

**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.

There was a well attended audience to witness the ceremony presentation of helmets and plaques to six firefighters that had a combined 187 years of service. The meeting was opened by Chief John Sabo who had a few comments and directed the presentation

**EXECUTIVE SESSION:**

#09-165 Motion by Member Leno,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to adjourn to executive session at 6:15 p.m. from this regular meeting of May 12, 2009 as authorized under Ohio Revised Code 121.22(G) for the purpose of the consideration of:

1. (b) employment of a public employee or official  
(d) discipline of a public employee or official  
(e) promotion or demotion 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 Member Bossart.

Vote: Member Bossart, yes; Member Leno, yes; Chairman Giavasis, yes.

#09-166 Motion was made by Chairman Giavasis to return to public session at 6:59 p.m.

Seconded by Member Bossart.

Vote: Member Bossart, yes; Member Leno, yes; Chairman Giavasis, yes.

**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, Chuck Kegley and Steve Peroz. Media present: **Betty O’Neil**-Roderick, Akron Beacon Journal.

**AGENDA:** The following was added to the agenda: Concerns of Citizens #2 was moved to Communications #3 – Lucy Pelaso; Administrator #4 – Medical Benefits; **Joe Iacino added to the Sheriff’s report #1** – No Parking on McDowell; Lou Giavasis added to Parks & Facilities - #3A – Mary Price, #3B – Kenneth Wilzoch, #3C – Anthony John Desarro; to the Road Department #4A – Scott Mercer and 4B – Cory Baker and **to the Sheriff’s Report #2** – Marellis Suspicious Person & Vehicle. The agenda was accepted.

**SHERIFF’S REPORT:**

1. No Parking on McDowell – Mr. Iacino looked at the situation and it came as a recommendation from Ryan Hostetler, our Township Detective that the signs on McDowell actually should read **“No Parking During All School and Sporting Events.”**
2. Marellis Suspicious Person & Vehicle – this is off of Schneider **and the license number has been given to the Sheriff’s** Department.

**UNFINISHED BUSINESS:**

1. Department of Liquor Control - Legends  
The Trustees have no objections to the request.

**NEW BUSINESS:**

- #09-167 1. Resignation of Robert Pool  
Motion by Chairman Giavasis,  
BE IT HEREBY RESOLVED by the Plain Township Board of  
**Trustees, Stark County, Ohi to accept Robert Pool’s resignation**  
effective June 2, 2009.  
Seconded by Member Leno.  
Discussion: Mrs. Campbell said this position would not be filled  
with a replacement.  
Vote: Member Leno, yes; Member Bossart, yes; Chairman Giavasis, yes.
- #09-168 2. Amend Certificate  
Motion by Chairman Giavasis,  
WHEREAS, the Plain Township Trustees were notified and  
received an Additional Amended Certificate from the Stark County  
Auditor dated April 14, 2009 for the reduction in Local  
Government Funds for the year 2009;  
BE IT HEREBY RESOLVED by the Plain Township Board of  
Trustees, Stark County, Ohio to authorize the Plain Township  
Fiscal Officer to reduce Receipt Account 1000-3532 – Local  
Government Distribution by \$47,591.09 to \$484,756.11;  
AND BE IT HEREBY FURTHER RESOLVED by the Plain  
Township Board of Trustees to reduce the appropriations of the  
following funds:  
1000-4330-360-6010–Contracts–Applegrove Proj (\$22,591.09)  
1000-4390-370-0000-Contractual Serv–Water (\$25,000.00)  
Seconded by Member Bossart.  
Vote: Member Leno, yes; Member Bossart, yes; Chairman Giavasis, yes.
3. Nick Hammer – Stark County Health Department was present to  
introduce himself. He is now our representative.

**BICENTENNIAL UPDATE:**

1. Update of Events – Mr. Rick Campbell gave a very thorough  
update on the Bicentennial Events and thanked the Township,  
their staffs and departments for their help to this point. He said  
this Saturday there will be a tree dedication at Warstler Cemetery  
in honor of the Veterans. The Cemetery will also be celebrating  
their 200<sup>th</sup> birthday with some information from the Historical  
Society and information about Township individuals who are  
buried there who did significant things in the Township. He also  
went over the Cruise-In Car event that will be held at the High  
School. He did apologize that there would not be a balloon send off  
due to insurance problems. He said he and Lisa and our insurance  
people worked diligently to try to get this to happen. He said the  
parade is coming along nicely but there is still a lot of work to be  
done.

**FISCAL OFFICER’S REPORT:**

- #09-169 1. Pending Warrants  
Motion by Member 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 \$90,162.57 as attached hereto and made a part of these  
minutes.  
Seconded by Member Bossart.  
Vote: Chairman Giavasis, yes; Member Leno, yes; Member Bossart, yes.

