

STARK COUNTY BOARD OF COMMISSIONERS
THE VIEW 6-24-2020

Proceedings transcribed from audio
recording.

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1 SPEAKER 1: This is June 24,
2 2020, it is 9:00 a.m. in the -- well, it is no
3 longer 9:00 a.m. -- it is 9:20 and the Board of
4 Stark County Commissioners now convenes the view
5 of a ditch improvement petition held in
6 accordance with Section 6131.04 of the Ohio
7 Revised Code.

8 On January 30, 2020, a ditch petition
9 was filed by the Village Association
10 Incorporated, proposing improvements to the Rudy
11 Friedman Noble's Pond Ditch in Jackson Township.

12 The petition requests the Board of
13 County Commissioners take steps to construct and
14 improve the Rudy Friedman Ditch and Noble's
15 Pond, including, but not limited to: Flood
16 prevention; maintenance to the Rudy Friedman
17 Ditch; dredging Noble's Pond and installing
18 adequate detention/retention basins to deal with
19 inflows into the pond from the 1,700 acres
20 generally north of Noble's Pond.

21 The proceedings of this View will be
22 recorded. We are recording, correct? I
23 introduced all the members of the Board and
24 everybody else here.

25 General rules governing the view, we

1 are here this morning to begin the process of
2 collecting information. Begin the process of
3 collecting the information and hearing testimony
4 offered by any owner affected by the proposed
5 ditch improvement.

6 The information collected will assist
7 us in understanding the petitioner's request and
8 answer questions, that today, we cannot answer.
9 I want to stress that, that today, we cannot
10 answer.

11 After hearing from any property owner
12 that wishes to be heard, the Board of
13 Commissioners and the County Engineer shall go
14 to view the proposed ditch improvement as laid
15 out in the petition.

16 If the commissioners run out of time
17 before they complete the view, they will adjourn
18 to another date and time, which will be posted
19 on the County Commissioner's website.

20 Upon completion of the view, the
21 Board shall adjourn until September 22, 2020 at
22 6:00 p.m., at which time it will reconvene at
23 the Jackson Center For Performing Arts, Jackson
24 High School, 7600 Fulton Drive Northwest,
25 Massillon, for the first -- first hearing on

1 this petition.

2 At that hearing, the Board will hear
3 the preliminary report of the County Engineer as
4 provided by Section 6131.09 of the Ohio Revised
5 Code. We will also hear any evidence offered by
6 any owner or -- for or against the granting of
7 the proposed improvement; or for or against
8 lateral branches, spurs, or change in route,
9 course, termini, or manner of construction
10 described in the petition.

11 That is when you will have your
12 opportunity to give your input into the whole
13 process. That's the first hearing, the first
14 hearing. Nothing is going to get done before
15 that. So on September 20th, you will have your
16 opportunity to come in -- you know, the
17 engineers, we will be there again today -- or as
18 we are here today, okay?

19 We will now hear from the petitioner
20 of the ditch improvement, Bob Leibensperger.
21 Bob?

22 **MR. LEIBENSPERGER:** Right here.

23 **SPEAKER 1:** Where is Bob?

24 Bob, raise your hand here.

25 (Thereupon, the witness was sworn

1 in.)

2 SPEAKER 1: All yours, Bob.

3 MR. LEIBENSPERGER: I hope everybody
4 can hear me. I'm the president of the
5 homeowners' association at Nobles Pond and I'm
6 the guy that -- we're the group that filed the
7 petition that we are talking about.

8 Revised Code 6131 -- whatever it is
9 that was just -- was developed in 1981, about
10 the time that Foxchase was being developed.
11 What this means, originally, the ditches were
12 maintained by the farmers in the country. When
13 cities started to move into the country, the
14 State assigned responsibility for maintaining
15 ditches.

16 That responsibility for maintaining
17 ditches goes to the homeowners and homeowners'
18 associations. When Noble's Pond was a -- when
19 Foxchase, in 1981, when it originally developed,
20 Noble's Pond was assigned by the County, I
21 believe, to be the drainage -- or the detention
22 pond.

23 All developers, when they develop
24 land, are responsible for dealing with the storm
25 water runoff. And they were to provide adequate

1 detention ponds, or retention ponds, to maintain
2 that. So Foxchase, in 1981, Briar Hills --
3 Greenbriar Hills, Briarwood, all of those were
4 assigned to Noble's Pond back in the 1980s, when
5 they were being developed.

6 When Noble's Pond began to be
7 developed in the early 19 -- late 1980s, that's
8 when Bob DeHoff, who was the developer, took
9 action. Because Noble's Pond -- we have
10 probably enough parking and that's the first
11 stop on the tour.

12 If you would like to come down there,
13 we'll be there and talk some more and show you
14 what we've done. But I want you to understand
15 that when -- when Bob DeHoff turned over the
16 associate -- over the running of Noble's Pond to
17 the homeowners' association in 2001, we formed a
18 drainage authority to maintain it.

19 That drainage authority consisted of
20 Noble's Pond homeowners, about 100 -- 280
21 homeowners. And all those properties on the
22 corner, like this there, Aultman Hospital owns
23 some property there, the shopping center. That
24 formed the drainage authority. We put \$20,000 a
25 year into that drainage authority to maintain

1 the pond.

