, yes; Mr. Giavasis, yes; Mrs. Bossart, yes.

ROAD DEPARTMENT:

- #09-081 1. Advertisement for Bids for Culvert Pipe, Catch Basins, Grates & Frames
Motion by Mr. Giavasis,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to direct the Plain Township Fiscal Officer to place an Advertisement for Bids for Culvert Pipe, Catch Basins, Grates and Frames in a newspaper published in Stark County and of general circulation in the Township on March 20th

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- and March 27th, 2009 in the Repository with bids to be received by 2:00 P.M. on April 15, 2009.
Seconded by Mr. Leno.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.
- #09-082 2. Advertisement for Bids for Road Materials
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to direct the Plain Township Fiscal Officer to place an Advertisement for Bids for Road Materials in a newspaper published in Stark County and of general circulation in the Township on March 20th and March 27th, 2009 in the Repository, with bids to be received by 12:30 P.M. on April 15, 2009.
Seconded by Mr. Giavasis.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.
- 3. Annual Township Highway System Mileage Certification – Plain Township’s road mileage now totals 172.14 miles.

ZONING DEPARTMENT:

No Report

PARKS & FACILITIES:

- #09-083 1. Pepsi Contract
Motion by Mr. Giavasis,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to enter into the attached agreement with Pepsi for the supply, distribution, and advertisement of the Diamond Community Park Concession Stand; and
BE IT FURTHER RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to authorize Parks, Grounds, & Facilities Director, Todd Alexander to sign the attached agreement on behalf of Plain Township.
Seconded by Mr. Leno.
Vote: Mr. Giavasis, yes; Mr. Leno, yes; Mrs. Bossart, yes.
- #09-084 3. NatureWorks Grant
Motion by Mr. Giavasis,
WHEREAS, Plain Township has applied for a Nature Works Project Grant;
WHEREAS, in order to complete the Grant request process, Plain Township must pass a resolution demonstrating sufficient funds in the Park Capital Improvement Fund;
NOW BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to pass this resolution and certifying that Plain Township has sufficient funds of \$475,000.00 in Park Capital Improvement Fund #4904-4990-930-0000 in order to complete the Nature Works Project.
Seconded by Mrs. Bossart.
Vote: Mr. Giavasis, yes; Mr. Leno, yes; Mrs. Bossart, yes.

LAW DIRECTOR:

- 1. Fausnaught Annexation
Mr. Williams said that he had received a legal suit from Brickler & Eichler in Columbus, OH naming Plain Township as a defendant in the annexation case involving North Canton and Jackson Township. He stated that most probably this was a result of the township objecting the annexation of the Fausnaught property. He has written a letter to them and has met with Judge Forcione regarding the matter.

CENTRAL MAINTENANCE:

No Report

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COMMUNICATIONS:

1. Stark County Engineer – annual meeting with road superintendents, trustees and clerks will be held on April 3 & 4, 2009
2. 30th Street NE – a concern to Mr. Iacino about speeding and tearing up of property by cars going high rates of speed. It was recommended the Sheriff patrol this area.
3. Thank You – Stephanie Balt sent a thank you to the Park Department

CONCERNS OF TRUSTEES:

None

CONCERNS OF FISCAL OFFICER:

None

APPROVAL OF MINUTES:

1. Regular Meeting February 24, 2009
#09-085 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 February 10, 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 February 10, 2009 as presented.
Seconded by Mr. Leno.
Vote: Mr. Leno, yes; Mrs. Bossart, yes; Mr. Giavasis, Yes.

ADJOURNMENT:

- #09-086 Motion by Mr. Giavasis,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to adjourn at 8:00 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