

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, Scott Haws, Al Leno, Lisa Campbell, Joe Iacino, Chief Shalenberger, Eric Williams, Rob Steinberg, and Thomas Wolf. Thomas Ferrara was excused from the meeting. Media: none

AGENDA: The agenda was presented – Mr. Leno added Concerns of Trustees. The agenda stands as edited.

EXECUTIVE SESSION:

#19-540 Motion by Mr. Sabo,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to adjourn to executive session at 6:01 p.m. from this regular meeting of 11/26/19 as authorized under Ohio Revised Code 121.22(G) for the consideration of:

3. A conference with the law director or other retained counsel concerning pending or imminent court action

Seconded by Mr. Haws.

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

#19-541 Motion was made by Mr. Haws to return to public session at 6:09 p.m.

Seconded by Mr. Sabo.

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

SHERIFF'S REPORT:

1. Monthly Report

Sgt. Konic presented the Monthly Report.

Mr. Sabo asked if anyone in the audience had concerns for the

Sheriff's office. Jenny Seger (5955 Linder Cir. NE) said her next door

neighbors, who are renters, are breeding dogs. She said they have up to 14 dogs in pens in the backyard and she has called **the Sheriff's**

Office about excessive barking. She said the neighbor has been using collars on the dogs to control the barking, which has resulted in a

decrease, but it is still a problem. She said the Health Dept and Dog Warden have been called about the smell and living conditions of the dogs. Mrs. Campbell said the neighbor does not have the authority to

run a business out of his home. Lt. Carver said his department has issued numerous citations to the neighbor but has not witnessed the excessive barking his self. He said although he cannot go into details, his department is working on investigative tools to help them remedy the situation. Mrs. Campbell said they are working behind the scenes, gathering information and the neighbor is running a business without a license. She said the neighbor will have to come before the Board of Zoning Commission to get properly licensed. She encouraged all the neighbors to attend the meeting to voice their concerns. Sue Garver (5915 Linder Cir. NE) said her property is zoned residential and rural and asked if that made a difference. Mr. Haws said it does not make a difference, as it is still considered residential. Mrs. Campbell said she has found that other townships put in legislation on how many dogs may be kept on a property when the dogs are kept outside, but has not found anything if the dogs are kept inside. Jim Seger (5955 Linder Cir. NE) asked if Plain Township has any regulations on how may pets or what type of pets can be kept on a property.

Mr. Haws said they will look at all factors before making a legislation change for Plain Township. Mr. Seger said the disruption has been going on for a year and a half, and the neighbors just want their peaceful neighborhood back. Jenny Seger said there is a safety issue as well. She said the dogs the neighbor has been breeding are huge and some run loose. She said her kids cannot bring their dogs over

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to run in their backyard, as they are afraid the neighbor’s dogs will attack. Kim Burns (5960 Linder Cir. NE) spoke to back up what the Segers are saying about the neighborhood. Mrs. Campbell told all of **the neighbors to call the Sheriff’s Office every time there is an issue with neighbor’s dogs. Mr. Sabo thanked all the residents for coming** to the meeting and voicing their concerns. He explained the steps the Township is going to make to remedy the situation.

Tracey Rohr (2514 Clarendon Ave) expressed concerns about the noise level from the Hall of Fame events. She said some nights she could hear noise until 1am. She said it has become more frequent. Mr. Haws said they have reached out to the Hall of Fame about the **resident’s complaints, but the concerns have been ignored. Mr. Sabo** said that they can only enforce noise complaints coming from the Township. Mr. Haws said they will try again to communicate the concerns of the residents to the Hall of Fame village and the mayor and police departments in the City of Canton. Ms. Rohr expressed concern about her street getting annexed in the City of Canton. Mr. Haws said the residents can not be forced to sell their property to the City, it has to be a mutually agreed upon arrangement. Mr. Haws said the Board of Trustees would fight for the residents if there was a case of imminent domain. Ms. Rohr also expressed concerns about businesses still operating out of garages in her neighborhood and creating a lot of noise.

UNFINISHED BUSINESS:

1. None

NEW BUSINESS:

1. Set Date Hearing Date for Zoning Resolution Text Amendment - #574-19 & #575-19

#19-542

Motion by Mr. Sabo,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to set a hearing date to consider the Board of Zoning **Commission’s recommendations for Zoning** Resolution Text Amendment #574-19, revising Article VII, District Regulations; to **remove Type “C” “Skilled-Based Amusement Machines” as a permitted use in the B-2, and I-1 Zoning Districts,** and a text revision in Section 722.2(A)(13). The hearing will be set for the next Trustee meeting which will take place on December 10, 2019 at 6:15 pm.

Seconded by Mr. Leno.

