

## EDINBURG TOWNSHIP TRUSTEES REGULAR MEETING

Edinburg Townhall

September 25, 2014

Diane Austin called the regular meeting of the Edinburg Township Trustees to order at 7:37 p.m. with the Pledge of Allegiance. Roll call shows: Diane Austin, present; Sandra Templeton, present; John Hayes, present; Judy Repcik, present; Chris Diehl, present; Tim Paulus, absent; Julie Bearss, present; Gary Stewart, present.

**RESOLUTION 2014-187:** A motion was made by Sandra Templeton to approve the Agenda as presented; this was seconded by Diane Austin. Roll call shows: Diane Austin, yes; John Hayes, yes; Sandra Templeton, yes.

**RESOLUTION 2014-188:** A motion was made by Sandra Templeton to approve the minutes of the September 11, 2014 Regular Meeting as presented; this was seconded by John Hayes. Roll call shows: Diane Austin, yes; John Hayes, yes; Sandra Templeton, yes.

### COMMENTS OR QUESTIONS FROM PERSON(S) IN ATTENDANCE:

David Starcher, Res/Farmer	William Dillon, Res/Farmer	Demi Dillon	Joe Dillon
Jason Dillon	Rhonda Lippy	Scott Lippy	Trevor Lippy
Eric Dillon	Mike Canale	Joe Azar	Tim Dillon
Matthew Dillon	Steven Dillon	Terry Dillon	Nick Dillon
Mike Pittinger, Fire Dept.	Robert Grudosky, Res/Fire Dept		
Joe Corbin, Fire Dept.	Eugene Muldowney, Candidate		
Thomas Repcik, Employee/Resident			

Eugene Muldowney, Senior Felony Prosecutor in Portage County introduced himself. He has been a prosecutor in Portage County for twenty five years and he is running for Common Pleas Judge on the November 4<sup>th</sup> ballot. Judge Enlow is retiring after close to 30 years. He is not in the race with Bob Berger and David Brode; that race is for Juvenile Court. His opponent does not have any experience in Portage County.

**Bill Dillon** addressed the culvert on Giddings Road. He said that 10 years ago, his son Joe put a house on Giddings Road and when it rained it would flood the road and three to four inches would come across the road and cause a safety issue and was eroding the road. At that time he went to Chris Diehl, Road Supervisor and asked him if anything could be done. Chris said yes, but I don't have time; would you like to do it? Chris said this because his brother Denny had already done four or five other culverts for the Township in different locations. He agreed and did the job. Water flowed from the south side to the north side into the ditch. When done, inspected water continued to flow and

Ten years has passed more houses built and down the road further the water was doing the same thing. He went to Chris again and Chris said no problem but he wouldn't be able to get to it because he was retiring soon—Chris then asked Bill if he would like to do the same thing again and Bill said sure. He bought everything necessary and this was no expense to the Township.

He said he closed the road properly and put a man on each end of it telling them to let anyone through who needs to get through; he always left half of the road open while working. There was also access to the yard to let traffic go around if needed.

Completed the work within one hour; taking a half an hour to clean up the road afterward. Chris inspected it and said it was a fine job and the water is flowing under the road as it did ten years ago. It does run down into the ditch which is on David Starcher's side there corn planted by **Ebies** that is doing great and the **Ebies** have never complained about the corn.

**Bill Dillon** said that his large family has done a lot for the Township at no charge over the years: painted vehicles, worked at the park with Chris using their bulldozers and backhoes; helped building a building – all at no charge. He thanked Chris Diehl for his 30 years of service to the Township and said no one has done more for the Township than Chris.

**Sandra** stated that, yes, Chris did tell them to install the two culverts but he never bothered to tell the Trustees that it was going to be done and he had no right to do that. He should have come to the Trustees so that the ramifications could have been discussed. The Dillons are not Township employees and having them do the work put them at a liability and has cause the issue of Mr. Starcher receiving water [on his property] that he doesn't want.

**Bill Dillon** said there's no change in the [amount of] water; it just comes under the road instead of over it.

**Sandra** restated that he should've consulted the Trustees first.

**Diane** said they did an excellent job [with the culvert] but the problem is the liability that the Trustees are now at under the Ohio Revised Code having control over the Township roads. The Trustees had no idea that this was taking place – so when they receive a call from an angry resident, they have no idea what they're talking about. The Fire Department & Trustees were not notified that the road would be closed. This is the problem. Not the job or whether it needed to be done; she knows Chris did not to this maliciously. The Trustees should have been notified.

