

Commissioners' Journal
May 5, 2009

The Geauga County Board of Commissioners met in session on May 5, 2009 at 10:00 a.m. in the Commissioners' Chambers located at 470 Center Street in Chardon, Ohio.

It is declared and determined that all formal actions of the Board of County Commissioners concerning and relating to the adoption of all resolutions that were adopted in this meeting, and that all deliberations of the Board of County Commissioners that resulted in such formal action were open to the public and were in compliance with all legal requirements, including section 121.22 of the Ohio Revised Code.

The President of the Board, William S. Young opened the meeting at 10:07 a.m. by leading the Board and audience in reciting the Pledge of Allegiance.

APPROVE MINUTES

Motion: by Commissioner Jemison, seconded by Commissioner Samide to approve and execute the minutes for the meeting of April 28, 2009.

<i>Roll Call Vote:</i>	<i>Commissioner Jemison</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>

OTHER

The Board and audience reviewed the video of the CIC Community Improvement Corporation meeting which is a salute to commerce and industry, originally presented last week at the CIC meeting.

MAINTENANCE DEPARTMENT – ADDENDUM TO CONTRACT - LILLIBRIDGE LANDSCAPING

Director Glen Vernick reported that the cemetery was added for \$25.00 per cut which is a good price.

Motion: by Commissioner Jemison, seconded by Commissioner Samide to approve and execute the First Addendum to the contract with Lillibridge Landscaping Incorporated for the 2009 Lawn Maintenance for the Geauga County 24 Hours Area Sites (Department of Emergency Services, Pleasant Hill County Home, Old Jail Site, Department on Aging/Ravenwood and Veterans Memorial Grounds) to include lawn care services for the Pleasant Hill County Home Cemetery for the period May 8, 2009 through October 31, 2009, in an amount not to exceed \$625.00.

<i>Roll Call Vote:</i>	<i>Commissioner Jemison</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>

MAINTENANCE DEPARTMENT – SERVICE CONTRACT – ASH'S MAYFIELD WINDOW CLEANING

Motion: by Commissioner Jemison, seconded by Commissioner Samide to approve and execute a service Contract Agreement with Ash's Mayfield Window Cleaning Company for bi-yearly inside and outside window cleaning at the Courthouse Annex, Opera House, County Court House and 470 Center Street (buildings # 1, 2, 3, 4, 5, 6, and 8) for the 2009 Year, in an amount not to exceed \$11,530.00.

<i>Roll Call Vote:</i>	<i>Commissioner Jemison</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>

MAINTENANCE DEPARTMENT – SERVICE CONTRACT – WHEELER LANDSCAPING INCORPORATED

Mr. Vernick reported this is for window washing twice a year.

Motion: by Commissioner Jemison, seconded by Commissioner Samide to approve and execute a service Contract Agreement with Wheeler Landscaping Incorporated to perform Spring Start Up, Winterizing and Repairs (backflow certification)

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services as needed for the Red Simmons Memorial Irrigation located at Geauga County Safety Center Building, in an amount not to exceed \$500.00.

<i>Roll Call Vote:</i>	<i>Commissioner Jemison</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>

MAINTENANCE DEPARTMENT – SERVICE CONTRACT – S. A. COMUNALE

Mr. Vernick reported this contract is for the annual checking of fire and smoke systems.

Motion: by Commissioner Jemison, seconded by Commissioner Samide to approve and execute a service Contract Agreement with S. A. Comunale for annual testing and inspection of fire sprinkle systems, fire alarm systems and maintenance of the systems for the Geauga County Safety Center building for the 2009 Year, in an amount not to exceed \$5,000.00.

<i>Roll Call Vote:</i>	<i>Commissioner Jemison</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>

APPROVE FINANCIALS

Fiscal Specialist Heidi Delaney reported the financials as including cash transfers for medical, dental and life insurance for May 2009; payments to CORSA for 2009 county building, property, burglary and liability insurance premiums totaling \$317,523.00; two Then and Nows and four travel requests for various departments.

Motion: by Commissioner Jemison, seconded by Commissioner Samide to approve and execute Resolution 09-073 itemizing the financials for the meeting of May 5, 2009.

<i>Roll Call Vote:</i>	<i>Commissioner Jemison</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>

COMMON PLEAS COURT – INCREASE WITNESS REIMBURSEMENT RATE

Motion: by Commissioner Jemison, seconded by Commissioner Samide to increase the reimbursement rate for each mile necessarily traveled by a witness in the Common Pleas Court and any division of the Common Pleas Court at \$.50 per mile to be effective July 1, 2009. The Board of Commissioners, pursuant to O.R.C. 2335.06, set the reimbursement rate.

<i>Roll Call Vote:</i>	<i>Commissioner Jemison</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>

SHERIFF'S OFFICE – RECONFIGURATION PLANNING PHASE AGREEMENT – MOTOROLA INCORPORATED

Motion: by Commissioner Jemison, seconded by Commissioner Samide to approve and execute the Reconfiguration Planning Phase Agreement (Planning Phase Services Only; No Equipment, Software, or Implementation Phase Services) between the Geauga County Board of Commissioners and Motorola Incorporated. There is no cost associated with this agreement.

<i>Roll Call Vote:</i>	<i>Commissioner Jemison</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>

SHERIFF'S OFFICE – SOFTWARE SUPPORT AGREEMENT – GEOCOMM INCORPORATED

Motion: by Commissioner Jemison, seconded by Commissioner Samide to approve the Software Support Agreement between the Geauga County Board of Commissioners and GeoComm, Incorporated for support services for the County Dispatch Mapping for the period of March 1, 2009 through February 28, 2010, in the amount of \$6,825.00.

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Roll Call Vote:	Commissioner Jemison	Aye
	Commissioner Samide	Aye
	Commissioner Young	Aye

ENGINEER'S OFFICE – RESOLUTION TO IMPROVE DINES ROAD BRIDGE – RUSSELL TOWNSHIP

Planning Engineer Mike Stone reported that the Board previously held a hearing on this bridge and that right of way has been secured. This project should get about a 90% grant while the estimate for this is about \$30,000.00 for the entire project.

Motion: by Commissioner Jemison, seconded by Commissioner Samide to approve and execute Resolution 09-075 to improve the Dines Road Bridge (Structure #144-1.72) in Russell Township and to further execute the title sheet for the same.

Board of County Commissioners, Geauga County, Ohio

Date: May 5, 2009
Resolution: 09-075

**RESOLUTION TO ORDER THE RECONSTRUCTION OF THE
DINES ROAD BRIDGE, STRUCTURE # 144-1.72 IN RUSSELL TOWNSHIP**

WHEREAS, the Geauga County Board of Commissioners has determined by Resolution #07-050 that the public convenience and welfare requires the reconstruction of the bridge over the Chagrin River on Dines Road, and the grading, paving, widening, and draining of a portion of Dines Road in the immediate vicinity of the bridge in accordance with Section 5555.06 of the Ohio Revised Code; and

WHEREAS, the lands needed relative to the reconstruction of the Dines Road bridge have been secured; and

WHEREAS, the Geauga County Board of Commissioners after holding a hearing on April 14, 2009 for objections to the reconstruction of the bridge is satisfied that the public convenience and welfare require that said improvement be made; and

WHEREAS, plans and specifications for this project have been reviewed and approved by the Ohio Department of Transportation; and

WHEREAS, the county has secured federal aid funding and the cost of such improvement will not be excessive in view of the public utility thereof.

NOW THEREFORE, BE IT RESOLVED that the Board of County Commissioners in accordance with Section 5555.13 of the Ohio Revised Code hereby orders that such improvement proceed.

BE IT FURTHER RESOLVED that the Board of County Commissioners hereby adopts the surveys, plans, profiles, cross sections, estimates, and specifications for such improvement, the costs of which shall be paid from federal aid and local funding sources in accordance with Section 5555.43 of the Ohio Revised Code.

BE IT FURTHER RESOLVED, that the Clerk of Geauga County Board of Commissioners is hereby instructed to transmit a certified copy of this resolution to the Russell Township Trustees and the Geauga County Engineer.

Roll Call Vote:	Commissioner Jemison	Aye
	Commissioner Samide	Aye
	Commissioner Young	Aye

ENGINEER'S OFFICE – RESOLUTION TO IMPROVE BURTON WINDSOR ROAD – MIDDLEFIELD TOWNSHIP

Mr. Stone reported that this project was last done in 2001 and the horse's hooves have taken of the surface of the road and there are ruts in the center of each lane. The department plans on

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removing the surface and putting on a polymer modified surface, which is the norm now in Amish traffic areas. This project is estimated at about \$400,000.00.

Motion: by Commissioner Jemison, seconded by Commissioner Samide to approve and execute Resolution 09-076 to improve the Burton Windsor Road (CH 14, Sections D&E) in Middlefield Township.

<i>Roll Call Vote:</i>	<i>Commissioner Jemison</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>

ENGINEER'S OFFICE – STORMWATER PERMIT RENEWAL UPDATE

County Engineer R.L. Phillips and Soil and Water Conservation District Administrator Carmella Shale were present for the update and to discuss the Phase 2 Stormwater permit renewal process. Mr. Phillips discussed the EPA's move to limit the number of permits and encourage co-permittee's. In filing for the new permit for the next five years it will be filed as a co-permit. South Russell Village has gone their own way on this permit issue. In dealing with issues with the Health Department it is better to do this unified. Ms. Shale added that many of the services are provided by the county so it is simpler to do one permit report and account for everyone at one time. Mr. Philips reported one report is used to combine information for the permits, this is currently being done by Ms. Shale. Each individual will have to supply information for "housekeeping" and submit it for the report. Ms. Shale added that the Water Management and Sediment Control Regulations that has been adopted by the Board and implemented by Soil and Water Conservation takes care of most of the report. Mr. Phillips stated that a change in the permit is that there is more emphasis on post construction than the permit from six years ago. Ms. Shale stated that they have always required an as-built and an inspection maintenance agreement that gets notarized, recorded, mapped and is on file. This puts them ahead as far as the permit and report. Mr. Phillips reported that the cooperation is really good within the county. Ms. Shale stated that this year, for example, they joined forces with the Park District to do an education program – basically focusing on green scaping your yard and composting and using native plants on May 20 at Westwood. This is using resources wisely and doing the same presentation in one place. EPA held a workshop that gave a 'scorecard' on how everyone was doing. Some examples: Geauga County has completed the dry weather screening while only 40 % of all communities have done it, 43% have not mapped homes for treatment systems while in Geauga County all the ones that have records have been mapped; 18% have not passed construction site run-off control ordinances and 34% don't have any enforcement action while Geauga has a process for both as listed in the Geauga County Water Management and Sediment Control Regulations. Only 32% of communities are using Soil and Water Conservation Districts. Ms. Shale commented that it is surprising as they are already paying for them and communities should use what they have as they are already paying for the service. Geauga County Soil and Water has not charged anyone yet for utility service fees (as an assessment on taxes). Mr. Philips reported that a lot has been done in the last six years with minimal cost. This permit does require a full blown organizational chart showing who is in charge of each and every section and to prove that educational seminars have been held with documentation to who is accountable. They want to know the names of the people on this chart and who is the contact person. Mr. Phillips added that the check is in the mail along with the permit that is due May 9th. Ms. Shale stated that twelve communities are being fined for not submitting their end of year report. Mr. Phillips added that testing of outfalls was removed from the process but a plan of how to address the testing had to be included, but without a deadline.

PLANNING COMMISSION – RESOLUTION AUTHORIZING PARTICIPATION – OHIO AGRICULTURAL EASEMENT PURCHASE PROGRAM – HANISH FARM – NEWBURY TOWNSHIP

Director Dave Dietrich and Heather Bickenheuser were present. Ms. Bickenheuser stated that they are looking for the Board's support to submit an application for the State easement purchase program. The Hanish's were looking for a sponsor and contacted Soil and Water and Planning. The farm is located north of Music Street on Ravenna Road in Newbury Township. The family property has been a certified family forest for over fifty years which means they are committed to sustainable forest management practices. They have expanded to produce and fruits and vegetables with a small road side stand at the front of the farm. The application was put together with the help of soil and water. The family is providing a donation and does not require any funds from the county. The state has a maximum payout of \$2,000.00 per acre. This farm is just over 40 acres and is close to other protected properties. Twenty eight percent of the

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soils are considered prime farm land and another thirty eight percent are considered locally important. Mr. Dietrich added that they may come before the Board with a Federal application in the future.

Motion: by Commissioner Jemison, seconded by Commissioner Samide to approve and execute Resolution 09-074 authorizing participation in the Ohio Agricultural Easement Purchase Program regarding the Hanish Farm located at 15684 Ravenna Road (Parcel #'s 23-385362 and 23-127200) in Newbury Township.

<i>Roll Call Vote:</i>	<i>Commissioner Jemison</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>

COUNTY HOME – ACCEPT RESIGNATION – GWENDOLYN TONEY

Motion: by Commissioner Jemison, seconded by Commissioner Samide to accept the resignation of Gwendolyn Toney as Substitute Attendant, to be effective May 14, 2009.

<i>Roll Call Vote:</i>	<i>Commissioner Jemison</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>

COUNTY HOME – INCREASE POSTING – SUBSTITUTE ATTENDANT

Motion: by Commissioner Jemison, seconded by Commissioner Samide to increase the current posting for Substitute Attendant (#1504-2) from one position to two positions.

<i>Roll Call Vote:</i>	<i>Commissioner Jemison</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>

COUNTY HOME – HIRE COLLEEN PULSFORD – SUMMER HELP

Motion: by Commissioner Jemison, seconded by Commissioner Samide to hire Colleen Pulsford as a Summer Help (#0101) employee at the second year rate of \$8.50 per hour to be effective May 18, 2009.

<i>Roll Call Vote:</i>	<i>Commissioner Jemison</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>

COUNTY HOME – INTERNAL POSTING – SUBSTITUTE NURSE

Motion: by Commissioner Jemison, seconded by Commissioner Samide to grant permission to post internally for the position of Substitute Nurse (LPN) for five (5) days beginning May 8, 2009. This position is for 16 hours per week, holidays and to serve as coverage for the fulltime LPN during other times of leave.

<i>Roll Call Vote:</i>	<i>Commissioner Jemison</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>

MAINTENANCE DEPARTMENT – PROMOTEE RICHARD NEWSOME – OPERATIONS MANAGER

Motion: by Commissioner Jemison, seconded by Commissioner Samide to approve the promotion of Richard Newsome to the position of Full-time Operations Manager (#1909) to be effective May 17, 2009 at the rate of \$19.90 per hour. After the successful completion of 180 day probationary period the rate will increase to \$20.95.

<i>Roll Call Vote:</i>	<i>Commissioner Jemison</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>

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ARCHIVES AND RECORDS CENTER – MAINTENANCE CONTRACT – MT BUSINESS TECHNOLOGIES

Motion: by Commissioner Jemison, seconded by Commissioner Samide to approve and execute a maintenance Contract Agreement between the Geauga County Board of Commissioners and MT Business Technologies to provide maintenance on a Gestetner 4502 copy machine for a three year period at the rate of \$.015 cents per copy.

