

2600 Easton St. NE
Canton, OH 44721

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September 25, 18

REGULAR MEETING

OPENING: The regular meeting was called to order at 6:00 p.m. President John Sabo led the pledge of allegiance.

ATTENDANCE:

John Sabo, Albert Leno, II, Scott Haws, Lisa Campbell, Eric Williams, Chief Shalenberger, Rob Steinberg, Paul Birk, Thomas Ferrara and Thomas Wolf. Joe Iacino was excused due to illness. Media: Canton Repository.

AGENDA: The agenda was presented and Eric added Law Director #1 – Easement Acquisition.

SHERIFF'S REPORT:

- 1. Monthly Report

UNFINISHED BUSINESS:

- 1.

NEW BUSINESS:

- 1.

FISCAL OFFICER'S REPORT:

1. Pending Warrants
#18-480 Motion by Mr. Sabo,
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 \$328,530.59, as attached hereto and made a part of these minutes.

Seconded by Mr. Leno.

Vote: Mr. Haws, abstain; Mr. Sabo, yes; Mr. Leno, yes.

2. Regular Payroll
#18-481 Motion by Mr. Haws,
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 \$250,000.00.

Seconded by Mr. Leno.

Vote: Mr. Haws, yes; Mr. Sabo, yes; Mr. Leno, yes.

3. Medical Claims
#18-482 Motion by Mr. Haws,
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>
09/13/18	37847	\$ 13,344.37
09/20/18	37852	\$29,238.40

Seconded by Mr. Leno.

Vote: Mr. Haws, yes; Mr. Sabo, yes; Mr. Leno, yes.

- 4. Investment Report
- 5. Bank Reconciliation
- 6. Transfer of Funds

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Motion by Mr. Haws,
BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees,
Stark County, Ohio, to authorize the following transfers:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
<u>Road</u>		
03-C-03 -- Contracts	03-A-10B – Telephone	\$1,450.00
03-C-03 – Contracts	03-A-10C – Electricity	\$5,160.00
11-B-03 – Contracts	11-A-12A – Tax Collections	\$2,125.00

Seconded by Mr. Leno.
Vote: Mr. Haws, yes; Mr. Sabo, yes; Mr. Leno, yes.

#18-484

7. EMS Refund
Motion by Mr. Haws,
BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees,
Stark County, Ohio, to authorize a refund as follows for overpayments
for Emergency Medical Services as requested by Ohio Billing, Inc.:

<u>PAYABLE TO</u>	<u>AMOUNT</u>
Medical Mutual (Deann Covey)	\$283.62
Total	\$283.62

Seconded by Mr. Sabo.
Vote: Mr. Haws, yes; Mr. Sabo, yes; Mr. Leno, yes.

ADMINISTRATOR:

#18-485

1. House Bill 602
Motion by Mr. Haws,
BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees,
Stark County, Ohio,

WHEREAS, a small number of municipalities across Ohio have been charging outside communities a higher rate for water and sewer than they charge their own residents, even when the municipality that owns the system has used Ohio and federal taxpayer funding to create their system; and

WHEREAS, upon investigation certain duly-elected Ohio Representatives have learned that the Ohio Environmental Protection Agency does not regulate pricing for these services or provide any complaint process, nor does the Public Utilities Commission of Ohio have jurisdiction over municipal utilities, **mostly as a result of Ohio's** constitutional home rule provisions; and

WHEREAS, the **Representatives' proposed solution** would be to allow municipalities to charge outside communities whatever rate they wish, as long as they do not accept state or federal funding for their systems; and

WHEEAS, if said municipalities choose to accept state or federal funding, specific proposed consumer protections should be established that would ensure fair treatment for all state and federal taxpayers; and

WHEREAS, these commonsense reforms will help to ensure all Ohio taxpayers are treated fairly and given a reasonable, non-political opportunity to access a basic human need, to wit, clean water at fair prices, and

WHEREAS, the municipality supplying the water and/or sanitary sewer utility to township residents and business often provides no rational reason for charging township residents more than residents of the supplying utility, and