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**Chris** reaffirmed that Mr. Starcher is not getting any more water on his property than he usually did; it just comes under the road now. He said two other culverts on Porter Road were done in the past – he did one alone and the other was a combination of him and residents doing it. The Trustees have given him authority over the years to be able to move on things and get things done.

**Sandra** told Chris that the Board has given him authority to do the work himself [not the residents].

**Chris** said he's had many people help him get many things done on the roads over the years.

**Sandra** said she's never known about it until right now—after 19 years.

**Chris** said he didn't necessarily come to the Board with every little thing that he did.

**Bill Dillon** said in the past the former Fiscal Officer had told them that any time they did any work for the Township they were covered under Workers' Compensation.

**Sandra** said the Trustees didn't know they were working under the Township—Chris did not tell them.

**Bill Dillon** said they did not give Workers' Comp a second thought – they were raised to help out so they just continued to do it. He said he should have notified Chris of the day they were going to do it.

**Joe Dillon** read on other Ohio township websites that for road culverts, driveway accesses that the Road Supervisor has the authority to choose the size pipe and what has to be done. All of them just had the Road Supervisor's name and their cell phone number. Edinburg Township does not have anything on their website about this.

**Sandra** stated that Edinburg Township has a policy that says that work like this has to be ok'd by the Trustees.

<There was a discussion on the amount of water that runs across the road.>

**Jason Dillon** said he works doing heavy highway construction and a subcontractor works with the permission of the supervisor. He understands it's a natural flow of water and no more water is settling on that property than was before.

**Chris** said the road was eroding on the north side of the road a little bit. He's had to put asphalt down to build the road back up to keep it from washing away.

**Bill Dillon** said the ditch is designed to carry the water – whether it goes under the road or over the road, it's the same amount of water.

**Jason Dillon** said that the ditch was dug too deep and the water cannot reach its natural flow.

**Joe Azar** said the ditch was dug too deep a few years ago by Mr. Starcher when he used his back hoe to clean out the ditches because that area of his property is normally a bit wet anyway. He ended up making a lake. The ditch is lower than the natural flow of the natural swill that goes through all of the properties there and when the water reaches a certain level it follows that path made by God ions ago. The culvert helps now with preventing hydroplaning by cars and it will also help in the winter when the water would freeze over the road and make a skating rink.

**Mr. Starcher** agrees that he did clean out the ditch that touches his property.

**Chris** said the ditch belongs to the Township.

**Diane** agreed that the Dillons have done a lot for the Township, as has her family. Her only issue is that the Trustees didn't know – the road was closed; the Trustees should not be blindsided by things. Thankfully nothing [bad] did happen. Things have changed with Worker's Compensation rules, etc.

**John** said this is 2014; Chris has done a lot in his 35 years of service and the Trustees just counted on him to do them. This should have been brought to the Trustees by the residents involved – the Trustees are here with open arms on the second and last Thursdays of the month. Chris made a mistake by not notifying the Trustees.

Denny Dillon said the culvert job never would have been done without the permission of the Road Supervisor. He said Chris did what he thought he had to do. He cannot do his job effectively having to jump through hoops for every little job he has to do.

**Diane** said the Trustees are trying to avoid having residents install culverts without permission and they may hire a contractor that is not reputable and would not do a safe job.

**Matt Dillon** said the person that replaces Chris needs to be told how to conduct business in the future— notifying the Trustees and Fire Department, etc. ahead of time.

**David Starcher** said he does have more water on his property now because some of the water is no longer going further down the road like it used to.

**Joe Dillon** that he read the minutes of the August 28<sup>th</sup> Trustee meeting and according to David Starcher there was a lot of misstatements quoted by him; a lot of lies and slander basically stating supposedly what Denny Dillon did or didn't do or say. It was false that Denny told David Starcher that they were getting paid to put in the culvert—they were not. He also said that David Starcher should make an apology and let it be known to all of the government officials who were present on that night.

Sandra asked David Starcher what they said.

**David Starcher** said he caught them on the road just finishing up putting the pipe back. He stated that his character is at stake here and he is not a liar. He can call people in to testify under oath that what I say is the truth. He said Joe was not there. Denny was standing beside his [David's] truck and he said that they were running that water in him [his property] and the funny thing is they're getting paid for it. He said he would not make that statement on a tape recorder and be telling a lie.

**Sandra** asked Bill if he was by the truck.

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**Diane** had to calm the meeting down at this point - she would not allow the meeting to get out of hand – this is a neighborhood dispute. She gave Joe the floor to answer Sandy's question.