2 If you come to the pond, I'll show
3 you what we've been doing with that \$20,000 a
4 year. Now, unfortunately, when we formed the
5 drainage authority, we should have included
6 Foxchase, Briarwood, Greenbriar Hills and so
7 forth; we didn't.

8 Because they were -- they had been
9 assigned Noble's Pond and were responsible for
10 helping maintain it. So we'll talk more about
11 that down there and we'll show you what we are
12 doing. There's a big misunderstanding about who
13 is doing what and we are -- we are actually
14 paying right now to dredge the pond to fix some
15 of the problems.

16 The problem we've identified, when we
17 took over the pond, it was about -- in the
18 deepest section it was about 15 feet. In the
19 area where the lowest part was, it was about
20 three feet deep. With all the silt and all the
21 runoff that's been coming down from as far away
22 as Meadowlands, we now have areas in that pond
23 that are only about an inch deep. It's turning
24 into a wetland basically.

25 If you come down to Noble's Pond,

1 we'll try to park you -- when you come there
2 from this direction --

3 SPEAKER 1: Hey, Bob, we are
4 not going -- we are not going to that part
5 today, that's just the tour of the view for the
6 commissioners. That can be addressed at another
7 time.

8 MR. LEIBENSPERGER: Okay.

9 SPEAKER 1: Okay, now is the
10 comment period. Anybody that signed up. We're
11 not taking questions; this is just if you want
12 to make any sort of comment right now, this is
13 your time to do it.

14 MR. LEIBENSPERGER: Let me say one--
15 (inaudible).

16 SPEAKER 1: Okay.

17 MR. LEIBENSPERGER: I want to say one
18 more thing.

19 SPEAKER 1: Okay.

20 MR. LEIBENSPERGER: On the website,
21 on the Stark County Commissioner's website, I
22 have written a nine page dissertation, being an
23 engineer from the past, on what and why we filed
24 the petition.

25 It has 14 slides in it. It defines

1 the area that is in the watershed, it does not
2 include Lake Cable. The water does not flow
3 from our watershed into Lake Cable.

4 SPEAKER 1: Okay. Hey, Debbie,
5 do you want make a comment from the Prosecutor's
6 Office about the comments? I mean, it's
7 really --

8 DEBBIE: It is proof, I
9 mean, that's why you are getting sworn in. It's
10 not just comments or your feelings. If you have
11 any evidence, this is the first time you get to
12 make that evidence, I don't know what you have.

13 For example, say your backyard floods
14 and you have a you photograph and you want the
15 commissioners to consider that. That would be
16 proof you would offer today. You get to offer
17 further proof at the hearing as Commissioner
18 Regula told you.

19 This is not a comment period; there
20 are no questions and answers --

21 CROWD: I can't hear you.
22 This is not a
23 comment period, it is no questions and answers.
24 This is just the initial --

25 SPEAKER: I can't hear you.

1 **DEBBIE:** I can't talk any
2 louder.

3 **SPEAKER:** Turn up your
4 hearing aid.

5 **DEBBIE:** No questions and
6 answers, no comments. You may swear and offer
7 any proof you may have about the proposal. It
8 might be too early for you to have any proof,
9 that's okay. This is just the first step. And
10 there will be no questions and no further
11 comments when the commissioners and the
12 engineers go on the view. As Richard said,
13 there is a lot of you and we don't have a parade
14 permit, okay?

15 **SPEAKER 1:** Okay. All right.
16 Teresa Smith.

17 (Thereupon, the witness was sworn
18 in.)

19 **MS. SMITH:** I would like to
20 enter plat index number -- (inaudible). Oh, I
21 live on Harbor Hill -- or Harbor Drive and we
22 have a retaining pond behind us that drains into
23 Lake Cable and I would like to admit into
24 evidence the plat index number five that shows
25 the easements on our properties.

1 And our contention is that this
2 retaining pond needs to be included in this
3 because when it floods -- and it does -- that
4 water goes into the ditch. So we are
5 contributing, but we're not.

6 We are contributing because we can't
7 get it dug out ourselves. So we would like to
8 make sure that this is also included in this.

9 SPEAKER 1: Okay, thank you.
10 Next. (Inaudible). Sir, there is going to be
11 plenty of opportunity to address the board, but
12 this is just the initial viewing. As I said
13 before and I'll say it again, you are going to
14 have opportunities to submit your questions and
15 comments. Okay, go ahead.

16 **MR. RUSNAK:** Ronald Rusnak.
17 (Thereupon, the witness was sworn
18 in.)

19 **MR. RUSNAK:** Ronald Rusnak, I
20 live at 6572 Harbor Drive Northwest. And I
21 totally understand and feel sorry for the people
22 Noble's Pond, understand there's a major issue
23 there.

24 As Teresa had just mentioned, we also
25 have a water issue. We have a drainage pipe

1 that stops at the surface. Water floods in my
2 backyard. My garage actually fills in with
3 water when we get heavy rain. And there's cars
4 that hydroplane between our two houses, Teresa's
5 and mine, because of the amount of rain, when we
6 get that.

7 However, I have a United States
8 geographic survey that I just printed out, I
9 would like to submit as evidence that shows that
10 our area actually drains into Lake Cable, not
11 into Noble's Pond.