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

#19-543

Motion by Mr. Haws,
CLOUT Membership for 2020
WHEREAS, membership in the Coalition of Large Ohio Urban Townships (CLOUT) is a benefit to Plain Township;
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize membership in CLOUT for the year 2020 and to authorize payment of \$200, from fund #01-A-26E.

Discussion: Mr. Haws explained what CLOUT is and how it can benefit the township.

Seconded by Mr. Sabo.

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

FISCAL OFFICER’S REPORT:

1. Pending Warrants

#19-544

Motion by Mr. Haws,
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 \$686,968.35 as attached hereto and made a part of these minutes.

Seconded by Mr. Leno.

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

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#19-545 2. Regular Payroll
Motion by Mr. Sabo,
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. Haws.
Vote: Mr. Haws, yes; Mr. Sabo, yes; Mr. Leno, yes.

#19-546 3. Medical Claims
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>
11/14/19	40943	\$26,324.26
11/21/19	40966	\$15,800.78

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

#19-547 4. Investment Report
5. Annual Liquor Permit Renewals
Motion by Mr. Haws,
WHEREAS, Plain Township, Stark County is a member of the Ohio
Township Association Risk Management Authority (OTARMA), a
political subdivision risk pool established pursuant to Ohio Revised
Code hereinafter **“ORC,” 2744.081;**
WHEREAS, House Bill 291 was signed into law on December 20,
2018 and became effective March 20, 2019; authorizes the use of an,
“employee dishonesty and faithful performance of duty policy,”
instead of individual surety bonds, for trustees, employees, and
appointees who are otherwise required by law to acquire a bond
before entering upon the discharge of duties; and

WHEREAS, in accordance with ORC 3.061, the township must adopt
a policy by resolution to allow the use of an **“employee dishonesty
and faithful performance of duty”** coverage document, rather than a
surety bond, to cover loss by fraudulent or dishonest actions of
employees and failure of employees to faithfully perform duties; the
following shall apply to the policy:

1. An officer, employee, or appointee shall be considered qualified to hold the office or employment, without acquiring a bond, on the date the oath of office is taken, certified, and filed as required by law.
2. An officer, employee, or appointee shall have the employee dishonesty and faithful performance of duty policy in effect before the **individual’s term of office or employment and the officer, employee or appointee shall not commence the discharge of duties until coverage is documented.**
3. All officers, employees, or appointees who would otherwise be required to file a bond before commencing the discharge of duties shall be covered by and are subject to the employee dishonesty and faithful performance of duty policy instead of a surety bond requirement.
4. The coverage amount for an officer, employee, or appointee under an employee dishonesty and faithful performance of duty policy shall be equal to or greater than the maximum amount of the bond otherwise required by law.
5. Elected officials, prior to taking the oath of office and holding office, shall obtain approval of the intent to use **the township’s OTARMA coverage agreement and affirm that the township’s coverage complies with ORC 3.061.** Said approval shall be obtained by Plain Township, Stark County.

WHEREAS, Plain Township, Stark County’s, “employee dishonesty

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and faithful performance of duty policy” through the OTARMA coverage document complies with ORC 3.061: and

NOW, THEREFORE, BE IT RESOLVED, that on November 26, 2019, Plain Township, Stark County hereby authorizes the township to purchase and use “employee dishonesty and faithful performance of duty policy” through OTARMA instead of individual surety bonds for officers, employees, and appointees who are otherwise required by law to acquire a bond before entering upon the discharge of duties.

Seconded by Mr. Sabo.

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

#19-548

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>
Anthem Blue Cross (Patricia Santin)	\$ 238.72
Jean Thompson	\$ 85.29
Summacare (Mona Sheldon)	\$ 246.53
Total	\$ 570.54

Seconded by Mr. Leno.

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

#19-549

Motion by Mr. Haws,

BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees, Stark County, Ohio, to the following transfers:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
<u>Admin</u>		
01-B-02-Improvement of Sites	01-B-06A – Equip Vehicles & Mowers	\$ 20,000.00
01-B-02-Improvement of Sites	01-A-26W –Workplace Safety	\$ 20,000.00

Seconded by Mr. Sabo.

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

#19-550

Motion by Mr. Haws,

BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees, Stark County, Ohio, to approve the attached Record Retention Schedule (RC-2) as prepared by the Plain Township Fiscal Officer; and

BE IT FURTHER RESOLVED to authorize the Plain Township Fiscal Officer, upon approval, to submit the attached Record Retention Schedule (RC-2) to the Ohio History Connection – State Archives per O.R.C 149.381(B).

Seconded by Mr. Sabo.

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

ADMINISTRATOR:

1. Purchase of (1) 2020 Sheriff Cruiser from Waikem Auto Family

#19-551

Motion by Mr. Haws,

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize and approve payment for (1) 2020 Explorer Interceptors (sheriff cruiser) from Waikem Auto Family at a cost of \$35,887.00/each plus 45-day tags at a cost of \$18.50/each not to exceed \$35,905.50 from Fund #21-A-02M.

