

3-22-04 The meeting was called to order at 6:04 p.m.

OPENING:

EXECUTIVE SESSION:

#04-213 Motion by Mr. Giavasis,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,
Stark County, Ohio to adjourn to executive session at 6:04 p.m. from this
regular meeting of March 22, 2004 as authorized under Ohio Revised
Code 121.22(G) for the purpose of the consideration of: employment of a
public employee or official.

Seconded by Mr. Leno.

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

#04-214 Motion by Mr. Giavasis to return to regular session at 6:57 p.m.

Seconded by Mrs. Bossart.

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

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, Claude W. Shriver, II,
Mark Cozy, Eric Williams, Joe Iacino, Sam Tuttle, John Sabo, Mary Lee
Sponseller.

Media present: Natalie Lariccia, the Repository.

AGENDA: Approved as prepared.

SWEARING-IN OF CLERK:

Mr. Shriver presented a copy of his oath of office and his certification of
election to the Board and indicated that the Honorable Judge Richard
Kubilus swore him in this past Saturday.

SHERIFF'S REPORT:

Mt. Pleasant Street Accidents – Some of the residents are concerned
about cars going off of the road and possibly coming into their yards
and hitting their homes and asked about guardrails. Mr. Iacino said that
the County will not put up guardrails and Mr. Cozy agreed they are not
for protecting property but they are for the cars themselves. A letter
that is in our file will be sent to the homeowner who registered this
concern.

UNFINISHED BUSINESS:

- 1. Ohio Division of Liquor Control – Aldi – the school was contacted and they do want to have a hearing.
- 2. Pickett St. Culvert –

#04-215

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 Board of Stark County Commissioners for Pickett Street Culvert Replacement, as attached;
 BE IT FURTHER RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize payment for all costs associated with design of this project and for all necessary material costs for the improvement.

UNFINISHED BUSINESS: (continued)

Seconded by Mr. Giavasis.
 Discussion: Mr. Iacino said that he felt the material would cost around \$20,000.00. There is no cost on the design presently. There are two homes in this area that flood out and have been flooded out three times. It is a very bad situation.
 Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

NEW BUSINESS:

- 1. False Alarms –

#04-216

Motion by Mr. Giavasis,
 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	#
Kenneth Marsh	1571 Applegrove St. NE	4, 5, 6

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;

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. Leno.

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

CLERK'S REPORT:

1. 1. Pending Warrants –

#04-217

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 \$139,584.94 as attached hereto and made a part of these minutes.

Seconded by Mr. Leno.

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

CLERK'S REPORT: (continued)

2. 2. Regular Payroll –

#04-218 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 \$110,000.00.
Seconded by Mrs. Bossart.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

3. 3. Payment of Medical Claims –

#04-219 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>
03/16/04	EFT 40277	\$4,159.27

Seconded by

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

4. The Investment Report was presented. Mr. Shriver also indicated to
the Board that there was a little over \$550,000 of estate tax
received. He was able to get an investment CD at an interest rate of
1.35% for six months on \$500,000. He had gone over that with Mr.
Cozy and Mrs. Reikowski, and there are no immediate needs for that
money, so we will try to gain our maximum in interest.

5. Road Department Longevity Pay –

#04-220 Motion by Mr. Leno,
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 requirements of the attached schedule effective April 1, 2004.
Seconded by Mr. Giavasis.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

6. Amended Certificate –

#04-221 Motion by Mrs. Bossart,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark
County, Ohio, to authorize the Plain Township Clerk to request an Additional
Amended Certificate of Estimated Resources from the Stark County Auditor
for additional revenue of \$55,286.28 received as follows:

Fund Amount
01- General Fund (from Estate Tax) \$555,286.28

Seconded by Mr. Giavasis.

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

7. Transfer of Funds –

#04-222

Motion by Mr. Giavasis,

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-A-26E – Other Expenses	01-M-03F – Contracts –Fulton Rd.	\$8,962.00

Seconded by Mrs. Bossart.

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

CLERK’S REPORT: (continued)

8. Refund of Overpayment of Snow Ban Violation –

#04-223

Motion by Mr. Leno,

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize a refund of \$7.00 to Bob Manfull of 2824 Heritage, Canton, OH 44718 for overpayment of Snow Ban Violation #037 (Receipt #9974).

Seconded by Mr. Giavasis.

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

ADMINISTRATOR:

1. Click ‘n Zoom Map – Mr. Cozy discussed with the Board the company that put together our map and last year had a click and zoom feature on the Internet. This year they want to charge \$1,500.00 for that feature. The Board, after some discussion, decided to look into finding another type of map or something that is not copyrighted. Also they are going to ask our computer person within the Township, Mrs. Dolan, to look into this project.
2. NPDES Phase II Annual Report – Mr. Cozy went over some highlights, one being that there were 1631 tons of yard waste recycled in 2003 within Plain Township. There were 592 tons of paper and glass recycled, and we are one of the most used townships in this program.

FIRE DEPARTMENT:

1. Purchase of Fuel -

#04-224

Motion by Mr. Giavasis,

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 \$6,000.00.

Seconded by Mr. Leno.

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

ROAD DEPARTMENT:

1. Clean Oil Separator -

#04-225

Motion by Mrs. Bossart,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize cleaning of the oil separator at the Road Department by Speedie Waste Removal at a cost not to exceed \$1,000.00, to be paid from Fund #11-A-06.

Seconded by Mr. Giavasis.

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

2. 2004 Projected Forced Account Storm Sewer Projects – a list was presented.