<i>Roll Call Vote:</i>	<i>Commissioner Jemison</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>

COMMUNITY AND ECONOMIC DEVELOPMENT – MIDDLEFIELD VILLAGE SIDEWALK IMPROVEMENT - BID OPENING

Motion: by Commissioner Jemison, seconded by Commissioner Samide to grant permission to advertise for bids for the Middlefield Village Sidewalk Improvements Project (Grant B-F-08-026-1) to be held on May 27, 2009 at 2:00 p.m. Notice of this publication will be advertised May 7, 2009 and the county web site.

<i>Roll Call Vote:</i>	<i>Commissioner Jemison</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>

AIRPORT AUTHORITY – FY 2010 GRANT APPLICATION – RUNWAY REHABILITATION AND APRON RECONSTRUCTION

Patty Fulop, Secretary/Treasurer/Manager explained that they have not yet filed for the match grant and if it were not approved they would have to redo the Ohio grant. The Ohio grant has to be applied for in May and the federal grants are applied for in September. This project is mostly repairs as the cold weather affected the runway. The pavement separated in about twenty spots. This project was slated to be done in 2013 but it has become a safety issue.

Motion: by Commissioner Jemison, seconded by Commissioner Samide to approve and authorize the President of the Board to execute the FY 2010 state funds grant application (Appendix B, C, D, G, J, and K) for \$361,600.00 under the Ohio Airport Grant Program. The project is for runway (11/29) rehabilitation and apron reconstruction. The match for this project will be met with funds from FAA #AIP Grant 3-39-0054-1410.

<i>Roll Call Vote:</i>	<i>Commissioner Jemison</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>

DEPARTMENT OF WATER RESOURCES – SERVICE CONTRACT – ENVIROTECT LLC

Sanitary Engineer Doug Bowen reported this is for the membranes at the McFarland Waste Water Treatment plant that has been in operation for about five years. Human hair gets clogged in the diffusers and the company thinks the employees can clean the membranes themselves. Jim Reider, a Water Resources employee, has come up with a design to avoid getting the hair clogged in the membrane and some consulting firms are considering working with his idea.

Motion: by Commissioner Jemison, seconded by Commissioner Samide to approve and execute a service Contract Agreement with Envirotect LLC to provide the technology, supervision, labor and supplies to assist plant operators with cleaning of two wastewater treatment membrane units, for a six month period in an amount not to exceed \$19,900.00.

<i>Roll Call Vote:</i>	<i>Commissioner Jemison</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>

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COMMISSIONERS' OFFICE – RESIGNATION – GHASSAN SAIKALY – DEPARTMENT DIRECTOR

Commissioner Jemison commented that he is happy for Mr. Saikaly and that he has been a great employee, Commissioner Samide commented that she hates to see him go and Commissioner Young commented that Mr. Saikaly is an incredible man and hopes he remember Geauga County.

Motion: by Commissioner Jemison, seconded by Commissioner Samide to accept the retirement resignation of Ghassan Saikaly as Director of the Department of Water Resources to be effective May 31, 2009.

<i>Roll Call Vote:</i>	<i>Commissioner Jemison</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Abstain</i>

COMMISSIONERS' OFFICE – ESTABLISH NEW REVENUE FUND – LAW LIBRARY RESOURCES FUND

Motion: by Commissioner Jemison, seconded by Commissioner Samide to establish a new special revenue fund to be known as the County Law Library Resources Fund to allow for the proper accounting of revenue and expenditures associated with the operation of the county law library under the direction of the County Law Library Resource Board created in accordance with S.B. 345.

<i>Roll Call Vote:</i>	<i>Commissioner Jemison</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>

COMMISSIONERS' OFFICE – HONOR EAGLE SCOUTS

Motion: by Commissioner Jemison, seconded by Commissioner Samide to approve and execute the Resolutions honoring the following Eagle Scouts:

<i>09-77</i>	<i>Jacob Farrow</i>
<i>09-78</i>	<i>Jeffrey Hastings</i>
<i>09-79</i>	<i>Parker Schabel</i>
<i>09-80</i>	<i>Daniel Valvoda</i>

Board of County Commissioners, Geauga County, Ohio

Resolution: 09-077
Date: May 5, 2009

**A RESOLUTION HONORING JACOB FARROW
FOR ACHIEVING EAGLE SCOUT THE HIGHEST AWARD OF ADVANCEMENT
BESTOWED UPON A BOY SCOUT**

WHEREAS, the Boy Scouts is a nationally acclaimed organization known for training young men to build character, citizenship, and leadership; and

WHEREAS, each scout must prove to his adult leaders the basics of outdoor survival including nature study, first aid, life saving and other activities that provide leadership qualities; and

WHEREAS, the Eagle Scout Rank is an accomplishment that only four percent of all those who start Boy Scouting ever attain; and

WHEREAS, Jacob Farrow is a member of Boy Scout Troop 0101, Auburn Township, Geauga County, and has excelled in his search for knowledge, leadership, planning and community support; and

WHEREAS, Jacob Farrow provided leadership at meetings and on campouts and has one an excellent job in all aspects of scouting; and

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WHEREAS, Jacob Farrow's Eagle Scout project consisted of creating a new flower bed with vertical bumper poles to cover up and protect Adam Hall's existing well pump.

NOW, THEREFORE BE IT RESOLVED, that the Geauga County Board of Commissioners salutes Jacob Farrow for service to his community and the Scouts of America;

BE IT FURTHER RESOLVED, that this Resolution become part of the permanent record of the Board of Commissioners of Geauga County, Ohio.

Board of County Commissioners, Geauga County, Ohio

Resolution: 09-078

Date: May 5, 2009

**A RESOLUTION HONORING JEFFREY HASTINGS
FOR ACHIEVING EAGLE SCOUT THE HIGHEST AWARD OF ADVANCEMENT
BESTOWED UPON A BOY SCOUT**

WHEREAS, the Boy Scouts is a nationally acclaimed organization known for training young men to build character, citizenship, and leadership; and

WHEREAS, each scout must prove to his adult leaders the basics of outdoor survival including nature study, first aid, life saving and other activities that provide leadership qualities; and

WHEREAS, the Eagle Scout Rank is an accomplishment that only four percent of all those who start Boy Scouting ever attain; and

WHEREAS, Jeffrey Hastings is a member of Boy Scout Troop 0101, Auburn Township, Geauga County, and has excelled in his search for knowledge, leadership, planning and community support; and

WHEREAS, Jeffrey Hastings provided leadership at meetings and on campouts and has done an excellent job in all aspects of scouting; and

WHEREAS, Jeffrey Hastings's Eagle Scout project consisted of raised a flagpole with lights at his townships new event hall building and constructed a brick walkway leading to it. Jeffrey Hastings also managed to have a flag that had flown over an Army base in Afghanistan to be donated to the hall where it now sits in a flag case.

NOW, THEREFORE BE IT RESOLVED, that the Geauga County Board of Commissioners salutes Jeffrey Hastings for service to his community and the Scouts of America;

BE IT FURTHER RESOLVED, that this Resolution become part of the permanent record of the Board of Commissioners of Geauga County, Ohio.

Board of County Commissioners, Geauga County, Ohio

Resolution: 09-079

Date: May 5, 2009

**A RESOLUTION HONORING PARKER SCHABEL
FOR ACHIEVING EAGLE SCOUT THE HIGHEST AWARD OF ADVANCEMENT
BESTOWED UPON A BOY SCOUT**

WHEREAS, the Boy Scouts is a nationally acclaimed organization known for training young men to build character, citizenship, and leadership; and

WHEREAS, each scout must prove to his adult leaders the basics of outdoor survival including nature study, first aid, life saving and other activities that provide leadership qualities; and

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WHEREAS, the Eagle Scout Rank is an accomplishment that only four percent of all those who start Boy Scouting ever attain; and

WHEREAS, Parker Schabel is a member of Boy Scout Troop 0101, Auburn Township, Geauga County, and has excelled in his search for knowledge, leadership, planning and community support; and

WHEREAS, Parker Schabel provided leadership at meetings and on campouts and has done an excellent job in all aspects of scouting; and

WHEREAS, Parker Schabel's Eagle Scout project consisted of landscaping the Bainbridge Road entrance to Kenston High School, which was bare and had utility boxes showing, using the plans provided by Wheeler Landscaping.

NOW, THEREFORE BE IT RESOLVED, that the Geauga County Board of Commissioners salutes Parker Schabel for service to his community and the Scouts of America;

BE IT FURTHER RESOLVED, that this Resolution become part of the permanent record of the Board of Commissioners of Geauga County, Ohio.

Board of County Commissioners, Geauga County, Ohio

Resolution: 09-080

Date: May 5, 2009

**A RESOLUTION HONORING DANIEL A. VALVODA
FOR ACHIEVING EAGLE SCOUT THE HIGHEST AWARD OF ADVANCEMENT
BESTOWED UPON A BOY SCOUT**

WHEREAS, the Boy Scouts is a nationally acclaimed organization known for training young men to build character, citizenship, and leadership; and

WHEREAS, each scout must prove to his adult leaders the basics of outdoor survival including nature study, first aid, life saving and other activities that provide leadership qualities; and

WHEREAS, the Eagle Scout Rank is an accomplishment that only four percent of all those who start Boy Scouting ever attain; and

WHEREAS, Daniel A. Valvoda is a member of Boy Scout Troop 0101, Auburn Township, Geauga County, and has excelled in his search for knowledge, leadership, planning and community support; and

WHEREAS, Daniel A. Valvoda provided leadership at meetings and on campouts and has done an excellent job in all aspects of scouting; and

WHEREAS, Daniel A Valvoda's Eagle Scout project consisted of building park benches, some with backs and some without, for Adam Hall, Auburns Community Center.

NOW, THEREFORE BE IT RESOLVED, that the Geauga County Board of Commissioners salutes Daniel A. Valvoda for service to his community and the Scouts of America;

BE IT FURTHER RESOLVED, that this Resolution become part of the permanent record of the Board of Commissioners of Geauga County, Ohio.

<i>Roll Call Vote:</i>	<i>Commissioner Jemison</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>

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COMMISSIONERS' OFFICE – LETTER OF SUPPORT

Motion: by Commissioner Jemison, seconded by Commissioner Samide to approve and execute a letter of support for the funding of “Researching for the future: Today’s Students Transforming Ohio” .

<i>Roll Call Vote:</i>	<i>Commissioner Jemison</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>

COMMISSIONERS' OFFICE – ACKNOWLEDGE PUBLIC HEARING

Motion: by Commissioner Jemison, seconded by Commissioner Samide to acknowledge their attendance at Public Hearing for the Petition on the Ditch Improvement proposed for Culvert # 299-0.20 located under Kenston Lake Drive in Bainbridge Township May 5, 2009 at 6:30 p.m.

ACKNOWLEDGEMENTS

- a) A weekly report filed by the County Dog Warden of all dogs seized, impounded, redeemed or destroyed for the week ending April 29, 2009 as required by O.R.C. 955.12.*
- b) The Parkman Township Resolution 09-87 to Order the Vacation of the unused portions of So-Called Burton Road in Parkman Township.*
- c) The Parkman Township Resolution 09-88 to Order the Vacation of the unused portion of Edwards Street (TR 477) in Parkman Township.*

MEETINGS

- Tue. 5/5 Public Hearing for the Petition on the Ditch Improvement proposed for Culvert # 299-0.20 located under Kenston Lake Drive in Bainbridge Township May 5, 2009 at 6:30 p.m.*
- Thu., 5/7 The Commissioners will hold regular session.*
- Thu., 5/7 Chagrin River Watershed Partners meeting*
- Fri., 5/8 NOACA Governing Board meeting*
- Tue., 5/12 The Commissioners will hold regular session.*
- Tue., 5/12 Planning Commission meeting*
- Thu., 5/14 **The Regularly scheduled Commissioners’ meeting is cancelled.***
- Tue., 5/19 The Commissioners will hold regular session.*
- Thu., 5/21 The Commissioners will hold regular session.*
- Mon., 5/25 The County Offices will be **closed** in honor of the Memorial Day Holiday.*
- Tue., 5/26 **The Regularly scheduled Commissioners’ meeting is cancelled.***
- Thu., 5/28 The Commissioners will hold regular session.*

BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, COMMISSIONER YOUNG ADJOURNED THE MEETING AT 11:20 A.M.

Commissioners' Journal
May 5, 2009

Geauga County Board of Commissioners

Tracy A. Jemison

Mary E. Samide

William S. Young

Claudine Kozenko, Commissioners' Clerk

Commissioners' Journal
May 5, 2009

The following pages are the minutes from Deborah Furey, Court Reporter for the meeting held April 23, 2009 at Gurney Elementary School, 1155 Bell Road, Chagrin Falls, Ohio at 7:00 p.m. on the Intention to Construct Sanitary Sewers and Related Improvements to Provide Sanitary Sewer Service to Properties Abutting Maple Hill Drive.

1 BOARD OF COUNTY COMMISSIONERS
 2 GEAUGA COUNTY, OHIO
 3 PUBLIC HEARING
 4
 5

6 - - - - - :
 7 In Re: :
 8 Maple Hill Sewer Project :
 9 - - - - - :

10
 11 Transcript of proceedings before the Board of
 12 Commissioners, Geauga County, Ohio, held at Gurney
 13 Elementary School, 1155 Bell Road, Chagrin Falls,
 14 Ohio, on Thursday, April 23, 2009; commencing
 15 at 7:00 p.m.

16
17 APPEARANCES:

18 BOARD OF COUNTY COMMISSIONERS:

19 Bill Young, Commissioner
 20 Mary Samide, Commissioner
 Tracy Jemison, Commissioner

21 Claudine Kozenko, Commissioners' Clerk

22 GEAUGA COUNTY DEPARTMENT OF WATER RESOURCES:

23 Gus Saiakaly, Sanitary Engineer
 24 Gerard Morgan, Assistant Sanitary Engineer

25 - - -oOo- - -

1 COMMISSIONER YOUNG: We're starting
2 the meeting now.
3 This is to identify commissioners.
4 I'm commissioner Bill Young, I used to hang
5 out in this village.
6 COMMISSIONER SAMIDE: Commissioner
7 Mary Samide.
8 COMMISSIONER JEMISON: Commissioner
9 Tracy Jemison.
10 COMMISSIONER YOUNG: Officially, this
11 is a meeting and our clerk, commissioners'
12 clerk.
13 MS. KOZENKO: Claudine
14 Kozenko, commissioners' clerk. Thank you for
15 signing in.
16 COMMISSIONER YOUNG: So, if there are
17 questions later, everybody will be given the
18 opportunity to do that, but we're having an
19 official meeting today.
20 Claudine, has it been officially
21 advertised?
22 MS. KOZENKO: Yes, sir.
23 COMMISSIONER YOUNG: It has to be,
24 that done legally, what we need to do to have
25 this official meeting here this afternoon.