12 SPEAKER 1: Okay. Thank you.

13 **MR. RUSNAK:** Thank you.

14 SPEAKER 1: Marianne Morrison?
15 (Thereupon, the witness was sworn
16 in.)

17 **MS. MORRISON:** Hi, I'm Marianne
18 Morrison. I'm the teacher that Mr. Regula
19 referred to, so I do have a teacher's voice.
20 And I normally wear a mask, but (inaudible)
21 today because I came with a neighbor because we
22 carpool.

23 My testimony is, I want to present
24 photographs, these are from the addresses listed
25 on here. I live on Harbor Drive also and we

1 have the flooding problem. I have -- right
2 behind our property, the big storm sewer comes
3 down and it drains in there.

4 But when you look at all the maps
5 that are being presented, where we live, which
6 is probably Greenbriar and a little bit north of
7 Greenbriar and probably Briarwood, our maps show
8 that we got that are being presenting to you --
9 that the water comes down and it goes into this
10 retention pond behind our house and it goes over
11 to Lake Cable. It does not go to Noble's Pond.

12 And so we have maps that Dr. Rusnak
13 has just presented to you and I have the
14 pictures. And you can see what while we are in
15 the gigantic floodplain, there's a floodplain
16 map that includes Briarwood and Lake Cable and
17 parts south of Noble's Pond.

18 When you went to do the lawsuit, look
19 who to include, they used the floodplain map.
20 But there are other areas that are impacted
21 before you ever would get to Noble's Pond and
22 ours goes into Lake Cable.

23 And Lake Cable residents -- I'm sure
24 the commissioners know this -- when they dredged
25 their lake a few years ago, the property owners

1 that only lived on the lake had to pay for that
2 because their homes, obviously, are worth more
3 because they are located on the lake.

4 Even the people at Lake Cable that
5 lived across the street, they didn't pay it.
6 The people that lived on the lake paid it and it
7 did not run through the County and it did not --
8 like we didn't get a bill we would have trouble
9 fighting because we do drain into Lake Cable we
10 don't drain into our -- at least Greenbriar and
11 anything, I would say, north, which might be
12 Briarwood, does not drain, according to the maps
13 we have, into Noble's Pond.

14 So that is our contention. We
15 also -- if you will not exclude us from this, we
16 certainly hope you're going to do intermediary
17 processes, which means you are going to dredge
18 our pond, which we've been asking for ten years.

19 I know the commissioners have been to
20 our backyard. We filed the ditch request
21 formally, we submitted pictures back then. They
22 did put some sort of a sieve in to spread the
23 water out. But last July -- the pictures are
24 recent that I gave you, those are from July --
25 it all flooded again.

1 And so the while the sieve helped,
2 the problem is, it's the silt. We now have --
3 we used to have -- we would love 15 feet. We
4 probably had five, six feet ten years ago and
5 we're down -- people talk about ducks walking
6 around, I've seen kids walking back there now.

7 And it's like now, with this rain the
8 other day, it all filled up and we got a little
9 bit of flooding just from the little rain we had
10 yesterday. But when you get a real rain, it
11 comes really close to our homes, as you can see
12 in the pictures.

13 So if you could just either think
14 about excluding Greenbriar, Briarwood, because
15 the maps show we don't flow into Noble's Pond,
16 or if you're going to use that huge floodplain,
17 please, then make sure you do the things before
18 you even get to Noble's Pond because the huge
19 pond behind our house that needs to be done.
20 Thank you very much.

21 SPEAKER 1: Pete Campenisi.

22 MR. CAMPENISI: Right here, sir.

23 (Thereupon, the witness was sworn
24 in.)

25 MR. CAMPENISI: 6730 Thornbriar

1 Street Northwest, we're one street back of
2 Harbor. And all the folks that spoke that live
3 on Harbor, said a lot of things that I wanted to
4 say too. But the two things I want to add,
5 Commissioner, are that the -- well, first of
6 all, I don't believe we flow into Noble's Pond
7 either; we flow into Lake Cable, clearly.

8 Secondly, I think by the size of this
9 crowd, you understand the impact. Think about
10 all the people who could not be here today. And
11 the way we view this is, we feel bad for the
12 homeowners' association, the homeowners of
13 Noble's Pond, but they've got a problem they've
14 got to deal with.

15 We've -- in our area, we spent -- our
16 families spent thousands of dollars last year
17 rerouting drainage to the sewers and so forth.
18 All the water that's in our area, we take care
19 of so it doesn't flood into our houses.

20 In my opinion, that is what Noble's
21 Pond residents have to do. They shouldn't be
22 looking to everyone else to take care of the
23 problem they have in their community.

24 SPEAKER 1: Thank you.

25 MR. CAMPENISI: Yes, sir. Thank

1 you.

2 SPEAKER 1: Next. Dwayne
3 Sullivan. Dwayne Sullivan? Linda Sullivan?
4 Nukuto?

5 **MR. NUKUTO:** Right here.
6 (Thereupon, the witness was sworn
7 in.)

8 SPEAKER 1: Please state your
9 name and address.

10 **MR. NUKUTO:** George Nukuto, I'm
11 on 69 -- 6910 Stockbridge Street Northwest in
12 Foxchase. I live -- and my neighbors, a couple
13 of them live right up on that ditch and every
14 year, every time we get rainfall, even just a
15 minor rainfall, it comes up almost clear up to
16 our house.