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2. Regular Payroll

#09-170 Motion by Chairman 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 Member Bossart.  
Vote: Chairman Giavasis, yes; Member Leno, yes; Member Bossart, yes.

3. Medical Claims

#09-171 Motion by Member 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> |
|-------------|----------------|---------------|
| 05/05/09    | 15578          | \$12,042.38   |
| 05/12/09    | 15588          | 19,980.66     |

Seconded by Chairman Giavasis.  
Vote: Chairman Giavasis, yes; Member Leno, yes; Member Bossart, yes.

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

5. Section 125 Plan Adoption

#09-172 Motion by Member Bossart,  
WHEREAS, the Plain Township Board of Trustees resolved that each insured employee shall contribute towards the cost of the medical insurance beginning April 1, 2006 (Resolution #06-155); WHEREAS, the Plain Township Board of Trustees adopted a Section 125 Premium Only Plan effective April 1, 2006 (Resolution #06-185 dated April 11, 2006); NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio that the form of Amended Section 125 Premium Only Plan effective June 1, 2009 to May 31, 2010 presented at this meeting is hereby approved and adopted and that the proper officers of the Employer are authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the Plan. RESOLVED, that the Administrator shall be instructed to take such actions that are deemed necessary and proper in order to implement the Plan, and to set up adequate accounting and administrative procedures to provide benefits under the Plan. RESOLVED, that the proper officers of the Employer shall act as soon as possible to notify the employees of the Employer of the adoption of the Cafeteria Plan by delivering to each employee a copy of the summary description of the Plan in the form of the Summary Plan Description presented to this meeting, which form is hereby approved.  
Seconded by Member Leno.  
Vote: Member Leno, yes; Member Bossart, yes; Chairman Giavasis, yes.

6. EMS Refund

#09-173 Motion by Chairman Giavasis,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to authorize a refund as follows for overpayment for Emergency Medical Services as requested by Ohio Billing Inc.:

| <u>PAYABLE TO</u> | <u>AMOUNT</u> |
|-------------------|---------------|
|-------------------|---------------|

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Primetime Health Ins (for Arnold Mathess) \$ 319.20  
Seconded by Member Bossart.  
Vote: Member Leno, yes; Member Bossart, yes; Chairman Giavasis, yes.

#09-174

- 7. Transfer of Funds  
Motion by Member Bossart,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to authorize the following transfer of funds:

| <u>FROM</u>                   | <u>TO</u>                                      | <u>AMOUNT</u> |
|-------------------------------|--|---------------|
| <u>Administration</u>         |  |               |
| 1000-4110-599-0000- Other Exp | 1000-4110-240-0000 – Unemployment Compensation | \$ 25.00      |

Seconded by Member Leno.  
Vote: Member Leno, yes; Member Bossart, yes; Chairman Giavasis, yes.

**ADMINISTRATOR:**

#09-175

- 1. Orchardale Storm Sewer Project  
Motion by Chairman Giavasis,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to enter into the attached agreement in regards to the Orchardale Storm Sewer Project.  
Second by Member Leno.  
Vote: Member Leno, yes; Member Bossart, yes; Chairman Giavasis, yes.

- 2. Pre-Bid Meeting – 25<sup>th</sup> Street  
This will be held on Wednesday, May 27<sup>th</sup> at 9 am at Stark County Regional Planning.

#09-176

- 3. Insurance Deductible – Out-of-Pocket  
Motion by Chairman Giavasis,  
WHEREAS, the Plain Township Board of Trustees, Stark County, Ohio adopted Resolution #09-144 on April 28, 2009 to implement benefit changes to the health care insurance program effective June 1, 2009 that included increases in the annual deductible and out-of-pocket maximum;  
WHEREAS, insurance annual deductibles and out-of-pocket maximums are based on a calendar year;  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio for the remaining period of 2009 to use the following schedule for these deductibles:

**Network (PPO Providers)**

Calendar Year Deductible:

|                            |                 |
|----------------------------|-----------------|
| <b>Per Individual.....</b> | <b>\$150.00</b> |
| <b>Per Family.....</b>     | <b>\$450.00</b> |

Maximum Out-of-Pocket Expense (including the deductible):

|                            |                   |
|----------------------------|-------------------|
| <b>Per Individual.....</b> | <b>\$ 700.00</b>  |
| <b>Per Family.....</b>     | <b>\$1,750.00</b> |

**Non-Network (Non-PPO Providers)**

Calendar Year Deductible:

|                            |                   |
|----------------------------|-------------------|
| <b>Per Individual.....</b> | <b>\$ 400.00</b>  |
| <b>Per Family.....</b>     | <b>\$1,200.00</b> |

Maximum Out-of-Pocket Expense (including the deductible):

|                            |                   |
|----------------------------|-------------------|
| <b>Per Individual.....</b> | <b>\$2,050.00</b> |
| <b>Per Family.....</b>     | <b>\$6,150.00</b> |

Seconded by Member Bossart.  
Vote: Member Leno, yes; Member Bossart, yes; Chairman Giavasis, yes.