1 Basically this will be a review of
2 what may be going on at Maple Hill. We're
3 going to begin this process, starting with
4 Matt Brett, to tell us what's going on from
5 the village standpoint and the elected
6 officials at the same time.

7 MAYOR BRETT: Can everybody
8 hear me without the microphone? I work
9 better that way.

10 Thank you, commissioners, thank you
11 for coming tonight.

12 Gus had asked me to just do a very
13 brief recap of kind of a time line of
14 where this probably started and what has
15 occurred from then up till now, and so I'll
16 just do a very brief overview of that.

17 In the village, in South Russell, in
18 2005 and in 2006, there was a fair amount of
19 activity in regard to questions about staying
20 with septic systems versus switching over to
21 sewers.

22 There was another community that was
23 pretty active within this evaluation and
24 investigation and I think that's what started
25 to queue up the concept of the idea of

1 potentially switching over to sewer systems.

2 In addition to that, one of the
3 things that was also occurring at that point
4 in time is what are lovingly referred to as
5 the bunker-type septic systems, where the
6 concrete retaining tank is kind of out by the
7 road.

8 Those seem to be popping up
9 throughout not only Maple Hill but throughout
10 the village, and I think that prompted some
11 of the discussions and the arguments.

12 In late 2006 residents from Maple
13 Hill had reached out to the village and asked
14 the village to then get involved with a
15 process of providing information about what
16 is involved with either switching over to
17 sewers or staying with septic systems, and by
18 partnering with Gus Saikaly and his
19 department, we started to go through that
20 evaluation.

21 Back in 2007 we put on -- in February
22 of 2007 we put on our first informational
23 session, in fact, I believe we did it in this
24 very room.

25 Then, also in early 2007 there was a

1 relatively informal opinion poll from the
2 residents of Maple Hill, that was submitted
3 to the village and it was requested of the
4 village that Maple Hill switch over to
5 sewers.

6 At the same time what had occurred is
7 that same group had asked the question,
8 wouldn't there be an efficiency if a greater
9 group, if the balance of the village that are
10 on septic systems now, if they all wanted to
11 switch over to sewers, wouldn't that be a
12 better way to do it.

13 At that point the village weighed
14 that process and we agreed there would be a
15 value in evaluating that and seeing if our
16 residents wanted to move forward with a
17 project like that.

18 Having said that, what counsel had
19 agreed to and what the mayor had agreed to at
20 that point is we would respect the wishes of
21 our residents.

22 This was not a village-generated
23 project but a residential-initiated project.

24 From there, in the summer of 2007, I
25 think, in the room right over there, we put

1 on three different informational sessions and
2 the purpose of those sessions were really to
3 -- we had members from the water resources
4 group, we also had members from the health
5 district that were -- these sessions were
6 intended to present the pros and the cons of
7 either staying with septic systems or
8 switching over to sewer systems.

9 Also, what the village then agreed to
10 do is to conduct an opinion poll of that
11 larger group, so folks that have septic
12 systems in the eastern edge of the village --
13 to see the if that greater group had a desire
14 to move forward with it.

15 The conclusion of that larger opinion
16 poll was that the greater group did not have
17 a desire to move forward, however, there was
18 the pocket of Maple Hill that was in favor of
19 moving forward with a sewer project.

20 At that point we re-engaged with
21 water resources. We asked water resources if
22 that was really an option, if that was a
23 viable process.

24 They went back and reviewed their
25 information and came up with a revised plan,

1 that was presented back to the residents of
2 Maple Hill.

3 In November of 2007 we did yet
4 another opinion poll, and the results of that
5 were in favor of moving forward with the
6 sewer project.

7 Having said that, in 2008, the
8 village council had weighed this process, had
9 weighed what had occurred at that point and
10 had decided to move forward in favor of
11 supporting those residents that wanted to
12 move forward with the sewer project and,
13 therefore, formally had asked the county
14 commissioners to engage into the project.

15 There are a few things that have
16 occurred between now and then, the village
17 had to pass an ordinance in order to request
18 that there's some process that needed to
19 occur, but all things considered, that's
20 really what gets us up to this specific date.

21 MR. HICKMAN: Mr. Mayor, just
22 wanted to add something to what you said or
23 have you clarify.

24 There was a petition that came to the
25 city, it was denied by legal counsel and you

1 said nothing about that. That was over 200
2 people who had asked for this to be put on
3 the ballot, to make it a referendum.

4 COMMISSIONER YOUNG: Excuse me, sir,
5 can you identify yourself by name?

6 MR. HICKMAN: My name is Mark
7 Hickman, I live at Maple Hill Drive and I
8 just wanted to add that to your --

9 MAYOR BRETT: Sure. There was
10 a petition effort and that petition effort
11 occurred in, I think, late summer of 2008.

12 In regard to that petition effort, it
13 was presented to the village.

14 The village went through our process,
15 and it was the determination of the
16 solicitor, not of council, that the petition
17 didn't meet the requirements that it needed
18 to, and it was our solicitor's direction to
19 us, actually to our fiscal officer, that they
20 shouldn't submit it. So that was the legal
21 thing. That was August of '08.

22 So that's really what has brought us
23 to this point.

24 COMMISSIONER YOUNG: The purpose of
25 this meeting is a hearing for the property

1 owners to express concerns to the Board of
2 County Commissioners on this project, but
3 until we get to that particular point where
4 questions are posed or positions are
5 mentioned to us, we would like to begin by
6 having our director, Gus Saikaly, begin the
7 process of explaining and trying to get the
8 big picture of where it is today and where it
9 could go.

10 MR. SAIKALY: Thank you,
11 Commissioner. This is an unusual process
12 that we opted to follow, primarily because we
13 were aware of the fact that a number of
14 residences in Maple Hill have already spent
15 quite a bit of resources fixing their septic
16 systems, so we thought we would split this
17 into two phases.

18 The first phase would be this process
19 that we're engaging in now, to determine the
20 assessment of the engineering phase of this
21 project, that way if we were to spend the
22 money on engineering and then find out later
23 that there is considerable opposition or that
24 we ended up getting caught in some legal
25 battles and the project doesn't proceed, then

1 we would have lost a \$100,000 or a hundred
2 and thirty on the engineering, so we decided
3 to come to you with the assessment process
4 for the engineering. This is what we're
5 starting with at this point.

6 The process will take us through a
7 number of steps and might be confusing but we
8 are guided very ably by my very competent
9 lawyers at Squire, Sanders & Dempsey, that
10 hopefully they will get us through this
11 without a lot of headaches, but we will --

12 A VOICE: Excuse me. Why
13 is engineering a risk to all of us property
14 owners? Why are we assuming the risk?

15 COMMISSIONER YOUNG: Excuse me, sir,
16 would you identify yourself by name?

17 The way we're going to do this is let
18 the presentations be made and after the
19 presentations are made, we would appreciate
20 any questions that you have at that time,
21 please. Thank you.

22 MR. SAIKALY: So the process
23 for today's meeting, we'll hear the comments
24 and opinions of the residents and the
25 property owners in Maple Hill and the Board

1 will be accepting written opinions for those
2 of you that do not wish to express them today
3 till April 30th, 4:30 p.m., April 30th.

4 If any of you have any opinions to
5 put down in writing, please send them to the
6 Board of County Commissioners and they will
7 be considered as official comments concerning
8 this project.

9 Now, following that the Board of
10 County Commissioners will consider a
11 resolution of necessity at a time and place
12 that will be decided upon later, however,
13 that time and place will be communicated to
14 you so that you are aware of the time that
15 the Board will be taking action concerning
16 moving forward on this project.

17 That action will also -- at that
18 meeting they will consider the cost for the
19 engineering phase and the assessment that
20 would be levied against the property owners,
21 should the decision be made to proceed with
22 the engineering on this.

23 So these are the next couple of steps
24 following this meeting.

25 Then, after the resolution of

1 assessment is passed by the Board of County
2 Commissioners, ten days will elapse before,
3 to give you folks a chance to appeal their
4 decision, should you choose to appeal their
5 decision.

6 So there will be two or three
7 occasions between now and the end of this
8 particular phase, during which you, as
9 property owners, will have an opportunity to
10 object and file legal action, if you so
11 choose, in the next several weeks.

12 I know this is a little cumbersome of
13 a process, but in every step you will be
14 advised what the next step is going to be, so
15 there won't be any surprises concerning this
16 particular process.

17 Now, that's my part in it. The next
18 one, if the commissioners would permit, Gerry
19 Morgan, our engineer in charge of this, will
20 describe the physical aspects of this
21 particular project.

22 MR. MORGAN: As the mayor had
23 mentioned, we have put together several plans
24 for the village, starting with the
25 possibility of sewerage the village up and

1 including Snyder Road, and that was presented
2 and an estimated assessment per property was
3 done at that time, and that estimated
4 assessment was around \$23,500 per property.

5 Once it was determined by the village
6 to only go forward with the Maple Hill
7 project, we came up with a preliminary design
8 of gravity sewer on Maple Hill, a pump
9 station and force main on Bell Road to take
10 the sewage back to the last existing gravity
11 manhole, up just before Sun Ridge.

12 Then an estimate was done for the
13 construction costs for that sewer line and
14 then a tentative assessment or estimated
15 assessment per property, for just the Maple
16 Hill properties, that came out to be around
17 \$24,500.

18 To be clear, though, that is just the
19 cost of the sewer line, pump station and
20 force main, that does not include the cost
21 that the individual homeowners would have to
22 expend bringing the service connection from
23 the right-of-way and connecting into their
24 property or their house, to bring us up to a
25 point now, after we went forward and, again,

1 that estimate was \$23,500, plus the
2 individual, so that will be for the
3 construction.

4 To go with this portion of the
5 project, which is just the engineering
6 portion, the county commissioners approve for
7 us to put out a request for proposal from
8 individual engineering firms that would be
9 then hired, if this process goes forward to
10 actually do the alignment.

11 We went through the whole RFP process
12 and interviewed four different firms. Four
13 firms being Foresight Engineering, Land
14 Design, M & F Design Group and Hadick Cox.

15 After going through the process that
16 we normally go through on every other project
17 with those, interviewing each one of the
18 firms and going through the whole process, we
19 determined that Hadick Cox was the best
20 engineering firm to do this.

21 Hadick Cox then prepared a scope of
22 services for designing this sewer system as
23 preliminarily shown here.

24 Again, I want to make that clear,
25 too, this is preliminary, this has not gone

1 through a whole engineering study on the best
2 location, which side of the road, where to
3 put the sewers, where to put a pump station,
4 where to put the force main.

5 If this project goes forward, that
6 will be Hadick Cox's first responsibility, is
7 doing a true preliminary study and figuring
8 out the locations of those.

9 They went through and put together
10 their scope of services for us and that scope
11 was then used.

12 They also gave us a quote for the
13 engineering services that they would provide
14 and that price was then divided amongst the
15 41 property owners or properties that front
16 on Maple Hill Drive.

17 That is included in your notice that
18 was sent out for this meeting and that
19 estimate was 3,000 -- right around \$3,050 per
20 lot, for the engineering portion of this
21 project.

22 That number is part of the
23 twenty-three or twenty-four thousand that I
24 mentioned before, when the original numbers
25 were given.

1 COMMISSIONER YOUNG: Anybody who
2 would like to ask a question, if they would
3 just please identify themselves, and then, if
4 it's a specific individual you want to point
5 a question at, whatever that may be, please
6 feel comfortable to come forward and do that.

7 Anybody? Who is the first person?

8 MR. DUBER: My name is James
9 Duber. I have a specific question regarding
10 the RFP process for the engineers.

11 Did you get fee proposals from each
12 of the four engineers?

13 MR. MORGAN: No. The way the
14 law is written with the RFP process, we
15 cannot review fee proposals as part of the
16 basis for determining the engineer, the
17 engineering firm is determined based on their
18 qualifications, similar projects they've
19 done, the feel that we get from them when
20 they present their proposal and, basically,
21 their proposals are usually a -- here's their
22 own preliminary design for the project.

23 We're not allowed -- we, as the
24 county, are not allowed to take into account
25 the cost of what each engineering firm will

1 charge.

2 MR. SAIKALY: This, by the
3 way, is subject to law, House Bill 231. We
4 are required very specifically not do engage
5 in any discussions on fees for their
6 services.

7 MR. DUBER: One other
8 follow-up question that I'm trying to find
9 out and I cannot find it in the state code,
10 what is definition of need in this case, how
11 it applies to whether this system is needed?

12 MR. SAIKALY: I could address
13 that. What brings a project about is a
14 number of things: One, the EPA can mandate
15 the project. For example, that's what
16 happened on Bellwood several years back; you
17 can have the health department do the same
18 thing, should there be a failure of on-site
19 systems; or you can have the community ask
20 for it.

21 In this case the third option is what
22 happened, we had the community ask for this
23 service. It was agreed to by the village and
24 the village asked the county commissioners to
25 proceed with this.

1 I should mention, perhaps, just a
2 footnote to the relationship between the
3 village and the county in this regard, the
4 village, as a municipality has its own
5 authorities within, obviously, the boundaries
6 of the village, and we, as a county, do not
7 have any authority to engage into these kinds
8 of projects without the express permission
9 and requests of the village, which is the
10 reason why there was an ordinance passed
11 asking the Board of County Commissioners to
12 do this.

13 We do this by an agreement, by the
14 way, that dates back to the late '60s, when
15 the village passed on the responsibility of
16 your sewer services to the Board of County
17 Commission.

18 MR. DUBER: But just to
19 clarify, then, my last comment, we had no EPA
20 mandate, as far as I know when I asked at the
21 council meeting there was no complaints at
22 all from the water department regarding any
23 of the water quality issues on Maple Hill,
24 and so the last issue here, you're saying
25 that need has been determined by want of a

1 majority?

2 MR. SAIKALY: By want of a
3 majority, and the fact that there were -- if
4 you were at some of the earlier meetings, you
5 may recall some of the comments that were
6 made by the representative of the Board of
7 Health, that given the new standards that
8 they have to apply towards the judgment of
9 whether a system does or does not work or
10 meets or does not meet the latest
11 requirements, they're view, given the age of
12 these systems, that should they do a test
13 throughout the community, there will be
14 substantial failure of those systems.

15 In fact, the fact that there were
16 eight or nine systems that were actually
17 reviewed recently, in the last few years,
18 that indicated to them that their position or
19 their feeling on this or their opinion, I
20 should say, not feeling, their opinion is
21 validated by the fact that every time a
22 system was put up for review or evaluation,
23 it had to be upgraded, so their view is there
24 would be substantial backing, validation of
25 the community's request to go ahead and ask

1 for sewers.

2 So, you're right, it is a matter that
3 the community asked for it and that's why
4 we're here.

5 COMMISSIONER YOUNG: Would you
6 identify yourself, again, please?

7 MR. HICKMAN: I'm Mark
8 Hickman. I live on Maple Hill. I have a
9 question about the extra amounts for
10 engineering. How is that going to be
11 assessed? Is that going to be on our
12 property tax bill? How are we paying that?
13 Is that a one-time bill or is it spread
14 over --

15 MR. SAIKALY: You will be
16 given an opportunity to pay it either upfront
17 or if you choose not to, it can go onto your
18 taxes over a 20 year period, not to exceed 20
19 years, with interest, I should tell you.