17 And I've got property back there. My
18 property, the erosion, is going away. Trees
19 have been falling in because of this. My
20 property in was in the middle of the creek. And
21 also Ron Stark here too, he lives there at that
22 little farm right up against Fulton and I'm
23 right next door to him and I've got people next
24 door on the other side.

25 They have already come in to shore up

1 a piece of sewer line that came -- that dropped
2 in already, so they took care of that. But
3 there is so much erosion going on every -- every
4 year.

5 When I first moved in there five
6 years ago, the ditch was probably only about
7 four feet deep -- or four or five feet wide, now
8 it's 12 feet wide. We need to do something
9 about the erosion that's happening right now.

10 All the properties along that ditch,
11 at least around Fulton area -- the water is also
12 going up. His yard just flooded, mine just
13 flooded, trees are starting to come down, which
14 is going to cause even more flooding, so
15 something has got to be done with that ditch
16 too, on top of that.

17 So I don't know if it's just poor
18 planning from the County, with all the people
19 living here now, but it's something that needs
20 to be done. And I have photos, but I didn't
21 bring them, sorry. I'll try to --

22 SPEAKER 1: You can submit
23 later.

24 MR. NUKUTO: Yeah, I can submit
25 them later. But there's trees in the ditch

1 right now, it's going to start to cause backups
2 in that creek, or that ditch.

3 SPEAKER 1: Thank you. Sam
4 Finklestein?

5 MR. FINKLESTEIN: Right here.
6 (Thereupon, the witness was sworn
7 in.)

8 SPEAKER 1: Name and address,
9 please.

10 MR. FINKLESTEIN: My name is Sam
11 Finklestein, I live on 5531 Foxchase, in the
12 original Foxchase subdivision area. And in due
13 respect, what I'm trying to do is to A, get
14 clarification, and then give you three
15 statements I would like to get answered at the
16 later hearing.

17 Correct me if I'm wrong, but it's my
18 understanding that we are here to gather
19 information and to better understand. It is, if
20 you will, an information gathering session.
21 (Inaudible). But that is what I'm here about.

22 And I'm going to take the liberty,
23 unless you cut me off, just to be very brief.
24 I'm more of a process information. A, first of
25 all, if possible, if you all could -- you can

1 put it on the web wherever you want, but in the
2 event it is appropriate for consideration, if
3 this needs to be added to a vote, say in
4 November on the general election -- and I'm not
5 sure what the rules and process are, but we'd
6 like to know what that process might be.

7 If it did come to that, specifically
8 from a timeline point of view, this is already
9 the beginning of July and if we have a meeting
10 in September, is there an opportunity as we go
11 forward?

12 And again, I don't have a bias one
13 way or the other, I don't have enough
14 information today. That is number one.
15 Secondly, if it could be explained, the
16 calculation about what the potential cost would
17 be for this, in terms of what we are all
18 potentially exposed to.

19 And then what are the -- and I know
20 this is a difficult question, but in what I call
21 the "unforeseen potentials" that are known, some
22 of the things that you go through that you very
23 learned experts are, the engineers and maybe
24 geologists, that you know what you might run
25 into that could create additional costs, so we

1 know what those hidden, or potentially exposed
2 costs, would be.

3 And then finally, the process would
4 be pretty obvious, we'd like to understand who
5 would be responsible to manage the finances if
6 this were approved, all this money that's
7 collected, not even knowing what the amount is.

8 You know, on first blush, so many
9 folks here, we're talking about some serious
10 money. But it may turn out to be ten bucks a
11 year per family, it may turn out to be much
12 more, we don't know at this point.

13 But I'd like to understand this
14 process point just to understand what we are
15 getting into at the next meeting. Thank you.

16 SPEAKER 1: Thank you. David
17 Reese?

18 (Thereupon, the witness was sworn
19 in.)

20 SPEAKER 1: Please give your
21 name and address.

22 MR. REESE: David Reese, I have
23 property at 7000 Wales. I'm just looking at
24 this map and trying to figure out how people
25 that are above me elevation-wise, directly north

1 of my property, are not included.

2 And also the hills that are in
3 between us and the drainage pond, so I'm not
4 sure how that works. This seem like a little
5 bit arbitrary, but maybe it's not.

6 It's tough to really have any kind of
7 a concept of the cost for us. It's an ongoing
8 thing, you know. And then the next this you
9 know, Lake Cable and (inaudible) are probably
10 going to want some money too at some point.

11 So I mean, this is a bad precedent, I
12 think. When Lake Mohawk did its dredging, the
13 property owners paid for it, even though
14 properties outside the lake drained into it.

15 SPEAKER 1: Thank you. Peter
16 Summerland?

17 (Thereupon, the witness was sworn
18 in.)

19 **MR. SUMMERLAND:** My name is Peter
20 Summerland, I live at 6525 Wales, we've been
21 there since 1952. We are trying to figure out
22 if there's any records of how deep Noble's Pond
23 was. That is a glacial pond, it's been there
24 since the end of the ice age. All water has
25 drained into that pond for thousands of years.