WHEREAS, the township residents have no recourse but to pay the higher rates, as they cannot vote for the elected leadership of the municipality supplying the water and/or sanitary sewer utility, and

WHEREAS, clean water and wastewater treatment are essential to the health, safety and welfare of people, and it is unconscionable that public entities can resort to extortion in the provision of these utilities through excessive rates, forced annexation or revenue sharing from the supplied community;

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

Section 1. The Board of Trustees supports House Bill 602, that would allow municipalities to charge outside communities whatever rate they wish, as long as they do not accept state or federal funding for their systems.

Section 2. The Board of Trustees supports legislation that would require municipalities that accept state or federal funding to comply with the following three consumer protections to ensure fair treatment for all state/federal taxpayers:

- A.) The municipality must charge rates that do not discriminate based on where a **customer resides**. **The municipality's rates** may include normal factors, such as usage, actual cost of service, repayment of infrastructure and any other reasonable factor that is not based solely on where the customer lives. If a municipality spends its own general revenue fund to subsidize its own residents, that would remain an allowable practice.
- B.) The municipality must refrain from engaging in abusive practices, such as forced annexation, revenue sharing or other economic development warfare tactics that are unrelated to actual cost or ability to serve.
- C.) If a municipality is not already part of one, it shall participate in a regional EPA Section 208 area-wide council of governments, with a requirement that no one municipality can hold more than 50% of the voting control if there are two communities and no more than 30% of the voting if there are three or more; and

Section 3. The Fiscal Officer is directed to forward a copy of this resolution by email or other means to Representative Thomas West, Representative Kirk Schuring, Senator Scott Oelslager, the Speaker of the Ohio House of Representatives Ryan Smith, Ohio Senate President **Larry Obhof, Ohio's Governor and Heidi Fought, Director of** Governmental Affairs for the Ohio Township Association.

Section 4. It is found and determined that all formal actions of the Plain Township Trustees concerning and relating to the adoption of this Resolution were adopted in an open meeting and that all deliberations of the Trustees and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including the Ohio Revised Code.

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Seconded by Mr. Sabo.

Vote: Mr. Haws, yes; Mr. Sabo, yes; Mr. Leno, yes.

FIRE DEPARTMENT:

1. Monthly Report
2. Payment for Rope 1 Course

#18-486

Motion by Mr. Haws,
BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the payment to Stark State College for six (6) Firefighters to attend the Rope 1 technical training course, in the amount not to exceed \$3,000.00, to be taken from Account #10-A-15A.

Seconded by Mr. Leno.

Vote: Mr. Haws, yes; Mr. Sabo, yes; Mr. Leno, yes.

3. Health Care Reimbursement

#18-487

Motion by Mr. Sabo,
BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the reimbursement to Brandon Mackall, in the amount of \$400.00 for his health care membership, according to Provision 37 of the Collective Bargaining Agreement, to be taken from Account #10-A-15.

Seconded by Mr. Leno.

Vote: Mr. Haws, yes; Mr. Sabo, yes; Mr. Leno, yes.

4. Promote Four (4) Firefighters to Lieutenants

#18-488

Motion by Mr. Haws,
BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees, Stark County, Ohio, to promote James Russell II, Brandon Ogden, Adam Farley and Ben Magee to the position of Lieutenant, effective 0700 hours on January 1, 2019. Wages and benefits will be set by the current Collective Bargaining Agreement with the I.A.F.F. Local 2967.

Seconded by Mr. Sabo.

Vote: Mr. Haws, yes; Mr. Sabo, yes; Mr. Leno, yes.