**Joe** said there were three people there the whole time: himself, his dad, Bill Dillon and Denny Dillon, his uncle. More people were there throughout the day as they were picking up rocks. He was there the whole time and if anybody said anything to Mr. Starcher it was his dad asking him to move his truck. It was not Denny, he was on equipment so he couldn't even talk to David.

**David** said that Joe was not near enough to him in his truck and Denny standing beside it; to hear what he and Denny were saying – his [Joe's] statements are false. He knows he is not lying and he will take that to court.

**Sandra** asked Denny to speak to this.

**Denny** said he's known David for 50-some years and he did not even say "hello" to David because he wasn't close to him. So anything that he said I said to him, I did not say and he doesn't know how to prove that.

**David** said to Denny: with all due respect, but you're lying.

Bill said that if anybody said anything to Mr. Starcher it was Bill Dillon, his dad. He asked him to move the truck.

**Diane** stated again that the Trustees should never have been blindsided. We are all humans; humans make mistakes. Her concern now is the liability for Township if Mr. Starcher brings action against the Trustees. She asked Mr. Starcher what he wants the Township to do right now –if the water flows away and it's not across the road anymore.

**David** said when he came up tonight he had two items to bring: 1) He'd like to get the ditch back to where it was before this ever happened – to eliminate the problem of other residents thinking they can do the same in the future. 2) The Road Supervisor was supposed to be Mike Pittinger and now there's an ad for the open position. Why?

**Diane** said let's discuss the ditch.

**David** wants it put back the way it was because if it is left like it is now, in his opinion, no one will be able to say anything about a putting a pipe across any ditch or any road.

**John** said the Dillons put a pipe across the road under the authority of Chris Diehl—the Trustees were not notified. When it was brought to the Trustees attention, the culvert was already done. Because the Trustees had no knowledge of the pipe they were unable to answer Mr. Starcher's grief. Sadly the finger had to be pointed at the Road Supervisor who has dedicated 35 years of his life to Edinburg Township. The discussion has been also whether it was done right or wrong. Mr. Starcher may not agree but chances are it's done right. The decision of whether to put the road back to its original shape is the Board's decision and that's the next step is to decide if that's necessary.

**Diane** asked David Starcher if it's the same amount of water going into his field across the road as it is under the road.

**David** said he's never seen the water go over the road there. He's never been down there in a rain storm where he's seen the water go up high enough on the Dillons' side to go over top and flow down. He has seen the water in his yard kind of high at times after a hard rain—he's mentioned that in a meeting before—but it's gone in a couple of days -- in Matt Dillon's yard.

**Bill** said Mr. Starcher is not looking at it [because it does overflow].

**Joe** said Mr. Starcher wants the culvert removed there's going to be more than just that one that is going to have to be removed that someone other than Chris has put in. To be taking one out that is west of that one that was never there before, there will be guaranteed road flooding.

**Diane** asked Chris if the road flooding has gotten worse.

**Chris** said yes, it has but in all reality in the last two or three years the weather has been bad.

**Diane** went down there after an entire night of storms and it was flooded.

**Chris** said last year they spread asphalt along the north edge to try to build the edge back up because the water had been washing over top and washing away the edge of the road.

**Sandra** asked Chris what he was doing that he didn't have time to do the culvert himself.

**Chris** said he was doing the general business of the Township: getting the roads patched, trying to keep up with the mowing & mowing roadsides, signs, you name it – the culvert was going to be an extra job that he hadn't had time to do yet.

Joe Dillon said if the water is flooding Mr. Starcher's field, what they could do is put a Tee on that side of the road to divert it left and right down into the spillways.

**Jason Dillon** said this could be solved real easy by taking a transit and setting it up in the ditch. The problem right now is caused by improper ditching because it was dug too deep.

**Sandra** asked if a transit was put in would it have to run all along and then cause flooding in a different yard. Jason Dillon said no, there's a creek that would catch it.

**Diane** asked Chris if he inspected the ditch after Mr. Starcher had dug it—she asked if it was too deep.

**Chris** said yes.

**Sandra** asked if Chris told him that it was too deep.

**Chris** said no.

**Diane** asked what could be done to fix that issue.

**Chris** said the ditch would probably have to be filled in a little bit or clean the off road ditch.

**Sandra** asked Mr. Starcher if he is ok with doing something like that.

**David** said he's been trying permission to clean that.

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**Diane** said the beaver dam issue has to be dealt with first. She asked if after that is dealt with, would Mr. Starcher's water issue be taken care of.