1 We do understand things have been
2 moved around with farms, but before we decide to
3 start dredging that pond, what kind of
4 historical record is there showing how deep it
5 was 30 years ago?

6 I don't think anybody can tell you
7 how deep that pond was 30 years ago, but I can.
8 I have got the records. I've got documented
9 proof of how deep that pond was and it has not
10 changed very much in the last 25 years.

11 No one is taking into consideration,
12 if that gets cleaned out, or dredged out, what
13 is going to be the environmental impact south of
14 there where the water goes out, it heads towards
15 the undeveloped Timken property.

16 So there is a lot of questions
17 regarding this as far as the development and how
18 the developers were allowed to do what they did
19 and turn this into a retention pond. You've
20 got -- somebody signed off.

21 The engineers had to say this was
22 okay. The Planning Commission this was okay.
23 So why are we responsible for paying for this,
24 for something that they approved? Thank you.

25 SPEAKER 1: Richard Dinko?

1 (Thereupon, the witness was sworn
2 in.)

3 SPEAKER1: State your name and
4 address, please.

5 MR. DINKO: My name is Richard
6 Dinko, I live at 5584 Foxboro Avenue Northwest.
7 When they put in the Foxboro Plaza, they
8 upgraded the drainage pipe that ran alongside my
9 property and replaced it with a larger diameter,
10 put a catch basin with grate at the corner of my
11 property that feeds into the Rudy Friedman
12 Ditch. I have never experienced any backup,
13 flooding.

14 All of the people I know along that
15 ditch, they have not gotten water in their
16 backyards, et cetera. So the Rudy Friedman
17 Ditch from Wales all the way to Fulton, as far
18 as I've ever observed -- and that's 30 years
19 living along that ditch and in that
20 neighborhood -- it has never flooded. So to say
21 that there is an issue there, I think, is an
22 overstatement.

23 Secondly, I understand that a
24 watershed authority was created back in 1981, or
25 however they formed their -- the drainage

1 authority was created in -- in 1981. But at
2 that time, they actually tried to include the
3 rest of the watershed and they were denied that
4 by the commissioners.

5 So I guess my question would be, why
6 would they -- why they denied that? At that
7 time, there must have been a good reason. I
8 don't think you can retroactively
9 jurisdictionally take control of a region and
10 become the decision for it by saying, "We're a
11 drainage authority. We're going to decide what
12 happens from now on and you are all going to pay
13 for it." So I don't think that drainage
14 authorities work that way.

15 I did notice in the petition -- you
16 know, a ditch petition to me is willing
17 participants. A group of willing participants
18 come to the County and say, "We are willing to
19 foot the bill for this ditch improvement because
20 it personally affects our properties."

21 What I don't think is involved is a
22 small entity of homeowners jurisdictionally
23 including thousands of others to foot the bill
24 for problems that they might have. When water
25 flows to another person's property, it's a civil

1 matter.

2 The County commissioners aren't
3 jurisdictional in decision making about whose
4 fault it is that water goes from place A to B.
5 That's a civil matter and would involve civil
6 litigation. So if Noble's Pond has an issue
7 with the water from the Rudy Friedman Ditch
8 coming onto their property and doing damage,
9 that's a civil litigation matter.

10 From my understanding, the way that
11 the deed was given -- when the 13-acre Noble's
12 Pond site was given to the homeowners'
13 association, that deed includes provisions that
14 they're responsibility for the ongoing
15 maintenance of that pond.

16 And by forming this drainage
17 authority with commercial properties, which I
18 understand, they have big parking lots and they
19 have a massive amount of runoff at any on given
20 time. Perhaps there was some financial
21 commercial interest in that whole watershed area
22 and adequate draining.

23 Because if there were more
24 developments to go in along Wales and Fulton --
25 you know, there was a proposed section right

1 along the retention pond on Wales and behind
2 Buehler's for multifamily condos and additional
3 development. That would have impact. We are
4 talking more streets, more roads more parking
5 lots.

6 My question is, are we preparing that
7 property for the future, or are we taking care
8 of situations that are occurring right now? I
9 have no interest in footing the bill to help
10 improve the commercial value of real estate for
11 people.

12 I think there is a small number of
13 concerned individuals retroactively
14 incorporating a large number of constituents to
15 pay the bill. If \$20,000 a year has been set
16 aside every year since '81, so that is \$800,000?

17 **SPEAKER:** Since 2001.

18 **MR. DINKO:** So \$400,000 has
19 already been set aside based on those commercial
20 interests and properties at Noble's Pond. I
21 have gone out during excessive downpours and
22 rain and examined the Rudy Friedman Ditch,
23 retention pond at Wales and that retention pond
24 at Wales, I never see full to the rim, or even
25 half full.

1 So if that is the secondary
2 collection basin for a lot of that runoff, it
3 has not exceeded its capacity by any means. In
4 terms of the Drainage pipe that drains down to
5 Shady Hollow, if there debris or something in
6 there, that would be addressed by Noble's Pond.
7 If the perimeter is eroding, that's a Noble's
8 Pond issue.

9 If -- their manicured walking bridge
10 and the sediment retention rock that they placed
11 catch the sediment before it goes into the pond
12 is their issue as well. So if a group of
13 homeowners around the perimeter of a pond build
14 houses really, really close to the edge of the
15 pond, and then complain because water gets close
16 to their house, to me, that is a homeowner's
17 decision to build a house that close to a pond.