ROAD DEPARTMENT:

1. Monthly Report
2. **Temporary “No Parking”, Bothwell Cup, Diamond Park Allotment**

#18-489

Motion by Mr. Haws,
BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees, **Stark County, Ohio, to authorize the posting of temporary “No Parking” signs for the Bothwell Cup in the Diamond Park Allotment.** On Diamond Park from 7985 to 8151 west side of street, on Notre Dame from 2584 to 2752 south side of street, on Captens from 2554 to 2400 west side of street, on Captens from 2605 to 2907 north side of street and on Gatekeeper from 2777 to 2805 north side of street and **also the posting of “No Parking at All” signs on the following streets, Maxim Cir., Dutch Cir. and Windmill Cir., to be posted October 19 and to be taken down on October 22.**

Seconded by Mr. Leno.

Vote: Mr. Haws, yes; Mr. Sabo, yes; Mr. Leno, yes.

3. **Temporary “No Parking”, Bothwell Cup, Diamond St. and Middlebranch**

#18-490

Motion by Mr. Haws,
BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees, **Stark County, Ohio, to authorize the posting of temporary “No Parking” signs for the Bothwell Cup on the north side of Diamond St.** from Middlebranch Ave. to Diamond Park St. and Middlebranch from Diamond to Prospect on west side of road, to deter parking on either side of the street, as parking in the right of ways poses danger to pedestrians, to be posted on October 19 and to be taken down on October 22.

Seconded by Mr. Sabo.

Vote: Mr. Haws, yes; Mr. Sabo, yes; Mr. Leno, yes.

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#18-491 4. Resignation Letter from Raymond Isla
Motion by Mr. Haws,
BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees,
Stark County, Ohio, to accept Raymond Isla's resignation from the
Road Department, effective October 5, 2018 at 3:30 p.m.
Seconded by Mr. Sabo.

Vote: Mr. Haws, yes; Mr. Sabo, yes; Mr. Leno, yes.

#18-492 5. Purchase Drywells for 49th St. NE Project, Lindsay Precast
Motion by Haws,
BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees,
Stark County, Ohio, to authorize the purchase and delivery of drywells
for the 49th St. NE project from Lindsay Precast, not to exceed the
amount of \$2,658.54, from Materials Fund #04-B-02.

Seconded by Mr. Sabo.

Vote: Mr. Haws, yes; Mr. Sabo, yes; Mr. Leno, yes.

ZONING DEPARTMENT:

1. Monthly Report

2. Abatements

a. 3607 Orion St. NW

#18-493 Motion by Mr. Haws,
WHEREAS, a public hearing was held on September 25, 2018 by the
Board of Trustees regarding the property conditions at 3607 Orion St.
NW, Stark County, Ohio (Parcel #5500089); and

WHEREAS, Stephen Duerr and Cynthia Ariosta 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:

- High Grass and/or Weeds
Ohio Revised Code Section 505.87 pertaining to the
accumulation of vegetation, garbage, refuse, and other debris
constituting a nuisance on property with Plain Township, and
- The nuisance(s) shall be abated or removed according to the
procedures outlined in ORC Section 505.871, and
- Notice of this decision will be provided to the property owners.

Seconded by Mr. Sabo.

Vote: Mr. Haws, yes; Mr. Leno, yes; Mr. Sabo, yes.

#18-494 b. 3801 Harmont Ave. NE
Motion by Mr. Haws,
WHEREAS, a public hearing was held on September 25, 2018 by the
Board of Trustees regarding the property conditions at 3801 Harmont
Ave. NE, Stark County, Ohio (Parcel #5219354); and

WHEREAS, Carolann Cope and Clyde Miller TTES/Miller Revocable
Trust 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:

- Trash and/or Debris
Ohio Revised Code Section 505.87 pertaining to the accumulation of vegetation, garbage, refuse, and other debris constituting a nuisance on property with Plain Township, and
- The nuisance(s) shall be abated or removed according to the procedures outlined in ORC Section 505.871, and
- Notice of this decision will be provided to the property owners.

Seconded by Mr. Sabo.