- 4. Medical Benefits  
Mr. Robert Ramey of 1375 Whitier St NE – was present to represent the Fire Union. He said he felt this was no different than in 2006 when a change was made and they did not have the

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opportunity to negotiate it. They have opposition to the change without the proper negotiation taking place. Mr. Williams, the Township Law Director did not see where there was a breach in the contract. Mr. Ramey said he would talk to the members. However, he felt they should have had the right to look at the figures before the change took place. Mr. Williams explained to Mr. Ramey that this happens every year. Mr. Ramey said that is correct but every year it has been renewed and this year there was a change made without them being contacted. Mr. Williams he would be happy to meet with Mr. Ramey and his folks to discuss where they think there was a breach of contract as he did not feel there was one. Mr. Ramey said that would be fine, that he would report to his members and get back to Mr. Williams.

**FIRE DEPARTMENT:**

- 1. Monthly Report was given
  - 2. Resolution of Recognition
- #09-177 Motion by Chairman Giavasis,  
WHEREAS, Frank W. Gilbert, Kenneth E. Hawkins, Eleanor R. Lanzer, Victor V. Lanzer, Michelle A. Noble, and William E. Reed, Sr. as dedicated members of the Plain Township Fire Department have served the citizens of Plain Township for a combined 187 years.  
WHEREAS, their commitment and passion in the performance of their duties have undoubtedly saved lives and property.  
AND WHEREAS, their unselfish sacrifice of time and personal life styles have built and defined the good reputation of the Plain Township Fire Department.  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees to recognize and honor these Firefighters for making Plain Township a safer community by presenting them with a Plain Township Fire Helmet as per attached inventory list.  
Seconded by Member Bossart.  
Vote: Member Leno, yes; Member Bossart, yes; Chairman Giavasis, yes.

**ROAD DEPARTMENT:**

- 1. Monthly Report was given
  - 2. Diamond Park Subdivision – 25 mph
- #09-178 Motion by Chairman Giavasis,  
BE IT HEREBY RESOLVED, by the Plain Township Board of Trustees, Stark County, Ohio to authorize the posting of 25 mph Speed Limit Signs in Diamond Park Subdivision on the following streets:  
Jasper St NE beginning at Zircon St ending at Captens St.  
Maxim St NE – beginning at Captens St ending at E Terminus  
Gatekeeper St NE – beginning at Middlebranch ending at Captens St  
Diamond Park Ave NE – beginning at Diamond Rd NE ending at Notre Dame St  
Ready Ave NE – beginning at Notre Dame St ending N Terminus  
Notre Dame St NE – beginning at Captens St NE ending W Terminus  
Dutch Cir NE – beginning at Diamond Park ending at E Terminus  
Windmill St NE – beginning at Diamond Park St ending at W Terminus  
Captens St NE – beginning at NW Terminus ending at NE Terminus.  
Seconded by Member Leno.  
Vote: Member Leno, yes; Member Bossart, yes; Chairman Giavasis, yes.
- 3. Lexington Farms – Clock Tower
- Mr. Iacino received a letter from Tom Collier with Wagler Homes regarding the maintenance of the Clock Tower at the entrance to Lexington Farms. He stated that we are not interested in taking over the maintenance of the clock tower. He also said this is

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#09-179 4A Scott Mercer  
Motion by Chairman Giavasis,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to hire Scott Mercer as a summer employee effective June 8<sup>th</sup>, 2009 at a rate of \$9.50 per hour with no benefits.  
Seconded by Member Bossart.  
Vote: Member Leno, yes; Member Bossart, yes; Chairman Giavasis, yes.

#09-180 4B Cory Baker  
Motion by Chairman Giavasis,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to hire Cory Baker as a summer employee effective date of May 20<sup>th</sup>, 2009 at a rate of \$8.50 per hour with no benefits.  
Seconded by Member Leno.  
Vote: Member Leno, yes; Member Bossart, yes; Chairman Giavasis, yes.

**ZONING DEPARTMENT:**

#08-181 1. Monthly Report was given  
2. Nuisance Abatements  
a. 2117 Blake Ave  
Motion by Chairman Giavasis,  
WHEREAS, Ohio Revised Code Section 505.87 authorizes the Board of Trustees to provide for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the Township if the Board determines that the property owners maintenance of such vegetation, garbage, refuse and other debris constitutes a nuisance; and  
WHEREAS, a complaint was filed and processed regarding a nuisance property condition at 2117 Blake Avenue NW, Stark County, Ohio (Parcel #52-10835) and  
WHEREAS, a certified notice providing the property owner with seven (7) days to address the matter with the Zoning Director was sent April 29, 2009 and May 4, 2009 **and returned “Unable to Forward”; and**  
WHEREAS, the Zoning Director has provided evidence of a nuisance condition on the property;  
NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio that:  
1. High grass and/or weeds constitutes a nuisance under Ohio Revised Code Section 505.87, and  
2. The nuisance shall be abated, controlled, or removed according to the procedures outlined in ORC Section 505.87, and  
3. Instruct and authorize the Plain Township Fiscal Officer to prepare and publish notice of this decision by publication in a newspaper of general circulation within Plain Township.  
Seconded by Member Bossart.  
Vote: Member Leno, yes; Member Bossart, yes; Chairman Giavasis, yes.