**David Starcher** said yes if it got the right flow, all the water would be gone.

**Diane** took the information about who is living there now.

**Joe** said the new owner's put a new ditch from the road ditch out to the creek in the yard. When he started at the corner of Stroup and Giddings he started too deep there and then ran out of his property. Now it has to go on Griffith's property and clean that out.

**David Starcher** said if the culvert that the Dillons put in was taken out the natural flow of water would be from Denny Dillon on the corner west to the main ditch that the Township put in that goes across to the main ditch that goes to Matt Dillon.

**Chris** said it's not enough.

**Sandra** asked if the ditch can be cleaned to where the flow is going and everybody's happy.

**Bill Dillon** said they'd have to check with the new homeowner (Griffith) too.

**Denny** said you won't know until you put a transit on it [and see if it works].

**Sandra** asked Mr. Starcher if the water flow was taken care of, would this solve his issue.

**David Starcher** said he'd have to think about that one.

**John** asked Chris if he believes that the natural flow of water was interrupted.

**Chris** said that's the only reason he gave them [Dillons] permission to do the job in the first place. All it did was help the flow of water to keep it off of the road and help maintain the whole situation.

**Diane** asked Chris if in his opinion the ditch that is going across Mr. Griffith's property needs to be cleaned. Chris said probably; yes.

**David Starcher** said he agrees that that would help.

**Sandra** said it needs to be cleaned out properly and run a transit on it.

**David Starcher** said having extra rain does not give anyone the right to go across the road [install a culvert] any time they feel like it.

**Jason Dillon** said if Chris would've given permission to anyone he would have inspected it and made sure it was properly done.

**Joe Dillon** apologized; he thought they were doing the right thing and that the Road Supervisor was able give the permission to do the work. He also thanked Chris for the years of service and the cost-saving measures he's taken over the years for the Township.

**Sandra**'s concern is that if other residents see [the culvert being installed] and get the idea that they can do the same thing [it could be disastrous].

**Chris** said he has always asked the Trustees--mostly because of expense--for their permission to put the large, three and four foot culverts in. He doesn't think he's ever asked to put in a 12 inch culvert before. He's had help from others. He wholeheartedly apologized that the (Trustees feel) he handled this situation wrongly. He has done this type many times in the past and it's never been a problem.

**Diane** asked Mr. Starcher if he agrees to work with the Trustees to try to get the problem solved.

**Mr. Starcher** said yes and he has no ill feelings against the Dillons.

**Bill** said the Dillons are not unhappy with David and he wants to be able to talk with him like he always has. He truly believes they did the right thing -- it helps the road out; it was a safety issue. He doesn't think it's a big thing with David Starcher's field so if it could be cleaned out a little bit things could be good and they can be friends again.

**Diane** said that on Monday, Chris will talk to Mr. Griffith and work on the ditching.

**Trevor Lippy** presented an Eagle Scout project that he would like approval to do at the Edinburg Park that is similar to the project with the fire pit.

**RESOLUTION 2014-189:** A motion was made by Diane Austin to donate \$100 towards Trevor Lippy's Eagle Scout project at the Park; this was seconded by Sandra Templeton. Roll call shows:

Diane Austin, yes; John Hayes, yes; Sandra Templeton, yes.

### CORRESPONDENCE

The following correspondence was received and presented:

--Letter from Edinburg United Church – they asked for a donation for their benefit auction.

**RESOLUTION 2014-190:** A motion was made by Diane Austin to donate one Town Hall use for the Edinburg United Church Benefit Auction; this must be scheduled with Noreen Brooks; this was seconded by Sandra Templeton. Roll call shows: Diane Austin, yes; John Hayes, yes; Sandra Templeton, yes.

### OLD BUSINESS

--Halloween Activities

This has been tabled until the next meeting.

**Rhonda Lippy** asked about trick-or-treating in the neighborhoods. Diane told her there is neighborhood trick-or-treating but it is not Township sponsored. The date and time will be advertised in the newspaper.

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### NEW BUSINESS

--Two Cemetery deeds were signed.

### DEPARTMENT REPORTS

#### **Julie Bearss - Zoning Inspector**

--She made/received 18 phone calls.

--Two permits were issued.

--A Zoning Commission site plan review has been set for October 2 at 7:00 p.m. The Commission will be reviewing an application for the sign shop in Route 14 as well as reviewing an alteration to the site plan for Schumacher.

--The OTA will hold a zoning inspectors' group meeting on Monday, October 6 from 9:15 am to 3:00 pm in Blacklick, OH. The cost is \$30.00. She asked to be permitted to attend this meeting. All agreed.

#### **Chris Diehl - Roads, Buildings, Cemetery and Park**

--He told the Trustees that the wood (one pile total) is ready and they can advertise to sell it now.