20 MR. HICKMAN: What happens if
21 I can't afford this?

22 MR. SAIKALY: That's the
23 reason for this process. If the project does
24 proceed, then the assessment will be put on
25 your taxes, on your --

1 MR. HICKMAN: If I stop paying
2 my taxes, what will happen to me then? Will
3 you put a lien on my house?

4 MR. SAIKALY: The process then
5 will go into the county treasurer's office,
6 that will deal with these things in the same
7 manner they deal with any unpaid taxes.

8 Did I state that correctly?

9 COMMISSIONER JEMISON: Yes.

10 COMMISSIONER SAMIDE: You did.

11 COMMISSIONER YOUNG: Yes.

12 MR. HO: My name is
13 Lawrence Ho. I live on Maple Hill and I'm
14 not against sewer in any manner. I have
15 always stated my position, that I support
16 sewerage if it applies to the entire road,
17 because that's the only thing that makes
18 sense.

19 If you apply it to the entire
20 village, you distribute all of this
21 engineering cost, all of this extra costs,
22 all of these cost overruns, and I'm fully in
23 support of that.

24 I think singling Maple Hill out by
25 claiming a need situation, that is not very

1 fair.

2 We had a petition that was signed by
3 200 people that was denied for some reason.

4 I'm not a lawyer, and I can not -- I
5 don't have the expenses to hire a lawyer. If
6 I hire a lawyer, it will be the same price as
7 what we're paying for the sewer.

8 So, in that manner I'm saying that we
9 are not being treated fairly in this process
10 and I want to point out that if we go on a
11 bigger scale, on a sewer for the whole
12 village, you would be entitled to a lot of
13 funding, like the ARRA funding, which is the
14 American Recovery and Reinvestment Act funds,
15 which you could have.

16 If you had done a due diligence, you
17 might be able to get those funds, through the
18 Obama stimulus program.

19 The other thing, I believe there are
20 congressional funds that are available
21 through our Congressman's office, which is
22 LaTourette, I believe, and that fund is in
23 the future.

24 So, if you could delay this and
25 perhaps apply to the whole village, I would

1 totally support this sewer, sewers for the
2 whole village, and it only makes sense and do
3 your due diligence and get all of the funding
4 that you can possibly get.

5 It is just like a lobbyist, you lobby
6 for the money and you would defray the cost.

7 In Stark County they got funding and
8 they were able to defray the cost and they're
9 paying much less, like \$6,000 per property
10 owner, in contrast to what we are paying
11 singly in the involvement, of twenty-four
12 thousand, that is a big difference, four
13 times the cost.

14 It is inefficient to take one
15 development and put sewer in there and then,
16 later on, downstream you have to be busting
17 pipes, which we may not have been included in
18 the cost of this engineering study, and put
19 them in the engineering study, which is so
20 preliminary that it didn't even include maybe
21 fixing the pump station further down, with
22 bigger pumps and stuff like that, and the
23 force line.

24 Another question I have, too, is: If
25 you're taking the sewer here and you're

1 busing the sewer down on Bell Street, why
2 aren't the people on Bell included in the
3 assessment process?

4 Supposedly we have a sewer that runs
5 down, they're supposed to be tying into the
6 sewer.

7 All of these questions need to be
8 addressed and I just only ask that you be
9 fair, do the best you can to contain the cost
10 and keep it down and wait, have some
11 patience, that's all I would ask.

12 MR. SAIKALY: Okay. Could I
13 just make a comment, there are some questions
14 that we will not address tonight, because the
15 purpose of this gathering here is for the
16 Board of County Commissioners to hear you,
17 this is a hearing, and some of the questions
18 actually have been addressed during the
19 previous meetings that this community had
20 over the same issue.

21 As far as stimulus, I have to tell
22 you, we did submit the name of this project
23 and all of the information we had on it to
24 the proper people, and I don't want to raise
25 anyone's hopes, because we don't fair very

1 well when we go asking for help, primarily
2 because of our income status in the county,
3 we don't score very high on these kinds of
4 things, nonetheless, we do ask, and knock on
5 every door, we talk to our congressional
6 delegations, our state people and they do
7 what they can do.

8 MR. HO: Could you do the
9 congressional one, too? I just filed --
10 excuse me -- I work for local government, I
11 just filed for the ARRA funds and I also
12 filed for congressional funds and I also
13 filed for Issue 1 money and there are many,
14 many other ways.

15 MR. SAIKALY: Did you get any
16 of that money?

17 MR. HO: Yes, I did.

18 MR. SAIKALY: When did you
19 apply?

20 MR. HO: I've been doing
21 it for the last three months, I've
22 anticipated this.

23 MR. SAIKALY: We did the whole
24 thing.

25 MR. HO: But it's a

1 matter of how you write it, that's why I ask
2 you do your due diligence and try to defray
3 the whole cost, consider sewerage for the
4 whole village. Whole or none, that's what
5 I'm saying.

6 MR. JANUS: My name is Brian
7 Janus. My question is directed to Mayor
8 Brett.

9 It seemed like you glossed over --
10 I'm a numbers guy, so when you talk about
11 there was a bill or referendum put before the
12 community, that voted not in favor of the
13 project, what were the numbers in that versus
14 the numbers in our community, because I feel
15 like that's an important distinction that is
16 kind of getting glossed over.

17 MAYOR BRETT: Are you
18 referring to the larger vote that we did?

19 MR. JANUS: Right.

20 MAYOR BRETT: I don't know
21 that I have those figures, but what I would
22 tell you is: When we did the larger vote on
23 -- I would say that it was probably about 35
24 percent in favor and 65 against.

25 Having said that, and I'll take the

1 opportunity, I misspoke earlier when I said
2 that only Maple Hill was in favor, that
3 wasn't true, it was Maple Hill and Sun Ridge.

4 What we had done was the same thing
5 for Maple Hill we did for Sun Ridge, their
6 dollars for their project, when we went back
7 to them, were significantly higher. I think
8 they went up to, like, thirty-four thousand
9 per home because of the parameters, the lay
10 of the land.

11 MR. JANUS: The other
12 question I have is: I'm one of the
13 relatively newer homeowners that has
14 participated in the cost of the newer system,
15 and it seems like there is no -- it's a
16 difficult challenge to weigh, if you have a
17 newer system versus someone who has an older
18 system, but it feels as though we're being
19 penalized because we put in a significant
20 amount to have a new system, now we're
21 probably going to have to spend more to also
22 remove that system, and it doesn't seem as
23 though that part of it has been thought out,
24 it ends up being the newer owners versus
25 older owners, which is majority versus

1 mi nori ty.

2 I've only attended a couple of these
3 meetings, but I don't feel as though that
4 part of the process has been discussed in any
5 fashi on, because I feel like there should be
6 a di fference in cost, and I think if you
7 re-voted and redistri buted the cost, I think
8 you would get a signi fi cantly di fferent vote.

9 I know if I was on the other end of
10 spectrum, I would vote one way if you change
11 the cost structure to somehow incorporate the
12 fact that there are those of us who have
13 recently i nvested a signi fi cant amount and
14 aren't really being compensated in any
15 fashi on.

16 MAYOR BRETT: I'll probably
17 need Gus to weigh in on this. I agree with
18 your comment.

19 In regard to the septic versus sewer
20 i ssue, there is no good time to say this is
21 the time to do it or wait two years because
22 somebody, and unfortunately you're one of
23 those, is in a situation where you had too
24 put money into a newer septic system and now
25 you're being faced with having to replace it.

1 MR. JANUS: One thing I want
2 to add to that is my system is actually in my
3 backyard, so the talk of having this large
4 structure in the front yard, that is a matter
5 of choice among residents also, so that's
6 something again that gets glossed over in
7 this process.

8 MAYOR BRETT: We did,
9 though -- to your other question, we did look
10 at are there other options for doing a
11 different model and we tried to evaluate what
12 are those options, could there be some sort
13 of delay in regard to, you know, for
14 individuals that might have put in a septic
15 system? Could we ask for a deferment of when
16 they would have to either pay or tie in, and
17 the answer on that was no.

18 So we tried as much as we could to
19 find what were those alternatives and, Gus, I
20 don't know if you have more.

21 MR. SAIKALY: Just on the use
22 of the septic systems, we have encountered
23 this same situation in other projects and
24 we've asked for legal opinions actually on
25 this, and the law is such that it will not

1 allow us to credit you for any expenditures
2 you incurred in complying with the law,
3 because the reason that you spent money on
4 fixing your septic system was because,
5 technically, you're in violation of the law.

6 You can't get out of paying a
7 speeding ticket because you paid one
8 yesterday. See, this is kind of the same
9 logic they apply to this. I'm not making
10 light of this, but that's the way they
11 approach this.

12 So that ties our hands on how much
13 credit we can give you or how much time.

14 We are exploring the possibility of
15 perhaps giving some deferments to people that
16 have -- that are in your situation, extend
17 the time for you, perhaps, before the
18 assessment can kick or before you're made to
19 tie in, obligated to tie in, so we are
20 sensitive to your plight, but, you know, you
21 have a majority in the community that wants
22 this.

23 MR. JANUS: When you say
24 majority, if you really look at the final
25 vote, statistics, it is really not. That's

1 why I asked for the numbers.

2 MR. SAIKALY: On Maple Hill,
3 we all have those printed in our minds, there
4 were 26 for and four --

5 MAYOR BRETT: Four did not
6 respond, one was acceptable either way, and
7 ten were against it.

8 I'm sorry. I thought you were
9 referring to the greater.

10 MR. JANUS: The greater
11 also, because I wanted to see the
12 distinction.

13 MR. HO: I indicated I
14 was in support of the sewer provided, is that
15 considered acceptance, as one of the support
16 votes?

17 MR. SAIKALY: I can't answer
18 that question.

19 MR. HO: That's what I
20 would like clarified, in particular with the
21 voting, and be publicized, made public
22 record. There are provisions to that support.
23 I support the sewer, I indicated that.

24 COMMISSIONER YOUNG: You had a
25 question?

1 MR. FERGUSON: Joe Ferguson. I
2 I live on Maple Hill.
3 I have been one of the residents on
4 Maple Hill who has been in favor of the sewer
5 project and my question is for Gus or the
6 commissioners.
7 I think what you're witnessing here
8 today is, I guess, the storm cloud is on the
9 horizon, what you're going to face, because
10 what started our process was actually two
11 years ago when all of the articles hit the
12 paper about \$30,000 septic system upgrades
13 and our street, we have a known high failure
14 rate, we see articles about \$30,000 systems.
15 Sort of deja vu, fast forward the
16 clock two years. In fact, today's paper
17 there is more conversation about what the
18 State of Ohio is going to do.
19 And, I think my question is: As far
20 as the timing of this project, are we going
21 to hit the brakes a little bit and sort of
22 take the wait-and-see attitude of what comes
23 back from the State of Ohio, because I'll
24 speak for myself, but I think the sentiment
25 was if we get clearcut rules as far as

1 compliance with Geauga County Health
2 Department, if we know a septic system is
3 going to cost \$15,000, I think the rest of us
4 are going to be onboard with a \$15,000
5 upgrade and be in compliance, versus if the
6 State of Ohio is going to mandate \$30,000
7 systems, I think this is, once again, a
8 no-brainer decision, not only for Maple Hill
9 but the Village of South Russell.

10 How can we let someone move into this
11 area and spend \$30,000 and possibly a couple
12 of years down the road be forced with a
13 village-wide sewer upgrade by the EPA or
14 whoever mandates it, the health department.

15 I guess my question is to the
16 commissioners or to Gus. As I said, I've
17 been in favor, now all of a sudden I'm
18 tapping my foot on the brake and saying do we
19 need to take a wait-and-see approach, to see
20 what our state government is going to do and
21 then, in turn, what that does for the local,
22 county health department?

23 COMMISSIONER SAMIDE: I was thinking
24 of what you are talking about. I read today
25 cities like Cleveland, I know this for a

1 fact, they have been a given a 20-year window
2 to clean up their sewers, because when it
3 rains, their sewers overflow and it goes in
4 whole to the lake. They are the biggest
5 polluters around.

6 Well, they look to communities like
7 ours, Geauga County, rural communities, and
8 they say, well, you all fix up your septic
9 systems, meanwhile Cleveland has got 20 years
10 and they're asking -- if you read today, our
11 legislators are asking for 30 years for them.

12 We're still on the short line to get
13 ours cleaned up, and it seems to be a problem
14 that can't -- the bill that's in there, that
15 Grendell's got, Bill 100, we don't know if
16 he's got support for that.

17 The only ones going in there is
18 Cafaro and him and Trumbull County is going
19 in with Geauga. I don't know about any of
20 the other ones, but is it not looking good.

21 This may not pass and we may be set
22 with rules made by people who are in cities
23 and they want sewers, but I'll tell you it is
24 not a problem just for us, it is a problem
25 for the cities and Cleveland is going to face

1 a bigger bill than anything that we'll ever
2 see.

3 MR. FERGUSON: If I may, one
4 follow-up comment to that: Are we allowed,
5 in the process we're talking about today, to
6 tap the brakes, take a wait-and-see approach,
7 to see what happens come July 1st?

8 I guess, where are we at in the
9 process? Are we moving full-steam ahead or
10 are we allowed to slow down and keep things
11 on track, because if that bill does pass and
12 information gets out, I have a feeling Paw
13 Paw Lake, Lake Louise, those other
14 communities who all looked at us like we were
15 crazy last year, they all of a sudden jump
16 the fence and want to get on board with the
17 project and it's -- what is it April -- so
18 what' a four month --

19 MR. SAIKALY: As was mentioned
20 earlier, this is a hearing for the Board of
21 Commissioners to listen to you, to your
22 comments and opinions on this.

23 Is there time to put the brakes on,
24 yes, there is time to put the brakes on but
25 now, short of the -- well, we have our

1 orders, as we mentioned earlier, through the
2 ordinance that the council passed and the
3 village and the fact that the majority of the
4 folks do want this.

5 The Board of Commissioners does not
6 have to move tomorrow on this, but they do
7 have that request on the table and it would
8 have to be a good reason for them to change
9 or slow down the process or change course all
10 together, but they're reasonable people.

11 COMMISSIONER YOUNG: I think
12 Commissioner Samide makes some very good
13 points there. Who knows what it's going to
14 cost in the future for septic systems.

15 There was an article where Tim
16 Grendell was quoted it would be \$50,000 to do
17 it, so who knows, and we've heard from other
18 counties where people have incurred \$35,000
19 or more, and it may be required that more
20 sophisticated systems will have to be put in
21 that maybe we don't know about.