#09-182 b. 4565 Brookhaven Circle NE  
Motion by Chairman Giavasis,  
WHEREAS, Ohio Revised Code Section 505.87 authorizes the Board of Trustees to provide for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the Township if the Board determines that the property owners maintenance of such vegetation, garbage, refuse and

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other debris constitutes a nuisance; and  
WHEREAS, a complaint was filed and processed regarding a nuisance property condition at 4565 Brookhaven Circle NE, Stark County, Ohio (Parcel #52-02589) and  
WHEREAS, a certified notice providing the property owner with seven (7) days to address the matter with the Zoning Director was sent May 5, 2009 and returned **“Unable to Forward”**; and  
WHEREAS, the Zoning Director has provided evidence of a nuisance condition on the property;  
NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio that:

1. High grass and/or weeds constitutes a nuisance under Ohio Revised Code Section 505.87, and
2. The nuisance shall be abated, controlled, or removed according to the procedures outlined in ORC Section 505.87, and
3. Instruct and authorize the Plain Township Fiscal Officer to prepare and publish notice of this decision by publication in a newspaper of general circulation within Plain Township.

Seconded by Member Bossart.

Vote: Member Leno, yes; Member Bossart, yes; Chairman Giavasis, yes.

#09-183

c. 2446 Cathy Drive NE  
Motion by Chairman Giavasis,  
WHEREAS, Ohio Revised Code Section 505.87 authorizes the Board of Trustees to provide for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the Township if the Board determines that the property owners maintenance of such vegetation, garbage, refuse and other debris constitutes a nuisance; and  
WHEREAS, a complaint was filed and processed regarding a nuisance property condition at 2447 Cathy Drive NE, Stark County, Ohio (Parcel #52-07395) and  
WHEREAS, a certified notice providing the property owner with seven (7) days to address the matter with the Zoning Director was sent April 29, 2009 and returned **“Unable to Forward”**; and  
WHEREAS, the Zoning Director has provided evidence of a nuisance condition on the property;  
NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio that:

1. High grass and/or weeds constitutes a nuisance under Ohio Revised Code Section 505.87, and
2. The nuisance shall be abated, controlled, or removed according to the procedures outlined in ORC Section 505.87, and
3. Instruct and authorize the Plain Township Fiscal Officer to prepare and publish notice of this decision by publication in a newspaper of general circulation within Plain Township.

Seconded by Member Bossart.

Vote: Member Leno, yes; Member Bossart, yes; Chairman Giavasis, yes.

#09-184

d. 3726 Dauphin Drive NE  
Motion by Chairman Giavasis,  
WHEREAS, a public hearing was held on May 12, 2009 by the Board of Trustees regarding the property conditions at 3726 Dauphin Drive NE, Stark County, Ohio (Parcel #52-07185) and  
WHEREAS, Gerald & Norma Woods, have failed to demonstrate satisfactory progress in correcting the violations at the above property; and

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WHEREAS, the Plain Township Board of Trustees has 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:

1. High grass and/or weeds constitutes a nuisance under Ohio Revised Code Section 505.87 and
2. Trash and/or debris constitutes a nuisance under Ohio Revised Code Section 505.87 and
3. The nuisance shall be abated, controlled, or removed according to the procedures outlined in ORC Section 505.87, and
4. Notice of this decision will be provided to the property owners and any holders of liens of record thereon.

Seconded by Member Bossart.

Vote: Member Bossart, yes; Member Leno, yes; Chairman Giavasis, yes.

#09-185

- e. 2748 Englewood Drive NE

Motion by Chairman Giavasis,

WHEREAS, Ohio Revised Code Section 505.87 authorizes the Board of Trustees to provide for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the Township if the Board determines that the property owners maintenance of such vegetation, garbage, refuse and other debris constitutes a nuisance; and

WHEREAS, a complaint was filed and processed regarding a nuisance property condition at 2748 Englewood Drive NE, Stark County, Ohio (Parcel #52-02537) and

WHEREAS, a certified notice providing the property owner with seven (7) days to address the matter with the Zoning Director was **sent April 29, 2009 and returned "Unable to Forward"; and** WHEREAS, the Zoning Director has provided evidence of a nuisance condition on the property;

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

1. High grass and/or weeds constitutes a nuisance under Ohio Revised Code Section 505.87, and
2. The nuisance shall be abated, controlled, or removed according to the procedures outlined in ORC Section 505.87, and
3. Instruct and authorize the Plain Township Fiscal Officer to prepare and publish notice of this decision by publication in a newspaper of general circulation within Plain Township.