Vote: Mr. Haws, yes; Mr. Leno, yes; Mr. Sabo, yes.

c. 3306 Martindale Rd. NE

#18-495

Motion by Mr. Haws,

WHEREAS, a public hearing was held on September 25, 2018 by the Board of Trustees regarding the property conditions at 3306 Martindale Rd. NE, Stark County, Ohio (Parcel #5215839); and

WHEREAS, Larry and Ruth Bowen 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:

- Expired Registrations
Ohio Revised Code Section 4503.21 display of license plates and validation stickers or temporary license placard or windshield sticker, and
- The nuisance(s) shall be abated or removed according to the procedures outlined in ORC Section 505.871, and
- Notice of this decision will be provided to the property owners.

Seconded by Mr. Sabo.

Vote: Mr. Haws, yes; Mr. Leno, yes; Mr. Sabo, yes.

d. 3209 Root Ave. NE

#18-496

Motion by Mr. Haws,

WHEREAS, a public hearing was held on September 25, 2018 by the Board of Trustees regarding the property conditions at 3209 Root Ave. NE, Stark County, Ohio (Parcel #5205269); and

WHEREAS, Melissa Daviduk 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:

- Trash and/or Debris
Ohio Revised Code Section 505.87 pertaining to the accumulation of vegetation, garbage, refuse, and other debris constituting a nuisance on property with Plain Township, and
- The nuisance(s) shall be abated or removed according to the procedures outlined in ORC Section 505.871, and

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- Notice of this decision will be provided to the property owners.

Seconded by Mr. Sabo.

Vote: Mr. Haws, yes; Mr. Leno, yes; Mr. Sabo, yes.

3. Abatement Pays

a. 2433 Columbus Rd. NE

#18-497

Motion by Mr. Haws,

WHEREAS, the Plain Township Board of Trustees, Stark County, Ohio, has given notice to the owner of property located at 2433 Columbus Rd. NE (Parcel #5217335) to abate the nuisance on this property (Resolution #15-271) on September 25, 2018; and

WHEREAS, the Plain Township Board of Trustees provided for said abatement through the services of Plain Township Maintenance Department at a cost of \$669.78; and

WHEREAS, the Plain Township Board of Trustees incurred costs for services and notification in the amount of \$32.90;

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees, Stark County, Ohio, to instruct the Fiscal Officer to forward to the Stark County Auditor the Report to County Auditor of Township Action Regarding Abatement of a Nuisance certifying the total cost of \$702.68 to be placed on the property **owner's tax duplicate.**

Seconded by Mr. Sabo.

Vote: Mr. Haws, yes; Mr. Sabo, yes; Mr. Leno, yes.

b. 3803 Ennis Cir. NE

#18-498

Motion by Mr. Haws,

WHEREAS, the Plain Township Board of Trustees, Stark County, Ohio, has given notice to the owner of property located at 3803 Ennis Cir. NE (Parcel #5208322) to abate the nuisance on this property (Resolution #15-271) on September 25, 2018; and

WHEREAS, the Plain Township Board of Trustees provided for said abatement through the services of Plain Township Maintenance Department at a cost of \$288.81; and

WHEREAS, the Plain Township Board of Trustees incurred costs for services and notification in the amount of \$40.80;

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees, Stark County, Ohio, to instruct the Fiscal Officer to forward to the Stark County Auditor the Report to County Auditor of Township Action Regarding Abatement of a Nuisance certifying the total cost of \$329.61 **to be placed on the property owner's tax duplicate.**

Seconded by Mr. Sabo.

Vote: Mr. Haws, yes; Mr. Sabo, yes; Mr. Leno, yes.

c. 1321 30th St. NE

#18-499

Motion by Mr. Haws,

WHEREAS, the Plain Township Board of Trustees, Stark County, Ohio, has given notice to the owner of property located at 1321 30th St. NE (Parcel #5202016) to abate the nuisance on this property (Resolution #15-271) on September 25, 2018; and

WHEREAS, the Plain Township Board of Trustees provided for said abatement through the services of Plain Township Maintenance Department at a cost of \$288.81; and

WHEREAS, the Plain Township Board of Trustees incurred costs for

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services and notification in the amount of \$32.90;

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees, Stark County, Ohio, to instruct the Fiscal Officer to forward to the Stark County Auditor the Report to County Auditor of Township Action Regarding Abatement of a Nuisance certifying the total cost of \$321.71 **to be placed on the property owner's** tax duplicate.