18 It's not a lake, it's a pond. Ponds
19 have floodplain designations and overflow
20 designations as well. And if you look at the
21 embankments around Noble's Pond, there is
22 adequate buffer and a perimeter with higher
23 levels, except for the houses that have built on
24 (inaudible). So I guess that would be my
25 questions and comments on the situation.

1 So I believe hat the deed designates
2 specifically that the homeowners' association is
3 responsible for the fund. I don't believe you
4 can retroactively add people to a drainage
5 authority. Apparently they tried to do that
6 when they formed it and was denied by the
7 commissioners.

8 If they're setting aside \$20,000 a
9 year, where has that money gone? It's more
10 about willing participants. I guess my question
11 is, if this is a ditch petition --

12 **COMMISSIONER:** We are not taking
13 questions, just comments today.

14 **MR. DINKO:** But maybe they can
15 be addressed at the September meeting --

16 **COMMISSIONER:** Absolutely --

17 **MR. DINKO:** Where we ask
18 questions there -- (applause).

19 **DEBBIE:** -- a hearing. The
20 hearing is for the county commissioners to hear
21 the evidence that is presented, it is not a
22 debate and that is through Ohio law. So I'm
23 trying to tell you that, but we need to be fair.
24 Because I don't want you to come to that hearing
25 thinking that we're going to answer you

1 questions.

2 **MR. DINKO:** Like I have a
3 question right now, how many ditches are owned
4 by the County? How many ditches are in the
5 County right now and how are they maintained?
6 If they under County jurisdiction, how are they
7 paid for? How is the Rudy Friedman Ditch a
8 County ditch or a private ditch? That would be
9 a question I think (inaudible) would want to
10 know.

11 **COMMISSIONER:** Okay. Next?

12 **SPEAKER 1:** Last name is Helen
13 Maughan.

14 (Thereupon, the witness was sworn
15 in.)

16 **MS. MAUGHAN:** Helen Maughan,
17 6095 Wales Avenue. I can tell you that I've
18 only lived in Jackson Township for a year. But
19 my previous homeowner of my home paid thousands
20 and thousands of dollars to fix the drainage
21 problem at the home because the County said
22 wasn't their problem.

23 It wasn't the community's problem; it
24 wasn't somebody else's problem; it down the
25 street. It was her problem because it was --

1 even though it is the runoff off of Wales, it
2 was her problem because it was draining into her
3 yard, so she fixed it.

4 The grate next to the street at my
5 house is falling in. My husband had to rig it
6 up to make it stay up so that debris doesn't
7 fall into it. We called the county to see if
8 they would fix it and they said, "Oh, no.
9 That's on your property, so that's your problem;
10 you have to fix it."

11 So why do I have to fix somebody
12 else's property? Why do I have to pay for that?
13 We have to take care of our own properties, they
14 can take of theirs. They have a homeowners'
15 association, they can assess their own fees to
16 fix that problem. We have already taken care of
17 ours. Thank you.

18 SPEAKER 1: Ron Stark?
19 (Thereupon, the witness was sworn
20 in.)

21 MR. STARK: My name is Ron
22 Stark and I live at 6983 Fulton Road, right
23 across Noble's Pond. The ditch runs on my
24 property line. My property line, at Fulton
25 Road, the stake is in the middle of the creek at

1 the back of my property; the entire creek is in
2 my property.

3 What I'm concerned about is Jackson
4 Township -- well, let's say -- when I moved in,
5 the creek was four or five feet wide, now it's
6 16 feet wide. It's the unregulated building by
7 Jackson Township to collect tax revenue --
8 that's all they care about is tax revenue.

9 And you can't cram an eight lane
10 expressway into a one lane bridge. Rooftops,
11 driveways and roads do not absorb water; it has
12 to go someplace. So it has eroded the banks on
13 both sides.

14 What I am concerned about is how are
15 they going to get to the creek to fix it without
16 tearing my property up? They won't give you an
17 answer; you are not allowed to answer questions
18 here. So, I mean, they are not going to fly a
19 backhoe and a dump truck in on a helicopter.

20 But I think it's Jackson Township's
21 problem. They caused it; they should pay for
22 it. (Applause.)

23 **SPEAKER:** Just a very brief
24 question for --

25 **COMMISSIONER:** We cannot take

1 questions. This is a just a comment period --

2 **SPEAKER:** Well, a (inaudible)
3 then. Will there be an opportunity for debate?
4 That was a fair question that was asked by the
5 group. Will we be able to civilly debate the
6 pros and cons of this?

7 If I understood, Ms. Williams --
8 sorry, I don't know her title -- but she
9 suggested there is no opportunity by Ohio law.
10 So I'm trying to understand, how could -- we all
11 came here. We all have an opinion. I think we
12 would all like a civil discussion on it. Bu
13 what is the mechanism to do that?

14 **COMMISSIONER:** Debbie from the
15 Prosecutor's Office, do you want to handle that?