Seconded by Member Bossart.

Vote: Member Leno, yes; Member Bossart, yes; Chairman Giavasis, yes.

#09-186

- f. 7813 Market Avenue N

Motion by Chairman Giavasis,

WHEREAS, a public hearing was held on May 12, 2009 by the Board of Trustees regarding the property conditions at 7813 Market Avenue N, Stark County, Ohio (Parcel #52-00960) and WHEREAS, Premium Petroleum Inc., has failed to demonstrate satisfactory progress in correcting the violations at the above property; and

WHEREAS, the Plain Township Board of Trustees has 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:

1. High grass and/or weeds constitutes a nuisance under

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Ohio Revised Code Section 505.87 and

- 2. The nuisance shall be abated, controlled, or removed according to the procedures outlined in ORC Section 505.87, and
- 3. Notice of this decision will be provided to the property owners and any holders of liens of record thereon.

Seconded by Member Bossart.

Vote: Member Bossart, yes; Member Leno, yes; Chairman Giavasis, yes.

#09-187

- g. 3861 Northern Street NE  
Motion by Chairman Giavasis,  
WHEREAS, Ohio Revised Code Section 505.87 authorizes the Board of Trustees to provide for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the Township if the Board determines that the property owners maintenance of such vegetation, garbage, refuse and other debris constitutes a nuisance; and  
WHEREAS, a complaint was filed and processed regarding a nuisance property condition at 3861 Northern Street NE, Stark County, Ohio (Parcel #52-07010) and  
WHEREAS, a certified notice providing the property owner with seven (7) days to address the matter with the Zoning Director **was sent April 29, 2009 and returned "Unable to Forward"; and**  
WHEREAS, the Zoning Director has provided evidence of a nuisance condition on the property;  
NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio that:
  - 1. High grass and/or weeds constitutes a nuisance under Ohio Revised Code Section 505.87, and
  - 2. The nuisance shall be abated, controlled, or removed according to the procedures outlined in ORC Section 505.87, and
  - 3. Instruct and authorize the Plain Township Fiscal Officer to prepare and publish notice of this decision by publication in a newspaper of general circulation within Plain Township.

Seconded by Member Bossart.

Vote: Member Leno, yes; Member Bossart, yes; Chairman Giavasis, yes.

#09-188

- h. 1905 Red Coach Road NW  
Motion by Chairman Giavasis,  
WHEREAS, Ohio Revised Code Section 505.87 authorizes the Board of Trustees to provide for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the Township if the Board determines that the property owners maintenance of such vegetation, garbage, refuse and other debris constitutes a nuisance; and  
WHEREAS, a complaint was filed and processed regarding a nuisance property condition at 1905 Red Coach Raod NW, Stark County, Ohio (Parcel #52-06244) and  
WHEREAS, a certified notice providing the property owner with seven (7) days to address the matter with the Zoning Director **was sent May 4, 2009 and returned "Unable to Forward"; and**  
WHEREAS, the Zoning Director has provided evidence of a nuisance condition on the property;  
NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio that:
  - 1. High grass and/or weeds constitutes a nuisance under Ohio Revised Code Section 505.87, and
  - 2. The nuisance shall be abated, controlled, or removed according to the procedures outlined in ORC Section

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505.87, and

3. Instruct and authorize the Plain Township Fiscal Officer to prepare and publish notice of this decision by publication in a newspaper of general circulation within Plain Township.

Seconded by Member Bossart.

Vote: Member Leno, yes; Member Bossart, yes; Chairman Giavasis, yes.

#09-189

- i. 3223 Regent Avenue NE  
Motion by Chairman Giavasis,  
WHEREAS, Ohio Revised Code Section 505.87 authorizes the Board of Trustees to provide for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the Township if the Board determines that the property owners maintenance of such vegetation, garbage, refuse and other debris constitutes a nuisance; and  
WHEREAS, a complaint was filed and processed regarding a nuisance property condition at 3223 Regent Avenue NE, Stark County, Ohio (Parcel #52-03204) and  
WHEREAS, a certified notice providing the property owner with seven (7) days to address the matter with the Zoning Director **was sent April 23, 2009 and returned "Unable to Forward"; and**  
WHEREAS, the Zoning Director has provided evidence of a nuisance condition on the property;  
NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio that:

1. High grass and/or weeds constitutes a nuisance under Ohio Revised Code Section 505.87, and
2. Trash and/or debris constitutes a nuisance under Ohio Revised Coded Section 505.87; and
3. The nuisance shall be abated, controlled, or removed according to the procedures outlined in ORC Section 505.87, and
4. Instruct and authorize the Plain Township Fiscal Officer to prepare and publish notice of this decision by publication in a newspaper of general circulation within Plain Township.