22 Senator Grendell's bill, and he said
23 Bill Number 100, but that could happen, and
24 that would be good for Geauga County and
25 Ashtabula and Portage County -- I mean

1 Trumbull County would gain considerably from
2 that.

3 The other side of the coin is: If
4 they make these systems more sophisticated,
5 there's a lot more than just putting these
6 systems in place, they have to be managed
7 annually, they could be very expensive to
8 monitor them and who knows what it is going
9 to cost.

10 It is up the air right now, nobody
11 knows for sure what is going to happen, but
12 you make a good point.

13 COMMISSIONER SAMIDE: If you have
14 failing systems, you've got to ask yourself,
15 the bottom question is is it worth your
16 health to wait.

17 MS. NELSON: Liz Nelson, I
18 live of Maple Hill. We are the newest
19 residents on Maple Hill, so I apologize if
20 some of my questions are redundant, but this
21 is completely new to us.

22 We just moved into our home in
23 October of 2008 and our house has a two-year
24 old system, prior to that I guess it had
25 failed, so there is a new one.

1 Our home was a premium because we had
2 some of these new things. We like the idea
3 of sewer.

4 I guess my questions are really all
5 about the bottom line and cost to us, being
6 the newer homeowners and paying a little bit
7 more for our home and our taxes are already
8 now a little bit higher due to that.

9 My question is: This approximate
10 \$25,000, how does that work as far as being
11 put on our taxes, when you say we have up to
12 20 years?

13 I mean, does it break down evenly
14 over 20 years or -- our concern, really, is
15 how much is this going to cost us, being new
16 homeowners.

17 COMMISSIONER JEMISON: There would be
18 interest amortized over the course of 20
19 years and then payment would be divided by 20
20 and you would pay half of that every six
21 months for your tax bill.

22 So, if it was \$1,200 a year, and that
23 included interest, then you would see \$600 on
24 your first-half tax bill and \$600 on the
25 second half.

1 MS. NELSON: How do we know
2 what the interest is?

3 MR. SAIKALY: We will tell you
4 about it. When we borrow the money, we
5 normally borrow from a state agency, OWDA.
6 They lend us money on discounted rates,
7 between 3 to 4 percent, and that's the
8 interest that we pass on to you.

9 COMMISSIONER JEMISON: I can say
10 historically, the way the department has
11 looked at USDA and some other, WPA and some
12 other areas, that their interest that they
13 have charged has always been less than if you
14 had to go to the bank and get that, so it has
15 always been under market.

16 MS. NELSON: My second
17 question is, again, this may have been
18 discussed previously: If this goes through,
19 if this comes to fruition, what are we
20 looking at, as far as a time line of our
21 streets being ripped apart and so forth?

22 MR. MORGAN: Assuming that
23 this does go through, the engineering would
24 start after everything was -- probably
25 looking at -- the earliest would be next

1 spring would be the start of construction,
2 more likely it would be late summer, early
3 fall, by the time we go through the whole
4 process of getting funding, getting the
5 assessment put together, getting engineering
6 done, getting the construction bid out,
7 awarded and, you know, starting that process.

8 So, at the earliest, we are probably
9 looking summer.

10 MS. NELSON: And the duration
11 of the project?

12 MR. MORGAN: About six
13 months. Going on the long end.

14 MS. NELSON: So if we started
15 in late summer, it would be -- would we have
16 the roads torn up, the plows coming down with
17 snow and --

18 COMMISSIONER YOUNG: When you say
19 roads torn up, we're not talking about
20 destroying the road there or tearing the road
21 up.

22 MR. MORGAN: The sewer is
23 going to be inside the right-of-way but
24 outside of the pavement.

25 MS. NELSON: Where we've got

1 our ditches now? It wouldn't be both sides?

2 MR. SAIKALY: You'll be able
3 to drive down your street. You'll be able to
4 get to your home.

5 If they do cut your driveway, it will
6 be just for a few hours. They will make sure
7 you're able to get in and out. That is
8 standard procedure.

9 MS. NELSON: And then the
10 part that is our responsibility, getting the
11 to the main sewer, are we regulated by who
12 does that or how does that --

13 MR. MORGAN: That would be --
14 the homeowners are able to do it themselves,
15 if they feel comfortable doing it.

16 We do have a list of licensed
17 installers that would be provided to all of
18 the property owners and what we have found
19 is -- Parkman is a good example, we put in a
20 brand new sewer down there, they've got about
21 three or four installers who are doing most
22 of those properties, I think, because of that
23 the installers are charging a little less
24 than they would if they were just doing one
25 individual property.

1 COMMISSIONER JEMISON: What is a
2 typical charge to have them tie in?
3 MR. MORGAN: Typical charge
4 is about twenty-five hundred for a
5 connection, that includes crushing and
6 getting rid of your septic system.
7 MS. NELSON: That was my
8 question, too. We probably have X-amount of
9 time where that needs to come out at the same
10 time as our existing.
11 MR. MORGAN: Right. Most of
12 the installers that we have know how to do
13 that.
14 MS. NELSON: You could have
15 them take them out and put the new in all at
16 the same time?
17 MR. MORGAN: Right.
18 MS. NELSON: So I'm not
19 planting any flowers next year.
20 MS. GLEASON: Trish Gleason. I
21 have a question. I don't know any of you
22 because I haven't been to any of three
23 meetings, so my first thing is: Who are all
24 of you people?
25 COMMISSIONER YOUNG: We are the

1 county commissioners.

2 Just a little bit of background:
3 I've lived in South Russell for 28 years. I
4 was mayor of South Russell for 11 years, I
5 was on council prior to that and luckily
6 became commissioner about seven years ago, so
7 I know be a little bit about this area, and
8 then we have two other commissioners.

9 Mary, would you identify a little bit
10 of your background, please?

11 COMMISSIONER SAMIDE: I'm Mary
12 Samide. I was a township trustee in Munson
13 for about ten years. I also had a company,
14 SOS, Incorporated, a computer consulting
15 company, for about 20 years and I became
16 county commissioner five years ago and I'm on
17 my second term.

18 COMMISSIONER JEMISON: Tracy Jemison.
19 I became county commissioner on January 2nd,
20 prior to that I was your county auditor for
21 13 years.

22 COMMISSIONER YOUNG: Do you have any
23 important questions, ma'am?

24 MS. GLEASON: One of my
25 questions has been sort of answered but in

1 the twenty-four five figure, did that include
2 engineering costs?

3 MR. SAIKALY: Yes.

4 MS. GLEASON: Then there
5 probably would be, you say, at most \$2,500
6 for the individual homes tying into this?

7 MR. SAIKALY: This is an
8 average number that we supplied. I doubt
9 very much if any of you are going to have a
10 bill for \$2,500, some will be three thousand,
11 some will be fifteen hundred and it depends
12 on the conditions: How many flowers you have
13 in the way and how much you have to redo,
14 that, again, makes quite a bit of difference.
15 Also, you know, what they have to do is take
16 care of your existing septic system, if it is
17 in the back of the house, front of the house
18 and so forth.

19 COMMISSIONER YOUNG: Yes, ma'am.

20 MS. HO: Connie Ho, Maple
21 Hill. I had a couple of questions and a
22 thought.

23 Are you going to be following a state
24 code, as far as assessing these properties?
25 Are you following all of the state rules?

1 COMMISSIONER YOUNG: I can't imagine
2 we would do anything to violate the state
3 laws or rules.

4 MS. HO: The second
5 question was: The people on the, I believe,
6 west side of the road, do we have to cross to
7 the east side of the road to attach our
8 sewer? That is a much longer length. Do we
9 go under the road or is the road going to
10 chopped all the way.

11 MR. MORGAN: The construction
12 will include the main line sewer and a
13 service lateral from the sewer to the
14 right-of-way on both sides of the road, so as
15 a homeowner you will only be responsible from
16 the right-of-way to your house.

17 MS. HO: Then the third
18 question or idea was: If the village
19 eventually has to sewer the entire village,
20 how many times is Bell Street going to be
21 ripped up, because we've gone ahead and put
22 in our sewer, we're cutting up their
23 driveways and making a mess of their road and
24 it will all have to be done and redone.

25 How much of an eyesore is this going

1 to be for the entire village over and over
2 again? That was my last question.

3 MAYOR BRETT: Gus?

4 MR. SAIKALY: Well, we will
5 take that as a comment, because the answer --
6 there are many possibilities, to answer your
7 question, it could be confusing to a lot of
8 people.

9 Believe it or not, we did look at the
10 various possibilities but our -- the wishes
11 of the village now are to serve Maple Hill,
12 only, so we are sizing the system to take
13 care of Maple Hill.

14 So if there is -- you are absolutely
15 correct, that if there is future service to
16 the communities along the way, that line,
17 yes, will have to be included and replaced.

18 MR. HICKMAN: Mark Hickman. I
19 think perhaps some of the cost numbers have
20 been a little bit on the low side, there are
21 some other costs that you may not be aware
22 of. Not only will you have to tie in but for
23 some of us who have some of the fancier units
24 already, they're going to cost more to crush
25 in place.

1 I have a beautiful system. It will
2 last a long time if I don't have to rip it
3 up. It has electric lifts and UV lights and
4 all of this wonderful stuff that will cost
5 more to take out because there is more in the
6 ground to begin with.

7 Plus I will have to engage an
8 electrician to take out the electric that is
9 under my driveway and under my front yard.

10 And, for those who have their septic
11 in the back, they will have to be, maybe,
12 re-engineered underneath their house and turn
13 the system around, which will be another
14 exorbitant cost.

15 The cost of re-landscaping, if you
16 tear up that front yard. I'm sure plenty of
17 people saw my front yard a few years ago and
18 it was a mess, mud as far as you could see,
19 all winter long, not very attractive, that
20 will be your lawn.

21 You will probably have to spend
22 \$1,000 to hire someone to re-landscape or to
23 plant grass seed, that's just seed, not sod.

24 There are other costs not being
25 talked about here, just to make your aware.

1 COMMISSIONER YOUNG: Any other
2 questions?

3 MR. BAKER: Jeff Baker,
4 along the lines of costs. I think, if I
5 recall, and please correct me, Mr. Saikaly,
6 if this is incorrect, I do remember that
7 maybe when approximate costs were thrown out
8 last year, maybe the engineering costs, I do
9 recall something around \$80,000, that was
10 just thrown out, estimate per household,
11 \$2,000. Now, before this whole project has
12 even begun, we're at \$3,000.

13 Where are we going to end up when it
14 is all said and done is something to think
15 about.

16 I think Joe makes a very good point.
17 It was mentioned there is no good time to do
18 this, but is this possibly the worst time?

19 There are reasons that we should, I
20 like the phrase, tap the brakes and
21 everything, do a little reality check on
22 everything, especially on the idea that we're
23 not doing this for the rest of the village.

24 And, the other comment that I would
25 like to make or question is: Mr. Saikaly,

1 you've mentioned at the onset, in your words,
2 this is a very unusual process, so we have a
3 very unique situation here, obviously, for
4 our people that have newer systems.

5 Isn't it possible, and you kind of
6 addressed this already, but isn't it possible
7 that we could quote, unquote "grandfather"
8 some of these people in until a point of sale
9 or maybe a fictitious figure later on, ten
10 years down the road, that's the time that
11 they have to finally tie into the systems,
12 those types of things.

13 It simply isn't fair for our newer
14 people that have complied with regulations in
15 the past and everything. It is a huge
16 expenditure. Thank you.

17 COMMISSIONER YOUNG: Gus, could you
18 answer that last question?

19 MR. SAIKALY: Sure. Believe
20 it or not, what makes this situation very
21 difficult for us is the fact that we have a
22 number of homeowners that have already spent
23 money and we have spent quite a bit of time
24 trying to resolve this particular issue and
25 we'll continue to do that, until we exhaust

1 all possibilities.

2 I mentioned earlier that we are
3 somewhat limited by law as to how much we can
4 -- how much credit we can give to these kinds
5 of expenditures or how much time we can give
6 for people that have recently upgraded their
7 systems.

8 We have an assistant prosecutor's
9 opinion that tells us, no, you cannot give
10 credit for these kind of expenditures,
11 nonetheless, we keep trying to find ways? We
12 are talking to other counties that may have
13 been through this situation.

14 Today I called Trumbull County. I'm
15 trying to reach them to see if they -- we did
16 hear that they may have found a way for this.

17 We're not quite certain if their
18 situation is the same as ours, but we'll
19 continue to look for these kinds of things,
20 but I cannot stand here and tell you there is
21 a way and we'll find it, because if it is not
22 allowed by law, we cannot do it.

23 That's the nature of our existence
24 here. As the commissioner said, are we
25 following the law, absolutely, that's the

1 only thing we're allowed to follow.

2 MR. HO: I have one more
3 comment for the commissioners.

4 I have a misfortune of working for
5 local government. Property taxes are falling
6 down and I'm going to lose my job, okay, very
7 shortly, and that possibility exists.

8 If we go through this process, do I
9 get a bailout like most other people are
10 getting bailouts at the bank, from the
11 commissioners, perhaps?

12 I'm saying this will bankrupt me. I
13 don't know how to throw out this situation.
14 I'm just asking that you give it some time,
15 for economy to recover, give me a chance to
16 survive.

17 I know some of you are maybe very
18 rich and that's fine, I mean, it's fine you
19 can afford that, but not the rest of us, some
20 of us, and we ask for consideration and slow
21 this down a little bit, look at it.

22 Thank you.

23 MR. FERGUSON: Joe Ferguson
24 once again. I just had a quick question, I
25 probably should have asked this at an earlier

1 meeting: If they do this process and, as you
2 said, it goes on a 20-year assessment, if you
3 should sell your property five years down the
4 road, does that remaining 15 years go to the
5 homeowner who purchased your property or at
6 that time you have to settle up the remaining
7 balance.

8 COMMISSIONER JEMISON: There is an
9 option. A lot of times people will do that,
10 those will be in closing costs to pay that
11 off, there are other times when that can
12 continue.

13 At that point in time there are a
14 couple options. When you get that first
15 assessment, you say, hey, you know what, I'm
16 going to pay the whole thing now or I can add
17 it to my taxes.

18 Then, the next shot is if there
19 should be a change of ownership, there is
20 another time then to decide if you want it
21 paid off in the closing costs.

22 MR. SAIKALY: There is no
23 requirement for you to settle that debt at
24 the time of sale and it is your option and
25 however you make a deal with the buyer or

1 seller.

2 MR. FERGUSON: That transfers

3 to the new homeowner.

4 MR. SAIKALY: Yes, it stays

5 with the property.

6 MS. GROBE: Randi Grobe. Is

7 it true, there would be a prepayment penalty

8 and you had to pay the full 20 years of

9 interest if you paid the taxes off sooner?

10 COMMISSIONER JEMISON: Gus will have

11 to answer that.

12 MR. SAIKALY: There is no

13 advantage for you to pay it.

14 MS. GROBE: I'm saying, if

15 you sell your home and decided in closing to

16 pay off the assessment, would you still be

17 responsible for the interest for the full 20

18 years?

19 MR. SAIKALY: That's correct,

20 yes.