3. Basketball Hoops in Right-of-Way – Mr. Leno said that this troubled him because he felt that children should be able to play because they are not getting in trouble. He said that he had talked to Captain Perez, and Captain Perez flat out said that it is not legal to have these placed in the roadway. The Law Director, Mr. Williams, agreed. It was suggested that we put something in the summer newsletter. If these are located on the grass area, that is one thing, but they absolutely cannot be in the roadway. Mr. Giavasis also pointed out

ROAD DEPARTMENT: (continued)

that we should be more uniform, and when we see these, either the Sheriff or the Road Department should send a letter asking people to remove them from the roadway.

4. Repair of Truck #10 –

#04-226

Motion by Mr. Giavasis,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to authorize the payment to Gator's Precision Auto for repair to Plain Township Road Department Truck #10 from portable basketball hoop damage not to exceed One Thousand Dollars (\$1000.00) insurance deductible from fund 3-A-06.

Seconded by Mr. Leno.

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

5. Replacement of Mailbox – discussion with regard to the

replacement of a mailbox at the cost of \$405 on Bucknell Circle. The individual is going to replace it himself and wanted \$200 worth of labor (\$25 per hour). The Board decided they would not pay the labor charge but they would pay for the materials. They will continue to look at putting something in our regulations regarding a cap or some other feature for mailboxes.

6. Saratoga Downspouts – discussion with regard to the new Saratoga Hills Allotment. The developer wanted to place the downspouts underneath our roads so that they would drain on the other side of the street. Mr. Iacino said there are other ways this can be accomplished and he was not at all comfortable placing them under our roads. If one would clog, we would have to tear up our road, and he said that he told Mr. Underwood the answer is no. The Board agreed.

ZONING DEPARTMENT:

1. Refund for Conditional Use Application -

#04-227

Motion by Mr. Leno,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize a refund in the amount of \$189.78 to Mike Eslich, 4424 Broadway Avenue NE, Louisville, Ohio 44641 for a Board of Zoning Appeals Conditional Use Application (Per Receipt #9937).
Seconded by Mrs. Bossart.
Vote: Mrs. Bossart, yes; Mr. Leno, yes; Mr. Giavasis, yes.

2. Set Public Hearing – Zoning Amendment 533 –

#04-228

Motion by Mr. Giavasis,
WHEREAS, the Plain Township Zoning Commission conducted a public hearing on Zoning Amendment #533 on March 17, 2004; 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 #533 on April 13, 2004 at 7:30 PM at the Plain Township Hall and to further instruct and authorize the Plain Township Clerk to prepare and publish notice of the

ZONING DEPARTMENT: (continued)

public hearing in the Repository on Saturday, April 3, 2004.
Seconded by Mrs. Bossart.

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

PARKS & RECREATION:

1. Glen Oak Soccer Boosters Concession Agreement –

#04-229

Motion by Mr. Leno,

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 Mrs. Bossart.

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

2. Replacement of Lower Barn Doors –

#02-230

Motion by Mrs. Bossart,

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the installation of three replacement barn doors at Diamond Community Park by Wayne Dalton for the amount of \$1,228.00.

Seconded by Mr. Giavasis.

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

COMMUNICATIONS:

1. Brett & Michelle Rosetti – wishing to purchase a portion of land near Fire Station #3.
2. ODOT (Noise Barriers) – letting the residents know that the Woodridge noise wall would not be built, however, there would be an extension of a smaller version for the two properties that wanted some type of noise abatement.
3. R. W. Allen – he felt that our snow ban was discriminatory.
4. ODOT (Market St. Resurfacing) – announcing a meeting on March 30 at 1:00 p.m. regarding resurfacing of Route 43.
5. Stark County Engineer – to Mr. and Mrs. Frank DeSantis, regarding the Columbus and Harmont project and the need to acquire a portion of their land.
6. Robert Robertson – President of Pembroke Homeowners Association – talking about a vacant lot in Pembroke and thanking the Township for their increased standards during the summer months on taking care and mowing vacant lots.

7. **Bob Manfull – complaining about the snow ban violation.**

APPROVAL OF MINUTES:

#04-230 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 March 9, 2004 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 9, 2004 as presented.
Seconded by Mr. Giavasis.
Vote: Mrs. Bossart, yes; Mr. Leno, abstain; Mr. Giavasis, yes.

#04-231 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 special
meeting held March 16, 2004 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 16, 2004 as presented.
Seconded by Mrs. Bossart.
Vote: Mrs. Bossart, yes ; Mr. Leno, yes; Mr. Giavasis, yes.

EXECUTIVE SESSION:

#04-232 Motion by Mr. Giavasis,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,
Stark County, Ohio to adjourn to executive session at 8:04 p.m. from
this regular meeting of March 22, 2004 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;
preparing for, conducting or reviewing negotiations or bargaining
sessions with public employees.
Seconded by Mrs. Bossart.
Vote: Mrs. Bossart, yes ; Mr. Leno, yes; Mr. Giavasis, yes.

#04-233 Motion by Mr. Giavasis to return to regular session at 11:48 p.m.
Seconded by Mrs. Bossart.
Vote: Mrs. Bossart, yes ; Mr. Leno, yes; Mr. Giavasis, yes.

ANNOUNCEMENTS:

#04-234 Motion by Mr. Giavasis,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,

Stark County, Ohio, to hire Robert Smalley for the seasonal athletic field maintenance position for Diamond Community Park at a pay rate of \$7.00 per hour, effective March 29, 2004, with a probationary period of 60 days.

Seconded by Mr. Leno.

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

ADJOURNMENT:

#04-235 Motion by Mrs. Bossart,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees,
Stark County, Ohio to adjourn at 11:50 p.m.
Seconded by Mr. Giavasis.
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
Clerk