Seconded by Member Bossart.

Vote: Member Leno, yes; Member Bossart, yes; Chairman Giavasis, yes.

#09-190

- j. 1450 Skyway Street NE  
Motion by Chairman Giavasis,  
WHEREAS, a public hearing was held on May 12, 2009 by the Board of Trustees regarding the property conditions at 1450 Skyway Street NE, Stark County, Ohio (Parcel #52-06452) and  
WHEREAS, David & suzette Lorincz, has failed to demonstrate satisfactory progress in correcting the violations at the above property; and  
WHEREAS, the Plain Township Board of Trustees has 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:

1. High grass and/or weeds constitutes a nuisance under Ohio Revised Code Section 505.87 and
2. The nuisance shall be abated, controlled, or removed according to the procedures outlined in ORC Section 505.87, and
3. Notice of this decision will be provided to the property owners and any holders of liens of record thereon.

Seconded by Member Bossart.

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Vote: Member Bossart, yes; Member Leno, yes; Chairman Giavasis, yes.

#09-191

- k. 2230 Whipple Avenue NW  
Motion by Chairman Giavasis,  
WHEREAS, Ohio Revised Code Section 505.87 authorizes the Board of Trustees to provide for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the Township if the Board determines that the property owners maintenance of such vegetation, garbage, refuse and other debris constitutes a nuisance; and  
WHEREAS, a complaint was filed and processed regarding a nuisance property condition at 2230 Whipple Avenue NW, Stark County, Ohio (Parcel #52-16570) and  
WHEREAS, a certified notice providing the property owner with seven (7) days to address the matter with the Zoning Director **was sent May 5, 2009 and returned “Unable to Forward”**; and  
WHEREAS, the Zoning Director has provided evidence of a nuisance condition on the property;  
NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio that:
  1. High grass and/or weeds constitutes a nuisance under Ohio Revised Code Section 505.87, and
  2. Trash and/or debris constitutes a nuisance under Ohio Revised Coded Section 505.87; and
  3. The nuisance shall be abated, controlled, or removed according to the procedures outlined in ORC Section 505.87, and
  4. Instruct and authorize the Plain Township Fiscal Officer to prepare and publish notice of this decision by publication in a newspaper of general circulation within Plain Township.

Seconded by Member Bossart.  
Vote: Member Leno, yes; Member Bossart, yes; Chairman Giavasis, yes.

#09-192

- l. 2020 26<sup>th</sup> Street NE  
Motion by Chairman Giavasis,  
WHEREAS, a public hearing was held on May 12, 2009 by the Board of Trustees regarding the property conditions at 2020 26<sup>th</sup> Street NE, Stark County, Ohio (Parcel #52-07630) and  
WHEREAS, Rhoda Mayberry, has failed to demonstrate satisfactory progress in correcting the violations at the above property; and  
WHEREAS, the Plain Township Board of Trustees has 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:
  1. High grass and/or weeds constitutes a nuisance under Ohio Revised Code Section 505.87 and
  2. The nuisance shall be abated, controlled, or removed according to the procedures outlined in ORC Section 505.87, and
  3. Notice of this decision will be provided to the property owners and any holders of liens of record thereon.

Seconded by Member Bossart.  
Vote: Member Bossart, yes; Member Leno, yes; Chairman Giavasis, yes.

- m. 2315 26<sup>th</sup> Street NE  
Motion by Chairman Giavasis,  
WHEREAS, Ohio Revised Code Section 505.87 authorizes the Board of Trustees to provide for the abatement, control, or

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removal of vegetation, garbage, refuse, and other debris from land in the Township if the Board determines that the property owners maintenance of such vegetation, garbage, refuse and other debris constitutes a nuisance; and  
WHEREAS, a complaint was filed and processed regarding a nuisance property condition at 2315 26<sup>th</sup> Street NE, Stark County, Ohio (Parcel #52-03509) and  
WHEREAS, a certified notice providing the property owner with seven (7) days to address the matter with the Zoning Director **was sent April 29, 2009 and returned "Unable to Forward"; and**  
WHEREAS, the Zoning Director has provided evidence of a nuisance condition on the property;  
NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio that:

1. High grass and/or weeds constitutes a nuisance under Ohio Revised Code Section 505.87, and
2. The nuisance shall be abated, controlled, or removed according to the procedures outlined in ORC Section 505.87, and
3. Instruct and authorize the Plain Township Fiscal Officer to prepare and publish notice of this decision by publication in a newspaper of general circulation within Plain Township.

Seconded by Member Bossart.

Vote: Member Leno, yes; Member Bossart, yes; Chairman Giavasis, yes.