Discussion: Mrs. Campbell said this purchase will come out of the capital fund set aside for such purchases. This will allow the township to have a vehicle for every officer.

Seconded by Mr. Leno.

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

2. Sale of Scrap Metal-Cruiser

#19-552

Motion by, Mr. Haws.

WHEREAS, Ohio Revised Code Section 505.10(A) Provides that the Board of Trustees may sell property at private sale, if the Board

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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; Sheriff Cruiser Salvaged:

- 1. VIN-- 2FAHP71V78X145394

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio that said scrap metal be sold.

Seconded by Mr. Sabo.

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

- 3. Accept the proposed extension of the current policing agreement with the **Stark County Sheriff's Office**

#19-553

Motion by, Mr. Haws.

BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees, Stark County, Ohio, to agree to the proposed extension per the attached letter for the current policing agreement with the **Stark County Sheriff's Office for Plain Township policing services until such** time as their union negotiations are completed.

Seconded by Mr. Sabo.

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

- 4. Adoption of the Revised Public Records Notice

#19-554

Motion by Mr. Haws,

BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees, Stark County, Ohio, to accept and adopt the attached updated public records policy.

Seconded by Mr. Leno.

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

- 5. Purchase of new mower

#19-555

Motion by, Mr. Sabo.

BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the purchase and payment to Homer Unkefer Inc. for a Kubota ZD1511LF -72 zero turn mower in an amount not to exceed \$17,700 to be paid from fund# 01-B-06A.

Discussion: Mr. Steinberg said the township is in need of a safer and updated mower.

Seconded by Mr. Leno.

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

FIRE DEPARTMENT REPORT:

- 1. Monthly Report
- 2. Reimbursement Health Care

#19-556

Motion by Mr. HAWS,

BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the reimbursement to Ronald DiFrancesco in the amount of \$400.00 for Health Care Membership according to Provision 37 of the Collective Bargaining Agreement, to be taken from account #10-A-15.

Seconded by Mr. Sabo.

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

- 3. Purchase a Step Van

#19-557

Motion by Mr. Haws,

BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the purchase and payment of a 2019 **Morgan Olson 17'-4" Walk-in** Step Van from Auto Park Fleet in the amount not to exceed \$58,000.00, including the listed options, to be taken from Account #10-A-08.

Discussion: Chief Shalenberger said this van will replace the one they have been using from the 1980s.

Seconded by Mr. Sabo.

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

- 4. Reimbursement Health Care

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- #19-558 Motion by Mr. Haws,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize the reimbursement to Eric Keagy in the amount of \$400.00 for 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. Leno, yes; Mr. Sabo, yes.

ROAD DEPARTMENT REPORT:

1. Monthly Report
2. Payment to Stark County Engineers-participation with Whipple Ave. Resurfacing Project.

- #19-559 Motion by Mr. Haws,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to authorize payment to Stark County Engineers for Plain **Township's participation in the Whipple Ave Resurfacing** Project. Not to exceed the amount of \$25,000.00 from fund 11-B-03 Contracts.
Seconded by Mr. Sabo.
Vote: Mr. Haws, yes; Mr. Leno, yes; Mr. Sabo, yes.

3. Agreement with Canton City Water-New Storm Sewer Line Intersection of Taft Ave NE & 26th St NE

- #19-560 Motion by Mr. Sabo,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to authorize Plain Township to enter into agreement with Canton City Water for the installation of a new storm sewer line at or near the intersection of Taft Ave. N.E. and 26th St. N.E. Agreement attached and made part of these minutes.
Discussion: The City of Canton will do all of the construction and Plain Township will maintain it.
Seconded by Mr. Leno.
Vote: Mr. Haws, yes; Mr. Leno, yes; Mr. Sabo, yes.

4. Speed Signs on Firestone
Mr. Iacino presented a proposal for speed signs on Firestone Ave. Mrs. Campbell said speed on Firestone is an issue. Lt. Carver said these signs do tend to slow down speeders. Mr. Haws said he would like to gather more data before making a decision on the purchase. Mrs. Campbell asked Lt. Carver to get a quote on a speed trailer.

- #19-561 5. Change Order for Classical Construction
Motion by Mr. Haws,
BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees, Stark County, Ohio, to agree to the change order in the increased amount of \$5,000.00 from Classical Construction for additional concrete for the interior floor of the new storage building.
Seconded by Mr. Sabo.
Vote: Mr. Haws, yes; Mr. Leno, yes; Mr. Sabo, yes.

ZONING DEPARTMENT REPORT:

1. Monthly Report

PARKS DEPARTMENT REPORT:

1. Monthly Report
2. Winterfest Reminder
Mr. Steinberg reminded everyone that Winterfest is being held Friday, December 6th from 6pm-9pm.