21 MS. CHADWICK: Michele

22 Chadwick. I have a question first. Gus, I

23 spoke to you earlier in the week regarding

24 the triangle area, do you have any update on

25 that?

1 MR. SAIKALY: Remind me again.

2 MS. CHADWICK: The question
3 that I had for Gus, at the front we have a
4 triangle where the sign for the street and
5 neighborhood exists and we've been in a
6 process of trying to improve that, and we
7 wondered if any of the construction for this
8 would go through that, based on what we
9 should be doing in the next two years.

10 MR. SAIKALY: Gerry, can we
11 promise her we're going to stay out of the
12 triangle?

13 MR. BAKER: We actually want
14 the gas main torn down.

15 MR. MORGAN: If there is
16 something that is -- something like that,
17 that was brand new and was put in this year,
18 before this design and it was something that
19 everybody wanted to keep and didn't -- we
20 would do your best to make sure that any
21 design would avoid that area.

22 MS. CHADWICK: At issue
23 actually is -- and none of you know this but
24 we've been working over the last month to
25 look at the gas line, because we currently

1 have a meter that is unstable and it needs
2 repair and in order to repair it, we need to
3 put some money into stabilizing that meter.

4 What we don't want to do is put the
5 money into stabilizing and securing it if
6 that is going to be at risk.

7 MR. SAIKALY: Can you wait a
8 little while on that? Save your money and
9 put it in the bank, it will earn a lot of
10 interest these days.

11 MS. CHADWICK: My second is a
12 personal comment addressed to all of you.

13 I know we have issues about the
14 people who put in a septic at their points of
15 sales and the rest of us have an old system.

16 My husband and I are in a little more
17 unique situation, in that we have an old
18 system on Maple Hill but we owned a home in
19 Bainbridge and we brought with us the cost of
20 a new septic for that home.

21 We sit in the camp like some of these
22 people, currently paying for a septic system
23 that we don't even own any longer, but when
24 we took the sewer vote, we went ahead and
25 voted yes, and the reason was because we knew

1 there would be others just like ourselves,
2 who would be sitting in a camp some day,
3 paying on a septic, turning around and having
4 to redo that, and we wanted nobody else
5 besides us to have that same burden.

6 You're right. At some point somebody
7 is going to be caught, but with so many
8 septics on Maple Hill, it would be really a
9 shame if we waited a year, we wait two years
10 and we end up with ten more people sitting
11 here saying I'm carrying that same burden.

12 It is really a burden that nobody
13 should bear. We know this is the future and
14 we know these are problems and I think it is
15 time to address them.

16 COMMISSIONER YOUNG: Yes, sir.

17 MR. WHITE: George White. I
18 live on Maple Hill, and I think that this
19 process has been very fair and I wanted to
20 compliment the city, the mayor and the city,
21 that we've gone step by step through this and
22 had numerous meetings and I think that the
23 numbers have remained constant through all of
24 these estimates.

25 I think the estimated numbers that I

1 heard two years ago seem very close to what I
2 hear today, the twenty-three thousand and
3 three thousand to tie in.

4 I don't see inflation of the figures
5 and I see the figures being very comparable
6 to what was mentioned at the first meeting,
7 and I think that we've taken our time to let
8 everyone voice their opinion and some people
9 are in a difficult situation.

10 We have a street that is, what, 30,
11 40, 50 years old. Those septic tanks need to
12 be replaced, and this is the most logical way
13 to do it, that would both benefit the
14 groundwater and the street, would upgrade the
15 entire street.

16 People who do not take care of their
17 house, do not take care of their present
18 house, this would be a way to help them
19 upgrade their home and possibly be able to
20 sell it.

21 I'm very in favor of this and I think
22 the city has done a lot to help us move
23 through this process and I would like to
24 thank you.

25 COMMISSIONER YOUNG: Any other

1 questions or comments?

2 MR. SUTCLIFFE: Jack Sutcliffe,
3 103 Maple Hill Drive.

4 First of all, I think we should
5 understand that sewers are not inevitable.
6 They're desirable in a lot of areas, but
7 they're not inevitable.

8 In fact, the septic systems that are
9 working now are probably better for the
10 environment and a recharge area for ground
11 water than shipping wastewater to a far away
12 place.

13 I voted for the sewers, but I think
14 that everybody should know that sewers aren't
15 inevitable.

16 The second thing is that the
17 moratorium on this House Bill 231 is going to
18 be up on July the 1st and I think that's --
19 and a lot of things are happening, I
20 understand, through Tim Grendell.

21 There is two bills winding their way
22 through the assembly, the Ohio Assembly and
23 they're quite different.

24 One is, as I understand it, a rewrite
25 of 231 and the other one is pretty much a

1 much more friendly bill, and one of the
2 things that it does, as I understand it, is
3 turns the responsibility for sewage problems
4 back to the county.

5 Anyway, on July 1st there is going to
6 be a different bill directing us on what we
7 need to do as far as the wastewater is
8 concerned.

9 As Joe Ferguson mentioned, I think we
10 should wait and not move very rapidly during
11 the time of the moratorium. I think we
12 should consider what may come up on July 1st.

13 COMMISSIONER YOUNG: Any other
14 questions or comments?

15 MR. BAKER: Mr. Saikaly, I
16 also recall, I think, please correct me if I
17 am wrong, that when -- early on in one of the
18 meetings up at the town hall, you were asked
19 what percentage of the development you felt
20 comfortable with in moving forward. I think
21 you mentioned somewhere in the 80 percent
22 range, we're far from that.

23 So again, I think we have a very
24 indifferent, possibly -- I mean, we all want
25 the right thing, but if I may speak for some

1 people here, especially for me, again, it
2 doesn't seem to make enough sense for us, for
3 the 41 homes, to do this by ourselves, it
4 makes sense to do the rest of the village.

5 Thank you.

6 COMMISSIONER YOUNG: Yes, sir.

7 MR. GOLD: Gary Gold. I'm
8 wondering, you know, over the last few years
9 we've heard about septic systems and
10 improvements and Senator Grendell talked to
11 me at length two years ago when we started
12 this process, and he did say that he felt
13 that the wave of South Russell was going to
14 be for sewers down the road eventually, but,
15 obviously, he didn't know for sure.

16 My comment is that over the last two
17 years, and following the cost of new septic
18 systems, everything that I have read pretty
19 much has stated that the cost of a new septic
20 system is going to be comparable or more than
21 the sewer system that we're going to be
22 trying to put in.

23 If that's the case, once we put a
24 sewer system in, repair costs -- and this is
25 what I want to know -- the repair costs

1 anything that might go wrong with the sewer
2 system, my understanding is that will not be
3 incurred by the homeowner.

4 If we do put in a septic system, not
5 only do we pay for that system up front,
6 through personal loans, but if anything goes
7 wrong with the septic system, then the
8 homeowner would be responsible for the
9 repairs of that system, as well.

10 To me, whether we think sewers are
11 coming or whether we think septic systems can stay,
12 I think in the long run you have to look at
13 the long-term costs and if we're looking at a
14 comparable amount of money to put a septic
15 system in, and 30 some systems are going to
16 fail if they're inspected, and heaven forbid
17 if the EPA has to come in and do it because
18 then we play by their rules.

19 I just feel like we're paying for a
20 sewer system now that is going to last us for
21 as long as we are here or longer or a septic
22 system we may put in five years from now we
23 have to replace because sewers are coming in
24 anyway.

25 I have talked to Gus at length and we

1 have begun the process and trying to figure
2 out the ways we can help for people that have
3 put systems in. I know he has been working
4 on it, but I think for the vast majority of
5 the houses where the systems are going to
6 fail, this is probably the way we need to go.

7 COMMISSIONER YOUNG: Yes, ma'am.

8 MS. WOLFE: Mary Beth Wolfe,
9 South Russell Village. I live at 19 Daisy
10 Lane.

11 I attended a meeting today, Mr. and
12 Mrs. Sutcliffe was there, Senator Grendell,
13 that Senator Grendell had. It was an
14 information meeting on the bills that are on
15 the floor right now.

16 I guess what I would say to you is
17 if, in fact, we are going to tap the brakes
18 like Joe has maybe suggested, I would highly
19 recommend that you all become educated on
20 your choices.

21 House Bill 110, which has been
22 proposed, and I'm sorry, it's a Senate Bill,
23 it is not a House Bill, which has been
24 proposed by a senator from Fairmount County,
25 down in the southern part of Ohio, is a

1 rewrite of the House Bill with some different
2 verbiage and then House Bill 100, which is
3 Senator Grendell's bill, that he has
4 proposed, with Trumbull County, they're very
5 different bills.

6 One of them is going to be adopted by
7 the end of June. It will be part of the law
8 that governs what is going to happen.

9 I encourage all of you, the people
10 that have septic systems, the people that are
11 thinking about getting septic systems and the
12 people that are very much in favor of sewer
13 systems, you need to be educated about what
14 your choices are, because there are some
15 hidden things in there.

16 Even for Senator Grendell there's
17 some hidden stuff in there, some people are
18 going to be grandfathered, some people won't
19 be. In the new bill, even if you have a
20 brand new septic system, if it doesn't meet
21 the guidelines of what they are asking,
22 proposing -- there's a lot of verbiage about
23 perch water tables and depths and all these
24 sorts of things.

25 Mr. Hickman, if you're -- and I'll

1 use the example he used today -- if your
2 system is at 8 inches before the perch water
3 table, they're proposing 12 to 18 inches, you
4 would have to get a brand new system.

5 I'm just using that as an example.
6 Please don't use my word as verbatim.

7 I would encourage you all to go and
8 read what is there and become a little bit
9 more educated about it, just so you know what
10 your options are and what you're looking at.

11 I think Joe's idea is not a bad one,
12 if we can do it without bringing everything
13 to a halt that we've been working for two
14 years to try and do for you, which you have
15 asked us to do for you. I would recommend
16 that.

17 My advise is there is a lot of
18 information out there and I think even when
19 we come to some kind of decision, not
20 everybody is going to be happy anyway, so
21 educate yourselves so you know what you're
22 talking about.

23 They're both online, you can get them
24 online. If you need some help with that, I
25 have some phone numbers where you can talk to

1 both of those individual offices to get some
2 more information.

3 All I'm doing is encouraging you to
4 become educated about what your options will
5 become June 30th.

6 Thank you.

7 COMMISSIONER YOUNG: Are there any
8 other comments?

9 MR. FERGUSON: Sorry. One last
10 question, this is directed towards
11 Mayor Brett.

12 Assuming the quote, unquote, "bad
13 version" passes in July for the
14 State of Ohio, going through 30,000-plus
15 septic systems, are you guys ready to address
16 the rest of the village or the question
17 should be will you allow them to jump into
18 our project at that time, and will that cause
19 any delays or additional expenses or would
20 that be a good thing, actually would that be
21 the momentum to make the rest of the dollars
22 fall into place real fast?

23 MAYOR BRETT: I'll try the
24 first part, but I will defer the second part
25 to Gus.

1 In regard to any other community
2 moving forward with an evaluation of sewers
3 versus septic, you know, as much as I
4 wouldn't want to go through this again, I
5 think from the village perspective, what
6 we've done is we've tried to respect our
7 residents' wishes and we've tried to help
8 them get up to speed on all of the various
9 options that are available and then
10 supporting what they wanted to do.

11 In regard to, you know, if somebody
12 else wanted to join in at this point, I don't
13 know if that is an option or not.

14 From the village perspective, if it
15 was, I would tell you that we would support
16 it.

17 MR. SAIKALY: Keep in mind
18 this process was started by a request from
19 the village and also keep in mind we're not
20 under EPA mandate.

21 If there is a request from the
22 village to add another segment of the village
23 to this project, we will drop back to step
24 one and repeat the whole thing.

25 So if that is requested of us, I will

1 make a recommendation to my Board that we
2 move in that direction.

3 But keep in mind, we've been at this
4 for two years, it has been said extremely
5 clearly by the other communities that they
6 are not in favor of this, and that's why we
7 are talking to you today.

8 But I said earlier, this is driven by
9 a request from the village. There is no
10 mandate and if the request changes, the Board
11 of County commissioners will consider that.

12 COMMISSIONER YOUNG: Thank you, Gus.

13 MS. NELSON: Liz Nelson. I'm
14 curious, what percentage of the village is on
15 septic versus sewer right now?

16 MAYOR BRETT: Let's see, I
17 believe that -- what are our numbers? We
18 have 1,400 homes, I think there were 400 that
19 are on septic systems, so.

20 MS. NELSON: The majority of
21 the village is on sewer?

22 MAYOR BRETT: Yes. Everything
23 from the Chagrin Falls line all the way up to
24 and including Bellwood is on sewers, and then
25 Sun Ridge Lane, heading out to the east, out

1 to the border, is septic.

2 COMMISSIONER YOUNG: If there are no
3 other questions, the commissioner will deal
4 with this appropriately and we will follow
5 the process.

6 If there are any recommendations or
7 suggestions made from the village, we,
8 obviously, we will take that into
9 consideration also.

10 We're here to support the comments
11 that are made today. Some of us may agree
12 with some and some of us may not agree, but
13 we're each individually responsible, and each
14 of us have equal votes and we want to do the
15 right thing and what is required to do
16 legally.

17 MAYOR BRETT: Commissioner,
18 before we adjourn, Gus, could you restate, at
19 the beginning of your presentation you had
20 stated that people have a certain time frame
21 to submit their comments to the
22 commissioners, could you just for clarity
23 restate that?

24 MR. SAIKALY: Sure. The
25 comments that were stated this evening have

1 been recorded by Debi and these will be with
2 us and if some of you wish to submit written
3 statements or even a phone call or e-mail,
4 between now and April 30th at 4:30 p.m,
5 please feel free to do that and we will
6 consider those as valid comments concerning
7 this project.

8 MR. KRISSENGER: John Krissinger.
9 Gus, can you tell us what you know
10 about what is going on on Music Street, with
11 the water table over there, at 85 feet?

12 MR. SAIKALY: Music Street?

13 MR. KRISSENGER: Yes. That
14 development, I understand from a second
15 source, who wishes to remain nameless, we've
16 got some problems which brings up a question
17 which you guys haven't even thought about but
18 I've mentioned three times, why not, while
19 you're thinking about the sewage system put
20 in a 10-inch polyurethane waterline and tap
21 it at both ends for when we need it.

22 You haven't addressed the water
23 issue. If you go to places like Pepper Pike,
24 they only paid for the connection and they
25 pay \$75 every three months, we paid \$50 every

1 month according to your last meeting.
2 I think you've overlooked a lot of
3 issues from an engineering standpoint, which
4 I am. I also think if you had another vote
5 today, you would get another answer.
6 COMMISSIONER YOUNG: Music Street is
7 not in South Russell, so it doesn't have an
8 impact here.
9 MR. SAIKALY: Right. We don't
10 have -- I'm afraid I don't have any
11 information on that Music Street.
12 MR. KRISSENGER: You ought to
13 check it.
14 MR. SAIKALY: We will probably
15 do that, but we didn't because it is not part
16 of the conversation today.
17 A VOICE: What is the
18 e-mail address?
19 MR. SAIKALY: Our e-mail
20 address?
21 MAYOR BRETT: Where do they
22 send comments?
23 MR. SAIKALY: Comments to
24 gcdwr.org.
25 MAYOR BRETT: Which could also

1 be found on the county website.