#09-194

n. 2701 26<sup>th</sup> Street NE  
Motion by Chairman Giavasis,  
WHEREAS, Ohio Revised Code Section 505.87 authorizes the Board of Trustees to provide for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the Township if the Board determines that the property owners maintenance of such vegetation, garbage, refuse and other debris constitutes a nuisance; and  
WHEREAS, a complaint was filed and processed regarding a nuisance property condition at 2701 26<sup>th</sup> Street NE, Stark County, Ohio (Parcel #52-04114) and  
WHEREAS, a certified notice providing the property owner with seven (7) days to address the matter with the Zoning Director **was sent April 29, 2009 and returned "Unable to Forward"; and**  
WHEREAS, the Zoning Director has provided evidence of a nuisance condition on the property;  
NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio that:

1. High grass and/or weeds constitutes a nuisance under Ohio Revised Code Section 505.87, and
2. Trash and/or debris constitutes a nuisance under Ohio Revised Coded Section 505.87; and
3. The nuisance shall be abated, controlled, or removed according to the procedures outlined in ORC Section 505.87, and
4. Instruct and authorize the Plain Township Fiscal Officer to prepare and publish notice of this decision by publication in a newspaper of general circulation within Plain Township.

Seconded by Member Bossart.

Vote: Member Leno, yes; Member Bossart, yes; Chairman Giavasis, yes.

#09-195

o. 3141 26<sup>th</sup> Street NE  
Motion by Chairman Giavasis,  
WHEREAS, Ohio Revised Code Section 505.87 authorizes the

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Board of Trustees to provide for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the Township if the Board determines that the property owners maintenance of such vegetation, garbage, refuse and other debris constitutes a nuisance; and WHEREAS, a complaint was filed and processed regarding a nuisance property condition at 3141 26<sup>th</sup> Street NE, Stark County, Ohio (Parcel #52-15260) and WHEREAS, a certified notice providing the property owner with seven (7) days to address the matter with the Zoning Director **was sent April 29, 2009 and returned "Unable to Forward"; and** WHEREAS, the Zoning Director has provided evidence of a nuisance condition on the property; NOW, THEREFORE, BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio that:

1. High grass and/or weeds constitutes a nuisance under Ohio Revised Code Section 505.87, and
2. Trash and/or debris constitutes a nuisance under Ohio Revised Coded Section 505.87; and
3. The nuisance shall be abated, controlled, or removed according to the procedures outlined in ORC Section 505.87, and
4. Instruct and authorize the Plain Township Fiscal Officer to prepare and publish notice of this decision by publication in a newspaper of general circulation within Plain Township.

Seconded by Member Bossart.  
Vote: Member Leno, yes; Member Bossart, yes; Chairman Giavasis, yes.

#09-196

p. 2702 31<sup>st</sup> Street NE  
Motion by Chairman Giavasis,  
WHEREAS, a public hearing was held on May 12, 2009 by the Board of Trustees regarding the property conditions at 2702 31<sup>st</sup> Street NE, Stark County, Ohio (Parcel #52-07138) and WHEREAS, Michael & Linda Miner, has failed to demonstrate satisfactory progress in correcting the violations at the above property; and WHEREAS, the Plain Township Board of Trustees has 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:

1. High grass and/or weeds constitutes a nuisance under Ohio Revised Code Section 505.87 and
2. The nuisance shall be abated, controlled, or removed according to the procedures outlined in ORC Section 505.87, and
3. Notice of this decision will be provided to the property owners and any holders of liens of record thereon.

Seconded by Member Bossart.  
Vote: Member Bossart, yes; Member Leno, yes; Chairman Giavasis, yes.

#09-197

q. 3015 31<sup>st</sup> Street NE  
Motion by Chairman Giavasis,  
WHEREAS, Ohio Revised Code Section 505.87 authorizes the Board of Trustees to provide for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the Township if the Board determines that the property owners maintenance of such vegetation, garbage, refuse and other debris constitutes a nuisance; and WHEREAS, a complaint was filed and processed regarding a

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nuisance property condition at 3015 31<sup>st</sup> Street NE, Stark County, Ohio (Parcel #52-08237) and WHEREAS, a certified notice providing the property owner with seven (7) days to address the matter with the Zoning Director **was sent May 5, 2009 and returned "Unable to Forward"; and** WHEREAS, the Zoning Director has provided evidence of a nuisance condition on the property;

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

1. High grass and/or weeds constitutes a nuisance under Ohio Revised Code Section 505.87, and
2. Trash and/or debris constitutes a nuisance under Ohio Revised Coded Section 505.87; and
3. The nuisance shall be abated, controlled, or removed according to the procedures outlined in ORC Section 505.87, and
4. Instruct and authorize the Plain Township Fiscal Officer to prepare and publish notice of this decision by publication in a newspaper of general circulation within Plain Township.

Seconded by Member Bossart.

Vote: Member Leno, yes; Member Bossart, yes; Chairman Giavasis, yes.