Seconded by Mr. Sabo.

Vote: Mr. Haws, yes; Mr. Sabo, yes; Mr. Leno, yes.

PARKS DEPARTMENT:

- 1. Monthly Report
- 2. Christina Taylor

#18-500

Motion by Mr. Haws,
BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees, Stark County, Ohio, to **increase Christina Taylor's pay rate from** \$9.29/hr. to \$10.00/hr. from Fund #14-A-01B, for duties performed for the Township Parks Department. This change is to be retroactive and effective as of September 9, 2018.

Seconded by Mr. Sabo.

Vote: Mr. Haws, yes; Mr. Sabo, yes; Mr. Leno, yes.

- 3. Diamond Parking Lot

#18-501

Motion by Mr. Haws,
BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees, Stark County, Ohio, to authorize payment to Central Allied, in the amount of \$6,100.00, to be taken from Fund #01-B-02.

Seconded by Mr. Sabo.

Vote: Mr. Haws, yes; Mr. Sabo, yes; Mr. Leno, yes.

- 4. Fall Fest

- 5. **Payment to Know Your Roots, Farmer's Market Coordination**

#18-502

Motion by Mr. Haws,
BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees, Stark County, Ohio, to authorize payment to Know Your Roots, in the amount of \$3,162.50, to be taken from Fund #01-F-**o8L, for Farmer's** Market coordination.

Seconded by Mr. Sabo.

Vote: Mr. Haws, yes; Mr. Sabo, yes; Mr. Leno, yes.

- 6. Tournament Event Rates

#18-503

Motion by Mr. Haws,
BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees, Stark County, Ohio, to determine rates for tournaments/events based on operating costs on a case-by-case basis.

Seconded by Mr. Sabo.

Vote: Mr. Haws, yes; Mr. Sabo, yes; Mr. Leno, yes.

LAW DIRECTOR:

- 1. Easement Acquisition

#18-504

Motion by Mr. Haws,
BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees, Stark County, Ohio, that Plain Township pay to PawPaws Top Shelf Enterprises, LLC the amount of \$2,500.00, in order to obtain an easement for the Storm Sewer Project, as outlined in the Appropriation Petition and accompanying documents filed in the Stark County Court of Common Pleas;

BE IT FURTHER RESOLVED, that this should terminate the Appropriation Petition action filed in the Stark County Court of Common Pleas;

BE IT FURTHER RESOLVED, that the Township Administrator Lisa Campbell be authorized to effectuate any necessary documents to finalize this agreement on behalf of the Plain Township Board of

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Trustees.
Seconded by Mr. Sabo.
Vote: Mr. Haws, yes; Mr. Sabo, yes; Mr. Leno, yes.

COMMUNICATIONS:

- 1. Thank You to Rob Steinberg from Plain Local Schools
Lisa read the attached letter

PUBLIC SPEAKS:

None.

CONCERNS OF TRUSTEES:

None.

CONCERNS OF FISCAL OFFICER:

None.

APPROVAL OF MINUTES:

September 11, 2018

#18-505

Motion by Mr. Haws,
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 September 11, 2018 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 regularly held meeting held September 11, 2018, as presented.

Seconded by Mr. Sabo.
Vote: Mr. Haws, yes; Mr. Sabo, yes; Mr. Leno, yes.

EXECUTIVE SESSION:

None.

ADJOURNMENT:

#18-506

Motion by Mr. Sabo,
BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees, Stark County, Ohio, to adjourn at 6:29 p.m.
Seconded by Mr. Haws.
Vote: Mr. Haws, yes; Mr. Leno, yes; Mr. Sabo, yes.

John A. Sabo
Trustee

Albert P. Leno, II
Trustee

Scott Haws
Trustee

ATTEST: _____
Thomas W. Wolf
Fiscal Officer