2 MR. SAIKALY: It also could be
3 found on the county website, there is a link.

4 MAYOR BRETT: Commissioner, if
5 there are no other questions, I would just
6 like to thank the county commissioners and
7 specifically water resources for coming out
8 tonight and putting on this meeting on behalf
9 of the residents from Maple Hill.

10 This is for all residents of Maple
11 Hill, not just those who are in favor, but
12 all, whether you're in favor or not in favor
13 of it. This is your opportunity to discuss
14 with the commissioners your thoughts and
15 feelings regarding this project, so thank you
16 for your time.

17 COMMISSIONER YOUNG: Thank you and
18 officially I will ask one of the
19 commissioners to bring this to an end.

20 COMMISSIONER JEMISON: I'll so move.

21 - - -o0o- - -

22 Thereupon, the hearing
23 was concluded at
24 8:25 p.m.

25 - - -o0o- - -

1 State of Ohio,)
2 County of Ashtabula.) SS:

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C E R T I F I C A T E

This certifies that the foregoing is a true and correct transcript of the proceedings had at Gurney Elementary School, Chagrin Falls, Ohio, on April 23, 2009, commencing at 7:00 p.m.

In the Matter of:
Maple Hill Sewer Project

DEBORAH C. FUREY, COURT REPORTER
FUREY & ASSOCIATES
2908 Ketchum Road
Rome, Ohio 44085
440-563-9384
440-645-7882 (Cell)

Commissioners' Journal
May 5, 2009

The following pages after the Sanitary Sewer Service to Properties Abutting Maple Hill Drive Public Hearing are the minutes for the Kenston Lake Drive Ditch Petition Public Hearing held on May 5, 2009 at 6:30 p.m. in the Bainbridge Town Hall located at 17826 Chillicothe Road, Chesterland, Ohio.

Commissioners' Journal
May 5, 2009

The Geauga County Board of Commissioners met in session on May 5, 2009 at 6:30 p.m. in the Bainbridge Town Hall located at 17826 Chillicothe Road, Bainbridge, Ohio.

It is declared and determined that all formal actions of the Board of County Commissioners concerning and relating to the adoption of all resolutions that were adopted in this meeting, and that all deliberations of the Board of County Commissioners that resulted in such formal action were open to the public and were in compliance with all legal requirements, including section 121.22 of the Ohio Revised Code.

The President of the Board, William S. Young opened the public hearing meeting at 6:30 p.m.

COMMISSIONERS' OFFICE – KENSTON LAKE DAM DITCH PETITION PUBLIC HEARING

Those in attendance / or as signed in included: Commissioner Young, Commissioner Samide, Commissioner Jemison, County Administrator Dave Lair, Commissioners' Clerk Claudine Kozenko, Laura LaChapelle, APA, R.L. Phillips, County Engineer, Mr. and Mrs. Rich Ricciuti, Ronald and Carol Prygo, Arleen Morgenroth, Jeanne Brail and Frank Stanovich, Pamela Burnfield, Boonlieng and Niki Wongchaowart, Verna and Robert Staehle, Linda Lange, Chuck Giallanza, Carol Frischman, Judith Gooding, Holly Schantz, Mary and Rudy Conrad, Henri Preuss, Andrew Kenen, Jim Davidson Jr., Anne Davidson, Robert Cindric, Doug Halfacre, Steve and Cindi Hanush, Bob Rowe, Charles Hesse, Judith Gooding, Suzanne Edic, Ted and Linda Ricker, Joan Demirjian, John Klick, R. A. Newton, Mike and Pat B. Ross II, Dave Kraninger, Donna Patz, Bobby and Karen Prochazka, Dave Sanshuck, Gene Blaschak, Ken Buterbaugh, John Feffken, Sandra and Bob Cipiti, Greg Matthew, Jennifer Alandt, Mary Agnes and Larry Kendre, David Welter, Holly Schantz, Linda Lange, Donald Wobig, Cynthia Wobig, Pamela Burnfield, John Frederick, Michael Monroe, Donna and Robert Sporar, Glenna Snider, Kathy Sabo, Greg Hall, Penny Hall, Diane Ryder, Glen Miller and U. H. Koch.

Commissioner Young opened the meeting for the Ditch Improvement under Kenston Lake Drive, by acknowledging that the Commissioners conducted public viewings at the improvement site on February 26, 2009 and April 21, 2009, and an initial public hearing on this matter on March 24th at the Bainbridge Township Town Hall. At that time, it was decided to continue the Board's deliberations regarding this matter until tonight.

Commissioner Young inquired of the Commissioners' Clerk if this hearing was properly advertised to which Ms. Kozenko replied that it was.

Commissioner Young asked all those at the head table to introduce themselves: Commissioner Young, Commissioner Samide, Commissioner Jemison, County Administrator Dave Lair, Commissioners' Clerk Claudine Kozenko, Laura LaChapelle, APA, and R.L. Phillips, County Engineer. Commissioner Young asked all those who wish to speak to identify themselves each time. Commissioner Young asked the audience to stand up and be sworn in if they expect to make a comment at this meeting tonight. Commissioner Young swore all those in by stating: "I swear to tell the truth, the whole truth and nothing but the truth, so help me God."

Ms. Kozenko acknowledged the of names of receipts of letter and/or emails of objection: Mr. and Mrs. Rich Ricciuti, Ronald and Carol Prygo, Arleen Morgenroth, Jeanne Brail and Frank Stanovich, Pamela Burnfield, Boonlieng and Niki Wongchaowart, Verna and Robert Staehle, Linda Lange, Chuck Giallanza, Carol Frischman, Judith Gooding, Holly Schantz, and Mary and Rudy Conrad.

County Engineer R.L. Phillips read the Engineer's Report regarding Kenston Lake Dam dated May 5, 2009, as required by law is to be filed with solutions:

"Dear Commissioners:

The Geauga County Commissioners accepted Kenston Lake Drive in 1969 as a township road. This road meets all the subdivision road construction requirements that existed at that time. Those road construction regulations allowed an embankment to be construction as a dam with a standpipe attached to the road culvert to create a lake or pond. However, neither the county nor the township has any control over the level of the lake, nor do they have any responsibility for maintaining the standpipe or any other appurtenances for the lake. The township does have a responsibility for the road culvert.

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Since the late 1980's, the subdivision property owners have not been able to come together to address Ohio Department Natural Resource's (ODNR) requests for improvements to the dam. Recently, Bainbridge Township tried to bring the community together to drain the lake, install a new road culvert, and provide restoration to the former lake area. The township offered funds for the new culvert and acquired a grant to aid the subdivision homeowners, but were unable to secure a balance of the funds needed from the property owners in the area to complete the work. Presently, the standpipe (used to maintain the lake level) is not working and the only outlet to the lake is the temporary emergency overflow pipe installed by the township near the top of the lake. This emergency overflow is undersized.

It is my understanding that for some period of time there was a homeowners association and all subdivision property owners were allowed access to the lake. It is not clear when the access to the lake was cut off nor when the homeowner's association was dissolved.

With this brief background, we now have a petition before the Board of County Commissioners from one of the subdivision property owners to address the issues before ODNR steps in to force a solution. This office has a preliminary cost estimate to survey, design, drain the lake, install a new culvert under the road with headwalls, erosion protection and right-of-way easements for \$300,000; including legal and bond fees, but not including restoration of the lake area. The length of this project is approximately 250 feet.

The temporary culvert installed by the township will not tolerate a storm event of any significant size. I doubt it will handle a five (5) year storm without topping the dam and running across the roadway. The higher location of the overflow culvert has greatly reduced the storage area of the lake. The existing situation is causing extensive erosion damage to the backside of the dam. A normal design standard for a road culvert is a twenty-five (25) year storm.

The existing conditions at this location create a risk to two (2) groups of residents. The topping of the dam with only minor damage to the roadway and embankment may cut off access to twelve (12) homes on Kenston Lake Drive. A topping of the dam that is catastrophic in nature will in addition endanger two (2) homes downstream on Stoney Brook Court. The combined value of these two houses is in excess of \$600,000.

The current situation is unacceptable for the public safety and welfare, and needs to be addressed. I believe I have considered all factors related to this project and it is feasible, and the benefit of the installation of a new proper sized culvert and draining the lake will exceed the estimated cost of the project.

If you have any questions, please contact me."

Commissioner Young reminded the audience to identify themselves.

Bob Cipiti stated he needed clarification on the Engineer's Statement as it was read too fast. Mr. Cipiti asked if the Engineer said that he approached the four property owners of the dam to make improvements on it in the past. Mr. Phillips replied that he did not say that. Mr. Cipiti asked if the property owners have been maintaining the dam properly at that point. Mr. Phillips replied that he does not know that and he does not know who the owners of the dam are.

Dave Welter asked if there was a statement made in regard to previous attempts in the past to get the property owners to make improvements. Mr. Phillips replied that was correct. Mr. Welter asked what the actual statement was that he believed that is what Mr. Cipiti was referring to. Mr. Phillips read from his statement: "Bainbridge Township tried to bring the community together to drain the lake, install a new road culvert, and provide restoration to the former lake area. The township offered funds for the new culvert and acquired a grant to aid the subdivision homeowners, but they were unable to secure a balance of the funds needed from the property owners to complete the work." Mr. Welter inquired as to that date. Mr. Phillips replied that it was in 2007. Mr. Welter asked what the approximate estimate was. Mr. Phillips replied that it was somewhere between \$180,000.00 and \$200,000.00. Mr. Welter asked what the Engineer's estimate was. Mr. Phillips replied that it is \$300,000.00. Mr. Welter said that Mr. Phillips said also that people that were directly threatened by a storm because the lake is not able to drain properly at this time. Mr. Phillips read from his letter: "The existing conditions at this location create a risk to two (2) groups of residents. The topping of the dam with only minor damage to the roadway and embankment may cut off access to twelve (12) homes on Kenston

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Lake Drive. A topping of the dam that is catastrophic in nature will, in addition, endanger two (2) homes downstream on Stoney Brook Court.” Commissioner Young asked for clarification of the location of those 12 homes. Mr. Phillips replied that they are east of the lake on Kenston Lake Drive. Bob Cipiti inquired, in reading the law as to who is responsible, is it is the four property owners who built the dam. Commissioner Young replied that he does not know who built the dam, but he believes it was built thirty or forty years ago. Mr. Phillips added he does not know exactly when it was built. There is no reference at all to the dam on the original road construction plans. Mr. Cipiti added that then Mr. Phillips has no idea who is responsible to repair that dam. Mr. Phillips stated that he could make that statement. Mr. Cipiti stated that he was told that the four people who live around the lake and use it and he assumed they built it and maintained it and don't allow anyone else to use it. Mr. Cipiti asked who Mr. Phillips attempted to get funds from. Mr. Phillips responded that he has not attempted to get any funds. The county has not been involved with this project until this point. The reason the county is involved is that a petition was submitted to the County Commissioners requesting that they go through the process enumerated by O.R.C. 6131 which is a petition ditch law that has to do with drainage structures and other items. Mr. Cipiti stated that this has been a problem for a number of years and inquired as to why this is being addressed now. Mr. Phillips stated he does not know who is maintaining the dam. We are not responsible for maintaining, inspecting or overseeing the dam, that belongs to ODNR. ODNR started doing that in the late 1980's. It appears that they tried to locate who owned the dam. By process of elimination ODNR settled on the four people who own land around that area. He is not sure he would make that statement. Mr. Cipiti inquired as to what the petition that was submitted to the Board was for. Holly Schantz commented that she believes the resident who did the petition is Bobby Prochazka who is the one that has the pipe on his property. Ms. LaChapelle stated that she understood Donna Patz, attorney for Anna Schultz who is one of the four property owners where the dam is located was the petitioner, filed the petition. Once a petition is filed, under the Ohio Revised Code (O.R.C.), it invokes the jurisdiction of the County Commissioners to address the merits of the petition. The three things that the Board must look at are: whether it is necessary, if it conducive to public welfare and if the benefit exceeds the cost. The reason the Board is here is to address the merits of the petition and the Board will listen to any comment which addresses that. Once the petition is filed the Board must follow the procedure set forth in the O.R.C. Ms. Schantz commented that she heard it was in the deed restrictions that it was the homeowners' responsibility for the lake and dam. Due to the negligence of the residents in Kenston Lake in not keeping up the lake and dam that others have to deal with having to be assessed to have a ditch drained due to the negligence of others for not up keeping their property. Jennifer Peckio, who lives in Pilgrim Village, stated that it is a bad precedent for the township to set - if the decision is made to assess homeowners. What happens with the next situation, especially in these economic times. People will not be able to sell their houses. If ODNR gets involved, what is their plan and what happens next. Ms. Peckio stated she can't be responsible for everything that goes on in her township. Ms. Peckio added “ if you spread the wealth you need to spread it over the whole township not just these few people”. Ms. LaChapelle responded that in the ORC talks about who the benefited property owners are with a list of criteria to ascertain who they are: one of which is people who are in the watershed. Mr. Phillips stated that they made the decision to include everyone who drained into the watershed at this point. Anyone can be kicked out at this point but you cannot add anyone to the list once it is established. We are not at an assessment stage or hearing. This is to decide if this petition has merit to proceed as a public project, and only then would they go into an assessment hearing. Ms. Peckio still thinks it is unfair because her property flows down to this lake and she is included. Mr. Phillips stated that this is a ditch petition law that talks about the watershed and they are trying to define the water shed, they are not picking and choosing arbitrarily. Ms. Peckio believed that the whole township should have been included. Mr. Phillips commented that Ms. Peckio has called us (the Commissioners and the County Engineer) the “township” on three occasions, we are not the township. Linda Lange stated that you could not add people but you could delete some and that scares her even more. Ms. Lange believed also that the whole township should share in this cost. Judith Gooding gave what she believed to be a brief history of the problem with the dam and the grant. Ms. Gooding told everyone that that money is your tax money. If ODNR would come in they would put a hole in the dam, drain the lake and assess the four property owners. Ms. Gooding added that the reason the people are here is they found out that they are paying for other private property owners that neglected their property for twenty years and that does sit well with everyone. There is no happy solution but the worst of it would be to have ODNR come in and assess the four property owners which sounds terrible but it sounds rather appealing at this point. An audience member received a list of the 265 people notified of the possible assessment from Mr. Lair. The audience member mentioned that the State of Ohio and the township are listed but will not be assessed because