#09-198

r. 2343 41<sup>st</sup> Street NW  
Motion by Chairman Giavasis,  
WHEREAS, Ohio Revised Code Section 505.87 authorizes the Board of Trustees to provide for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the Township if the Board determines that the property owners maintenance of such vegetation, garbage, refuse and other debris constitutes a nuisance; and  
WHEREAS, a complaint was filed and processed regarding a nuisance property condition at 2343 41<sup>st</sup> Street NW, Stark County, Ohio (Parcel #52-04334) and  
WHEREAS, a certified notice providing the property owner with seven (7) days to address the matter with the Zoning Director **was sent April 29, 2009 and returned "Unable to Forward"; and**  
WHEREAS, the Zoning Director has provided evidence of a nuisance condition on the property;

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

1. High grass and/or weeds constitutes a nuisance under Ohio Revised Code Section 505.87, and
2. The nuisance shall be abated, controlled, or removed according to the procedures outlined in ORC Section 505.87, and
3. Instruct and authorize the Plain Township Fiscal Officer to prepare and publish notice of this decision by publication in a newspaper of general circulation within Plain Township.

Seconded by Member Bossart.

Vote: Member Leno, yes; Member Bossart, yes; Chairman Giavasis, yes.

**PARKS & FACILITIES:**

1. Monthly Report was given
2. High School Lacrosse League

#09-199

Motion by Member Bossart,  
BE IT HEREBY RESOLVED by the Plain Township Board of

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Trustees, Stark County, Ohio to allow the Cavalier Lacrosse League to play Lacrosse for eight weeks at Diamond Community Park on Thursdays beginning 6/11/09 for \$40.00 per game.

Seconded by Member Leno.

Vote: Member Leno, yes; Member Bossart, yes; Chairman Giavasis, yes.

#09-200 3A Mary Price  
Motion by Chairman Giavasis,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to hire Mary Price as summer employee, effective date of May 13<sup>th</sup>, 2009 at a rate of \$7.35 per hour with no benefits.  
Seconded by Member Leno.  
Vote: Member Leno, yes; Member Bossart, yes; Chairman Giavasis, yes.

#09-201 3B Kenneth Devin Wilzoch  
Motion by Chairman Giavasis,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to hire Kenneth Devin Wilzoch as summer employee, effective date of June 15, 2009 at a rate of \$7.35 per hour with no benefits.  
Seconded by Member Bossart.  
Vote: Member Leno, yes; Member Bossart, yes; Chairman Giavasis, yes.

#09-202 3C Anthony John Desarro  
Motion by Chairman Giavasis,  
BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to hire Anthony John Desarro as summer employee, effective date of May 18<sup>th</sup>, 2009 at a rate of \$7.35 per hour with no benefits.  
Seconded by Member Leno.  
Vote: Member Leno, yes; Member Bossart, yes; Chairman Giavasis, yes.

**LAW DIRECTOR:**

No Report

**CENTRAL MAINTENANCE:**

1. Monthly Report was given
2. Purchase of Half Ton Pickup Truck  
This was put on hold. Mr. Giavasis said he would like to see the options between purchasing and leasing this equipment. Mr. **Kegley said he didn't think leasing was a good idea as it was just one unit.** Mr. Giavasis said he still felt he would like to look at leasing during the economic times, and the rollback and the cash we would be receiving from the estate.

**COMMUNICATIONS:**

1. City of Massillon – sent a resolution recognizing the various fire departments that assisted in a fire on April 12, 2009 - Easter Sunday that destroyed buildings in downtown Massillon.
2. Crimewatch Meeting – Saratoga Hills – this meeting will be held on Tuesday, May 19<sup>th</sup> at 7 pm in the Saratoga Hills Clubhouse.
3. Lucy Pelaso – a thank you to Al Leno for attending her classroom function.

**CONCERNS OF CITIZENS:**

1. Neil Spring – did not appear for the meeting.

**CONCERNS OF TRUSTEES:**

None

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**CONCERNS OF FISCAL OFFICER:**

None

**APPROVAL OF MINUTES:**

- 1. Regular Meeting April 28, 2009

#09-203

Motion by Member 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 April 28, 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 April 28, 2009 as presented.

Seconded by Chairman Giavasis.

Vote: Member Leno, yes; Member Bossart, yes; Chairman Giavasis, Yes.

**ADJOURNMENT:**

#09-204

Motion by Member Bossart,  
 BE IT HEREBY RESOLVED by the Plain Township Board of Trustees, Stark County, Ohio to adjourn at 7:55 p.m.

Seconded by Chairman Giavasis.

Vote: Member Bossart, yes; Member Leno, yes; Chairman Giavasis, yes.

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Pamela S. Bossart  
Trustee

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Louis P. Giavasis  
Trustee

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Albert P. Leno, II  
Trustee

ATTEST: \_\_\_\_\_  
 Claude W. Shriver, II  
 Fiscal Officer