16 **DEBBIE:** First of all, I
17 under -- I understand how you feel and I agree
18 with you that you need answers. It's that what
19 we have to follow is the Ohio law. My
20 suggestion would be is that if you could funnel
21 your questions to the County, to Rick, and
22 somehow, we'll get you the answers to these
23 questions prior to the hearing.

24 You need to understand, again, that
25 the hearing is just that. We are gathering all

1 the information just like you are. We don't
2 have the answers. We did not bring this ditch
3 petition to us. It is a mechanism of Ohio law.

4 So get your questions at least to
5 Rick so we can parcel them out to see if we can
6 get you answers. I can't answer your questions
7 today. I don't know the answer to all of this
8 and I'm sure my two fellow commissioners don't
9 know the answers to this. This is the first
10 time we've ever done anything like this, the
11 first time. It is a learning curve, not only
12 for you, but for all of us in County government.

13 We're not trying to hide anything
14 from you, but we need to have a process, so you
15 have to help us through this process by getting
16 your questions and somehow we'll try to get them
17 answered. That is the best I can suggest.

18 **MS. MORTON:** I would just ask
19 that the Petitioner -- it is not the
20 responsibility for you all to maybe -- to give
21 us, because you didn't petition, but the
22 Petitioner has something he wants to say us and
23 he's asking all of us to pay for it. I have yet
24 to hear necessarily why.

25 So my confusion is, it's not you. I

1 don't see it as the County so much right now,
2 he's asking for help through the County's
3 mechanism, so we want to know why.

4 So I think the burden, Bob, not to
5 dump everything on you, at some point, would be
6 you need to answer the questions since you are
7 the one asking. That is my understanding.

8 **SPEAKER:** (Inaudible)
9 supporting documentation (inaudible).

10 **MS. MORTON:** Yes. So Bob, not
11 to dump on you, because I live at Foxchase, I'm
12 Julia Morton. And I'm just asking, why? You
13 came here and you gathered us all here why with
14 your petition?

15 **COMMISSIONER:** Bob, you're not
16 going to answer that --

17 **MS. MORTON:** This is not a
18 County --

19 **COMMISSIONER:** -- right now,
20 ma'am.

21 **SPEAKER:** Please --

22 **MS. MORTON:** -- county can't
23 answer these questions; I think only Bob can.

24 **COMMISSIONER:** After we leave,
25 you can ask whomever you want to. Richard?

1 **RICHARD:** Yes, sir?

2 **MR. HOLLAND:** As the

3 questions are --

4 **COMMISSIONER:** We don't have his
5 name or anything, Richard. We are going to have
6 to move on from here.

7 (Thereupon, the witness was sworn
8 in.)

9 **SPEAKER 1:** Give your name and
10 address, please.

11 **MR. HOLLAND:** Dave Holland, 6865
12 Farmcrest Circle Northwest. All I want to know
13 is, as the questions are sent in and you come up
14 with the answers, so we can avoid redundancy in
15 questions, can you post the questions and the
16 answers, so that we can all view them and not
17 keep having to ask our own questions, which are
18 probably going to be close to the same thing.

19 **COMMISSIONER:** Absolutely. We
20 are going to be as transparent as possible.

21 (Inaudible.)

22 **SPEAKER 1:** Could people be
23 quite, please? You are not next. Wait a
24 minute, sir, please. Karen Soldo.

25 (Thereupon, the witness was sworn

1 in.)

2 SPEAKER 1: Name and address?

3 MS. SOLD0: My is Karen Soldo

4 at 7205 Celina Street Northwest. I simply want

5 to read the sign in front of Noble's Pond that

6 says, "Private property. Noble's Pond is owned

7 and maintained by The Village Association,

8 Incorporated, for the exclusive use of Noble's

9 Pond property owners and their guests. And you

10 will see that in the view.

11 SPEAKER 1: David Holland?

12 SPEAKER: He already did his.

13 SPEAKER 1: Okay, I'm sorry.

14 Tim Teynor.

15 (Thereupon, the witness was sworn

16 in.)

17 MR. TEYNOR: Hi, Tim Teynor from

18 6932 Salerno in Greenbriar Hills. I'd first

19 like to thank everybody here for coming out.

20 Also thank the commissioners and engineers and

21 everybody who is trying to get from this

22 petitioner, submitting to the County.

23 I think I have a better understanding

24 now of what the next steps are. Commissioner

25 Smith had a good point, it's that if we could

1 see what this process looks like -- because that
2 is something none of us have had happen to us
3 before. The County hasn't done it. So as we
4 think about our questions, the answers that we
5 would like to have. I think they were well
6 stated today.

7 But I think that if we understood
8 that process and the steps it that will be
9 taking and where we fit into the process, I
10 think it will go a lot smoother and all of us
11 will be able to make a decision whether it's to
12 any of our benefit or not. Again, we appreciate
13 everything and look forward to working with you.

14 **COMMISSIONER:** All right. Thank
15 you.

16 **SPEAKER 1:** I'm sorry, I
17 didn't have the -- I can't read the name. No,
18 no, I got yours, I'm sorry. John Pittinger.

19 (Thereupon, the witness was sworn
20 in.)

21 **SPEAKER 1:** State your name
22 and address.

23 **MR. PITTINGER:** My name John
24 Pittinger, I live at 7307 Cheryl Lane, I'm right
25 on the fringe of the map, which the is fine. I

1 like what Tim said; I want to kind of reiterate
2 thanking everybody.