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they don't own property so therefore the list will be reduced significantly to those who will pay for this project. In responding to this audience members' question, Mr. Lair commented that if you are a public entity you may be exempt from paying taxes. The rest of the people will pay for those that are not assessed such as the township and the State. Mr. Phillips responded that the State of Ohio does pay on special assessments, there are three ditch petitions in Geauga County and that State pays on one of them. The township of Bainbridge does own property and therefore they could be assessed. The audience member responded that the operative word is "could" be assessed. Mr. Phillips added that they have not said that anyone is being assessed yet. Don Wobic asked if he will benefit as a property owner having his drainage go to this area because it is now a creek instead of a lake. In other words if this is changed from a lake to a creek will he benefit? Commissioner Young stated that if the Board decided to do something on this petition, not everyone has to be treated the same. Commissioner Young commented that the Board could define which properties would be involved or would be charged differently than other properties. The township could also come up with the money they have mentioned previously, which would effect how anyone would be charged. Ms. LaChapelle added that they looked at the watershed to ascertain who could potentially be benefited and the next step is to look at the degree of the benefit to ascertain how much if anything that person would contribute to the assessment. Mr. Sanshuk reported that he was kicked off the lake from entering through the street. If his property is condemned and the township demolishes he pays for it not his neighbors. A watershed is more than a township, it runs from Lake Erie all the way down. These property owners have neglected their property and now other people are asked to fix it. This watershed is bigger than this little township. Mr. Welter questioned what the legal definition of the term 'benefit' is as well as the opposite "damaging". Ms. LaChapelle stated that it is in ORC 6131.01, subsection c or d. The "damage" is in the section talking about the final hearing which is where that is addressed. The County Engineer will make a recommendation of the starting point but the final decision is up to the Commissioners. The question was asked if Pilgrim Village drains into Kenston Lake Dam. Mr. Phillips replied that it did not. Mr. Welter asked then if they should respond to this assessment on this issue and contact legal counsel. Mr. Phillips replied at this time, no, but they may wish to contact legal counsel at a different point in this process. Commissioner Samide stated that the township does have the responsibility for the culvert as stated in the letter from the County Engineer. This could be considered a project of maintenance for the township. Commissioner Samide read the definition of maintenance of a culvert from Westlaw: a board of township trustees is responsible for maintenance of culverts on township roads. An opinion from the Ohio Attorney General defines a culvert as in this case that goes under the dam. The cost could come from a variety of ways including the township. Commissioner Young stated that the issue of the \$300,000.00 estimate and asked if there any option that could reduce the cost of this petition. Mr. Phillips responded that a few years ago the estimate was \$180,000.00 to \$200,000.00. Two issues have happened since then; the cost of steel went through the roof and because this is an assessment project the estimate was made high enough so as not to have an issue down the road. Other items that raised the cost were the assessment cost and the bond counsel as well as engineering fees that are incurred with the Engineer's Office. If the township took on this project on their own then the Engineer's Office would have to provide the service to the township at no cost and if this was not an assessment project there would be no bond counsel required. That would take off \$20,000.00 for engineering and \$15,000.00 for bond counsel. Commissioner Young asked if it was safe to say that if the township would take on this project it would cost less. Mr. Phillips replied "Yes". Kathy Nelson asked who benefits from this lake, only four people in the room benefit from the lake. Ms. Nelson questioned how a private lake benefits all these other people on the list. Karen Prochazka, one of the land owners on the down side, said she has never been allowed to use that lake nor could her kids even look at the lake. Ms. Prochazka stated that as part of her deed the Commissioners repaired that dam in the 1970's and were to maintain it for the life of the lake. They can't even see the lake from their house. They have no access to the lake. The state decided that they are a dam property owner and are responsible for loss of life and property. There were fifteen people who had access to the lake and all its privileges and trespassed on her property to fix the outlet for the dam. Damage was done to the pipe by one of those fifteen property owners. In 1988 they had to hire a lawyer to tell the state that they wanted the lake drained as they did not want to be held responsible. One property owner doesn't even have a house and can't use the lake either. The state said that all four property owners had to agree. Ms. Prochazka stated that she has offered her property for free to anyone for the last twenty-three years. No one wanted to take it. They want to make decisions pertaining to the property but they don't want to pay for any of it. The township has a road that goes over the lake. Ms. Prochazka said that the lake is gone and the people have to stop worrying about the lake as no one wants to maintain it. The lake will be drained. They cannot sell their property.

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This issue is bigger than the four property owners. Ms. Prochazka stated that she will just walk away from the house and let it foreclose. They already put money out for a lawyer. With this grant some of the people will get their yards fixed and she will be paying for part of it and will get nothing for it and will probably be assessed more as a property owner. If the watershed group comes in they will probably try to save the fish and make everyone's property look nice. The township still has to come in and fix the culvert. That is where the real money comes in. Ms. Prochazka added that they pay property tax and also get charged a dam tax every year, and they can't even look at the lake and get no pleasure from the lake. The pipe was damaged. This is a public safety issue. Ms. Prochazka stated she knows how ridiculous this all is. Back in the 1970's their deed shows that the commissioners took on the responsibility of the dam. Ms. Prochazka added that everyone should work together. It would be okay for ODNR to come in and drain the lake and all those owners would be left with a mud pit. Ms. Prochazka stated she didn't care anymore, she will not have a mud pit. Many people in the audience clapped at this point. Mr. Prochazka explained what his deed said from July 1973, before they owned the property: to repair and maintain the Kenston Lake Dam including the culvert grant the Board of Commissioners the right of easement to enter public the property and grantors equipment and tool and workmanship necessary in respect to prepare and maintain that portion of Kenston Lake Dam located on the grantors land. They made a repair of approximately twenty feet. In consideration of use of the grantors land to repair and maintain the dam including the overflow culvert under the dam, the grantors agree to notify the grantors of any future repairs prior to the start of such work. The grantors agree to also restore all property damage and to repair and maintain all work in seed and mulch area. Commissioner Samide stated again that in the Attorney Generals' opinion that maintenance of a culvert is the township's responsibility. Ms. Gooding stated the opinion of (Judge) Forrest Burt was different. Ms. Gooding asked if this is just an opinion and not law. Ms. LaChapelle replied that she does not have the opinion of Forrest Burt in front of her. The issue addressed by Forrest Burt in 1992 or 1989 addressed a somewhat different issue. Ms. Gooding stated that the townships have followed that opinion since then. Still, no one says it is law and whose opinion will "trump"? In the 1989 opinion, the third paragraph, second sentence from the end it says: Bainbridge Township has maintained the township road known as Kenston Lake Drive, that maintenance would include the road, bed, berms, guardrail and road drainage. Ms. LaChapelle added that the culvert is there for drainage. Ms. Gooding said that the township didn't maintain it, with the interpretation that they don't get involved with the drain pipe. Ms. LaChapelle stated she was reading the Judge's opinion. Commissioner Jemison added that the difference was whether this is the standpipe or the whole dam. The talk used to be to maintain the dam to maintain the lake. Now it is to maintain as culvert which is different than the standpipe. Mike Monroe, Pilgrim Village, asked for the citation number on the Attorney General opinion. Ms. LaChapelle replied it is 94-025. Statutory law verses state law was briefly discussed. Ms. LaChapelle added that there is a provision in the O.R.C. that is obviously a statute indicating that road maintenance lies with the township. Ms. Peckio commented that the township wants to hold on to their purse strings and if they are told this is a township issue she believes it will be passed on to everyone in this room. Ms. Peckio wanted everyone to think about bankrupting someone in this township, and putting them into foreclosure because they can't sell the house with an assessment on it, no one benefits. Mr. Don Nelson inquired as to the next step in this process. Commissioner Young replied that the Board will go into deliberation tonight, here, for up to an hour which might be extended into the future. Mr. Conrad asked if you have a deed that states the county will maintain this dam forever, how is it that this is no longer the responsibility of the county. Ms. LaChapelle asked to see a copy of the deed to briefly review it. Mr. Conrad, while waiting for the review, asked if the meeting tonight is to decide who will be assessed on their taxes and when will that decision be made. Commissioner Jemison responded that what is in front of the Board tonight is to decide if this is a public project. If it is found to be a public project then the Board will have the County Auditor move \$75,000.00 into a fund so that the County Engineer can start engineering a project. After about 90 days he would have the cost of the project and at that point he would make a recommendation on who would be assessed and how much the assessment would be. There would then be another public hearing to which all would be invited, by registered mail. After the input of the Engineer and all the people being assessed are identified the Board will then make its final determination and those residents would then be assessed. The question was asked if there was a point in time that the property owners have a right to contest that decision. Commissioner Jemison reported that they could object at the public assessment hearing. The question was asked if there was a procedure in place for residents to fight the assessment. Ms. LaChapelle replied it is in O.R.C. 6131 in the provision that deals with the final hearing, which handled similar to this hearing today. The residents can state their objections and to address the assessments and provide any additional information to the Board. Mr. Welter asked what

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happens to the grant funds. Commissioner Young added that the Board has not seen a copy of the grant and the person who helped with the grant is not here. Whose responsibility is it to coordinate this grant? Commissioner Samide replied that the township would coordinate the grant as it is in their name. Mr. Phillips responded that the grant does cover some funds to be addressed to the culvert. The question has been asked of the township what they plan to do with those funds to which they have not received a response. Mr. Welter stated that the Engineer's budget does not include the grant funds but they could be contributory to the Engineer fees. Commissioner Samide added that if the project became a township project and taken out of the venue of the County Engineer then the cost would be reduced by \$35,000.00 of the original \$300,000.00. Ms. Gooding added that the township tax monies are already being allocated by the Trustees as part of this grant process. This hearing is not just about the O.R.C. but how much is the township contributing and how much of that is part of the decision. Ms. Gooding stated she feels this grant has contaminated the thinking of a lot of people. Ms. Gooding added that all the extra water and overtopping in this watershed is due to all the water flowing into the dam and all of it is contributory to the problem of the dam and everyone is responsible. Ms. Gooding added that the people are being taxed three or four different ways on this dam and feels it is un-American. The township should step up and take responsibility for this project as it is a Bainbridge watershed issue as well. Mr. Welter commented that it is disappointing to him that the O.R.C. is formulated a solution that puts the judgment on the Board. What he does not understand is why the Commissioners cannot negotiate with the township people to come up with a joint solution that would be representative of all the people that are concerned. Mr. Pacaviti received a phone call of a resident who could not be here tonight who wondered what would happen to her if she just could not pay this assessment, and hoped the Commissioners would take that into consideration. Commissioner Young responded that it is possible that if the dam gets fixed the property values would go up and the properties could be sold. Ms. LaChapelle reported on the issue of the deed after reviewing it with the County Engineer reported that it is actually an easement. Mr. Phillips stated this was an easement over the property on behalf of the township to allow the county to enter the property on behalf of the township. At that time in history the county was performing culvert work for the township throughout the county. It does not take ownership of the dam and is not filed with the deed. The deed is filed clean without any easement. Mr. Phillips added the comment that when he took over as County Engineer in 1989 the question came up then whether the county owned the lake. Mr. Phillips replied that if the county owned the lake it would no longer be a lake. At that time the people who benefitted from the lake went away. Mr. Phillips responded to the gentleman who commented that it didn't matter if his water drained into a lake or a creek. Mr. Phillips replied that he has been doing this for forty years and he cannot disagree with the gentleman's comment. Commissioner Young asked if there were any further questions or comments. Hearing none, Commissioner Young stated that the Board will move into deliberation and expect to be back in about a half hour or so and will inform the audience of their decision. The decision could be to continue deliberation at a later date.

Commissioner Young closed the public hearing to move into deliberation at 8:07 p.m., in a secluded office in the Bainbridge Town Hall.

The Board returned to the public hearing at 9:10 p.m. Commissioner Young temporarily turned over the return of the meeting to legal counsel Laura LaChapelle, APA. Ms. LaChapelle commented that the Board is considering all the information that was presented. Unfortunately there was a lot of documentation and testimonial evidence that was submitted tonight. What will happen is that the Board will continue deliberations to another date, a date certain, in an effort to try to get through the rest of the information and arrive at a decision.

Motion: by Commissioner Jemison, seconded by Commissioner Samide to continue the deliberations (for the Kenston Lake Ditch Improvement Petition Public Hearing) on June 4, 2009 at 6:30 p.m. at the Bainbridge Town Hall.

<i>Roll Call Vote:</i>	<i>Commissioner Jemison</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>

A member of the audience asked if there will be another certified mailing on this upcoming meeting. Ms. LaChapelle stated that this motion just made will suffice for further notice. Ms. Gooding suggested that enough people would not be notified, those not in attendance, and

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suggested a postcard mailing. Commissioner Young replied that a post card notice will be mailed out to those on the original mailing list.

What are the options for the decisions? Ms. LaChapelle replied that the Board has two options: to grant the petition or to dismiss the petition. This will be the decision on June 4th. The Board would be receptive to any information that comes in. John Frederick asked if the next meeting will be in secluded deliberation or will it be a roundtable discussion. Commissioner Young stated that he was just advised by Ms. LaChapelle that the Board is still in deliberation and they cannot take any further information while they are continuing deliberation. Ms. LaChapelle added that if anyone has information to submit bring it to the next meeting so everyone has the chance to hear the information. Tom Sabo asked if there will be a collaborative effort between the county and the trustees. Only one representative of the township is present but not participating. The Commissioners added that it would be the trustees' decision. Ms. Gooding stated that she would like to make sure that things don't go on behind the scenes without the public being aware of it, as this has been a very public issue. Commissioner Young stated that the Board has the option of approving the project or disapproving the project. Ms. LaChapelle added that Trustee Linda White was present and is well aware of where the county is in the proceedings. The Board made it clear that they were receptive to anything the township might want to contribute or any part they would like to play in this. If the township wants to make contact it would probably be through Ms. LaChapelle's office. A member of the audience said he was confused if the Board will not accept anymore information as they were in deliberation and the board would make their decision before returning. Ms. LaChapelle replied that was not correct. The Board will return on June 4th to continue deliberations. A member asked if there is more information available at the next meeting if the Board would listen to it. Ms. LaChapelle replied that the Board may opt to open the hearing back up to listen to further information and then go back in deliberation. The Board is trying to wrap this up and give a decision to the public.

Dave Sanschuck questioned if there is a conflict of interest if she is representing the Board and a member of her office is representing the township? Ms. LaChapelle added that the office represents all the commissioners, all the county offices and the townships. Depending on what the issue is the Prosecutor's Office makes a determination if there is a conflict. At this time they are only working on the hearing portion. Mr. Sanschuck asked if an Attorney General opinion was gotten. Ms. LaChapelle responded that you don't always have to get an opinion on the exact issue that you are dealing with. When applying the law you interpret case law. The decision lies with the Commissioners and it sometimes takes up to six months to get a decision. Ms. LaChapelle added that the Commissioners are basing their decision on the law. Mr. Koch asked if he could get on the mailing list for the post card. He only heard about this meeting in a letter to the editor.

Commissioner Young thanked all in attendance and stated the Board would return on June 4, 2009.

BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, COMMISSIONER YOUNG ADJOURNED THE MEETING AT 9:25 P.M.

Geauga County Board of Commissioners

Tracy A. Jemison

Mary E. Samide

William S. Young

Claudine Kozenko, Commissioners' Clerk