LAW DIRECTOR:

None.

COMMUNICATIONS:

1. **Thank you to the Sheriff's Department**
Lisa read the attached letter
2. **Thank you to the Sheriff's Department from The Poor Clare Nuns** of Perpetual Adoration
Lisa read the attached letter

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- 3. Thank you to The Fire Department
Lisa read the attached letter

PUBLIC SPEAKS:

- 1. None

CONCERNS OF TRUSTEES:

- 1. Mr. Leno expressed concerns about the Yard Waste closing on November 30th. He said there are still quite a few leaves on the trees. A resident said she still has many leaves in her yard and can not fit them in her trash can to be hauled away.

CONCERNS OF FISCAL OFFICER:

- 1. None.

APPROVAL OF MINUTES:

1. November 12, 2019
#19-562 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 November 12, 2019 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 November 12, 2019, as presented.
Seconded by Mr. Sabo.
Vote: Mr. Sabo, yes; Mr. Haws, yes; Mr. Leno, yes.

EXECUTIVE SESSION:

#19-563 Motion by Mr. Sabo,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to adjourn to executive session at 6:40 p.m. from this regular meeting of 11/26/19 as authorized under Ohio Revised Code 121.22(G) for the consideration of:

- 1. (b) employment of a public employee or official
(f) compensation of a public employee or official
- 2. (a) the purchase of real, personal, tangible or intangible property
- 3. a conference with the law director or other retained counsel concerning pending or imminent court action.

Seconded by Mr. Haws.

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

#19-564 Motion was made by Mr. Haws to return to public session at 8:13pm.
Seconded by Mr. Sabo.
Vote: Mr. Sabo, yes; Mr. Haws, yes, Mr. Leno, yes.

#19-565 Motion by Mr. Haws,
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, to enter into the attached Agreement with Precision Muscular Mechanics, to address our BWC claims by implementing, (36) ART therapy sessions per month, not to exceed \$1,800.00 to be paid from fund #01-A-26W.
Seconded by Mr. Sabo.

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

#19-566 Motion by Mr. Haws,
WHEREAS, ORC 507.021 states: the Township Fiscal Officer may hire and appoint one or more persons as the Fiscal Officer finds necessary to provide assistance to the Township Fiscal or Deputy Fiscal Officer.
WHEREAS, ORC 507.021 states: the Township Fiscal Officer may set the compensation of those persons subject to the prior approval of the Board of Township Trustees. Those persons shall serve at the pleasure of the Township Fiscal Officer or, in the absence of the Township Fiscal Officer, the Deputy Fiscal Officer.
WHEREAS, ORC 507.021 states: the Township Fiscal Officer may delegate to an assistant any of the duties the Fiscal Officer is

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otherwise required to perform. The appointment of assistants does not relieve the Township Fiscal Officer of the responsibility to discharge the duties of the office but shall serve to provide assistance to the Fiscal Officer in performing those duties.

WHEREAS, ORC 507.021(B) states: the compensation of an assistant appointed under this section shall be included in the estimate of **contemplated expenditures for the Township Fiscal Officer's office** that is submitted to the Board of Township Trustees for approval as provided in 5705.28 of the Revised Code.

WHEREAS, ORC 507.021(C) states: before serving, an assistant to the Township Fiscal Officer shall give bond for the faithful discharge of the duties of the office as may be delegated by the Fiscal Officer. The bond shall be payable to the Board of Township Trustees and shall be for the same sum as required under section 507.03 of the Revised Code for the Township Fiscal Officer, with sureties approved by the board, and conditioned for the faithful performance of duties delegated by the Fiscal Officer. The bond shall be recorded by the Township Fiscal Officer, filed with the county Treasurer, and carefully preserved.

WHEREAS, the Plain Township Fiscal Officer has requested the approval of compensation for an assistant to the fiscal officer as outlined in ORC 507.021.

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to hire Patricia Stahl to the position of part-time Financial Assistant;

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to approve the compensation for Patricia Stahl as a part-time Financial Assistant to the Township Fiscal Officer as outlined in ORC 507.021 (A) (B) (C) at the rate of \$13.00 per hour with no benefits beginning December 2, 2019 all pending pre-employment drug & alcohol screening results.

Seconded by Mr. Sabo.

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

#19-567

Motion by Mr. Sabo,

BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio, **to enter into the attached "Settlement Agreement and General Release"**

Seconded by Mr. Haws.

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

ADJOURNMENT:

#19-568

Motion by Mr. Sabo,

BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees, Stark County, Ohio, to adjourn at 8:15 p.m.

Seconded by Mr. Haws.

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

John A. Sabo
Trustee

Albert P. Leno, II
Trustee

Scott Haws
Trustee

ATTEST: _____
Thomas W. Wolf
Fiscal Officer