3 We have a process here that obviously
4 serves the community and I think it's good, I
5 think it's all good. I think we all need to
6 kind of tone down some of the aggressive
7 passiveness, if you will, and know that we live
8 in a great nation here.

9 What I do want to say is everybody
10 has a good point. My point is, I'm right on the
11 edge and I understand that someone is going to
12 have to live of the edge of this and be somehow
13 incorporated into whatever it is Bob is trying
14 to get going here and the commissioners and
15 them.

16 Water is the most destructive force
17 on earth, so I think that we need to take that
18 into account as we -- as Bob proposes to kind
19 of, if you will, harness that energy and keep it
20 away from harming our community. I heard,
21 barely, that someone said that this is kind of a
22 first time ever dealing with this. That kind of
23 surprises me a little bit.

24 But that being as it may, I'm sure
25 that it's going to happen more often because

1 Jackson Township is a very, very growing
2 community and as we go forth and grow, we're
3 probably going to see this again. So if we're
4 on some sort of precipice or a genesis of taking
5 care of this, I think we all need to keep that
6 in mind.

7 Although I do want to say, we should
8 do it in the most efficient manner that we can.
9 I would like to see us move forward more
10 efficiently. And I now that September 22nd,
11 there is going to be another meeting. That
12 seems really far away.

13 Yes, I will use the website to see I
14 can garner and information I can take. I took
15 off work today; I'm supposed to be working. I
16 think that is a little bit telling too. I would
17 like to see us work more around hours that can
18 be more accommodating. I'm sure there would be
19 a ton of people here if that were the case.

20 Again, just promote efficiency. I
21 think it's a good idea going forward. I think
22 we need to be more accepting of what it is
23 that's trying to be gotten done. But I think
24 that there should be -- if this is the
25 kickoff -- Mr. Regula said here, I think it

1 would be great if, as a kickoff -- I'm kind of
2 in the business world myself -- that we give
3 good information at the onset and not just told
4 you can't ask questions.

5 There's a lot of telling going on
6 here, which is fine, we need that, but let's do
7 it in a gracious manner, let's tell it
8 graciously and work forward together as a
9 community graciously. That's all I have to say.
10 My name is Jon Pittinger, thank you.

11 SPEAKER 1: (Inaudible) Martin?
12 (Thereupon, the witness was sworn
13 in.)

14 MR. MARTIN: You know, my
15 problem with this letter you sent us, doesn't
16 have an interpretation of the terms. The last
17 sentence here says, "All costs of engineering,
18 construction and future maintenance will be
19 assessed to the benefitting parcels of land."

20 Would you please define "benefitting
21 parcels of land"?

22 COMMISSIONER: We are not
23 answering questions. (Inaudible.)

24 MR. MARTIN: Who are the
25 benefitting parcels of land?

1 **DEBBIE:** That's what we are
2 here to figure out. That's what we're here to
3 figure out.

4 **MR. MARTIN:** Well, I don't
5 benefit from this. I live clear at the top edge
6 of the drainage and I don't think I have any
7 responsibility for this. I don't live anywhere
8 near any floodplain. I don't live anywhere near
9 any drainage ditch and the only drainage I have
10 is a couple (inaudible) to my property and it
11 goes away.

12 **COMMISSIONER:** Okay, thank you.
13 Anybody else? That is it? Okay. The Board of
14 Commissioners and the county engineer and their
15 staff will now begin the view of the Rudy
16 Friedman Ditch.

17 You will find, in your handout,
18 driving instructions for the view. This is
19 primarily a driving tour. This is just a tour
20 for the commissioners. There is going to be no
21 questions, no comments, or anything else.

22 The view will begin at Noble's Pond
23 where the Board may view the pond on foot.
24 Please drive carefully and obey all traffic
25 laws. Thank you, everyone, for coming.

1 Please, this is only the first step
2 in a long process. We are all here to work with
3 you. We are elected officials, we answer to
4 you, the taxpayers. One of your Township
5 Trustees is here. And any questions, submit
6 them to us and we'll get you answers back.

7 And then come September 22nd at 6:00
8 p.m. will be the next hearing before the Board
9 of County Commissioners. Thank you everyone for
10 coming.

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C E R T I F I C A T E

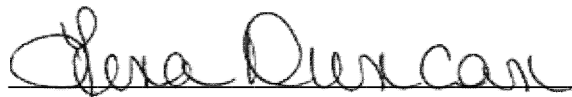
STATE OF OHIO,)
) SS:
SUMMIT COUNTY,)

I, Lena Duncan, a Stenographic Reporter and Notary Public within and for the State of Ohio, duly commissioned and qualified, do hereby certify that I was called in the capacity of a shorthand reporter to take the stenographic notes of and report this recording; that the foregoing is a true and correct Computer-Aided Transcription of the contents of the recording.

I do further certify that I am not a relative, employee of or attorney for any party or counsel, or otherwise financially interested in this action.

I do further certify that I am not, nor is the Court reporting firm with which I am affiliated, under a contract as defined in Civil Rule 28(D).

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Akron, Ohio, on this 9th day of April, 2018.



Lena Duncan

My commission expires February 19, 2020.

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