--He said the metal part of the bleachers is ready to scrap. Diane said the price just went down so he is to wait a few weeks for it to go back up again. Chris will dispose of the old, warped wood from the bleachers. Diane gave a heartfelt thanks to Chris for his years of service.

#### **Capt. Gary Stewart for Tim Paulus - Fire Department Report**

##### *Events*

--They attended the Brimfest parade. Chief Oliver thanked Edinburg for being so community minded.

--There were 15 alarms in the last seven day period. These were all handled by Edinburg Fire personnel including ALS the care. He thanked the Fire Department members for making it possible.

Multiple Mutual Aid requests have been filled to Deerfield, Ravenna City, Lake Milton and Palmyra.

All EMS alarms so far this year have had an ALS person from Edinburg Fire on the alarm.

Alarms are running a little over two months compared to last year at this time (current number of runs was the same number as last year on November 10.)

--The concrete pad has been completed in front of the station and looks great.

--Fire Prevention Week is October 5-11. Events planned are: Open house, pancake breakfast on October 5 from 8:00 a.m. to Noon (including a flu shot clinic again), preschool visits and Southeast Schools first grade visits on October 8. Diane said she will talk to her contact about adding the breakfast information to the article that the Record Courier is running that will highlight the area fire departments.

Any Edinburg resident who needs a smoke detector or a battery may contact the fire department to receive them.

--Chief Garvin has invited the Edinburg Fire Department to attend a water shuttle training at West Branch on November 8. He would like the Trustees' permission to attend. All agreed.

##### *Employees*

--Sandra and Nate are progressing through department training and responding on alarms. They are both doing excellent in their EMT class. Chris McCormick will be coming tomorrow to get his training complete.

--Chief Paulus has been cleared to return to work on October 3—Gary gave the Trustees his release paper.

--He presented a year-to-date printout of personnel alarm response for the Trustees' review.

##### *Grants*

--Edinburg Township has received a check in the amount of \$5,000 from Cleveland Indians Charities (CIC) for the bleacher project at the Park. He thanked the Cleveland Indians for the wonderful opportunity for the Township. The check was written to the Fire Association so the proper procedure for depositing this check in the Township account will be researched and followed.

##### *Station*

--He asked if the Trustees would approve the purchase of supplies to have department members paint the lower bay section of the station because the current paint is chipping badly. Diane asked him to bring a cost estimate to the next meeting.

#### **Judy Repcik - Fiscal Officer Report**

She presented the following:

--Year-to-Date Cash Summary

### TRUSTEE REPORTS

#### **Sandra Templeton**

She thanked the Fire Department for their hard work.

She thanked Chris for what he's done and told him to enjoy his retirement with his family.

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### **John Hayes**

He told Chris he deserves his off duty time and the community supports him and he's been wonderful to them. John asked Chris to give Jim Hershberger a little more briefing on the duties of their department as he leaves.

Diane asked Tom to report on the road salt contract. He reported that the Township has received its other ton. A letter put out by the State - acquiring 170,000 tons from Indiana at \$108.00 a ton. It will be shipped into Cleveland on the October 4 and trucked into the different divisions from there. The Townships will have an opportunity to buy this but they will have to go and get it.

### **Diane Austin**

She requested an executive session to discuss the Road Supervisor position and invite Mike Pittinger to attend.

**RESOLUTION 2014-191:** A motion was made by Sandra Templeton to approve the payment of the bills; this was seconded by John Hayes. Roll call shows: Diane Austin, yes; John Hayes, yes; Sandra Templeton, yes.

**RESOLUTION 2014-192:** A motion was made by Diane Austin to enter into an executive session at 9:25 p.m. to discuss the Road Supervisor position and invite Mike Pittinger to attend also; this was seconded by Sandra Templeton. Roll call shows: Diane Austin, yes; John Hayes, yes; Sandra Templeton, yes.

**RESOLUTION 2014-193:** A motion was made by Diane Austin to come out of executive session at 10:10 p.m.; this was seconded by John Hayes. Roll call shows: Diane Austin, yes; John Hayes, yes; Sandra Templeton, yes.

**RESOLUTION 2014-194:** A motion was made by John Hayes that the meeting be adjourned at 10:10 p.m. this was seconded by Diane Austin. Roll call shows: Diane Austin, yes; John Hayes, yes; Sandra Templeton, yes.

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Diane Hargett Austin, Chairperson

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John Hayes, Trustee

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Sandra Templeton, Trustee

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Judy Repcik, Fiscal Officer