

EDINBURG TOWNSHIP TRUSTEES REGULAR MEETING

Edinburg Townhall

August 28, 2014

Diane Austin called the regular meeting of the Edinburg Township Trustees to order at 7:30 p.m. with the Pledge of Allegiance. Roll call shows: Diane Austin, present; Sandra Templeton, present; John Hayes, present; Judy Repcik, present; Chris Diehl, absent; Tim Paulus, present; Julie Bearss, present.

RESOLUTION 2014-162: 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 2014-163: A motion was made by Sandra Templeton to approve the minutes of the August 14, 2014 Regular Meeting as presented; this was seconded by John Hayes. Roll call shows: Diane Austin, yes; John Hayes, yes; Sandra Templeton, yes.

RESOLUTION 2014-164: A motion was made by Sandra Templeton to approve the minutes of the August 18, 2014 Special 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, Farmer/Resident	Thomas Repcik, Employee/Resident
Joe Corbin, Employee	Nick Boros, Fire Department
Danny Snyder, Construction Co Owner	Becky Doherty, Candidate for Judge
Mike Pittinger, Employee	Logan Tack, Student
Ryan Christy, Student	Kelley Savage, Student
Sandy Schartiger, applying FD	Mark Garvin, Palmyra Fire Chief
Derek Reed, Palmyra Fire Dept.	Sabrina Christian-Bennett, Candidate for Commissioner
Mayor [Joe] Bica, Ravenna	

Becky Doherty: I will keep this brief I know you guys have actual business to get to. I am Becky Doherty. I am running for Common Pleas Court - Judge Enlow is retiring. I have been -- first of all I live in Edinburg. I lived in Suffield for about 22 years -- I've been in Edinburg for that last several years. I have been a prosecutor my entire career. I've always chosen to live in Portage County but I've worked in Summit County -- prosecutor for 18 years -- handling all of the violent crime cases and I've been the chief of the Criminal Division in Mahoning County for the last five years. I did that on purpose. I wanted to live in Portage County, raise my kids here and put truly bad guys—I've tried all the homicides, all the rapes, all the worst of the worst and I did that in other counties and I did that on purpose because I wanted to be able to come home, raise my kids here -- not look over my shoulder all the time -- as you can imagine, I don't make a lot of people very happy with what I do. So, that being said, I have a lot of things to tell you, first of all, in a very short amount of time. You need to care who you put on the bench. I talk to so many, they say, "why would I care who the judge is, I'm never going to get in trouble -- I'm never gonna have to go to court and talk to the judge -- I'm not a felon". Well you know what, at some point, somebody in your life is going to need to know who that judge is on that bench and you're going to need to know that they're fair, that they're experienced, that they know what they're doing. Like I said, I've been a prosecutor my whole career. I've tried more than 200 criminal violent, felony cases. I've handled 22 death penalty cases. We need judges on the bench that know what they're doing -- who know how to try a case. The other issue I really want to talk to you about is our county, our legal system is about 20 years behind the rest of the state in terms of drug court, mental health court. We have nothing, nothing to address the drug problem that we have. We have no way to defer those folks into a program the depth that helps them. Having worked in Mahoning County, having worked in Summit County, I see the advantages. I see the need for a drug court. What a drug court does and what a mental health court does it takes those folks who are -- not the traffickers, not the people who are selling drugs, not the meth cookers, it takes the people who truly -- they could be your neighbors, your relatives, your friends' children, anybody -- it's going to affect everybody at some point they're going to have somebody in your life who has a drug problem. What it allows is for them to enter the criminal justice system, go through a very intensive, unique program that is dedicated just for that purpose. Get them into this program. You have all the resources -- we don't additional resources in this county. We have them. We have the Mental Health Recovery Board. We have Coleman. We have Family & Community Services. We have all the resources. What we need is a court to put those in place. The Supreme Court in Ohio has been advocating this for years. Our county is one of the very few that does not have them. But what the program does, it puts those folks who want to participate, who are charged with a felony, who want to recover, who don't want to end up with a felony conviction so that they can never get a job. They enter the program, it's once a week intensive -- they have an entire team who works with them. There is a safety net in place -- it isn't just go pee in a cup for a probation officer once a month, it is intensive and once they get through that program, if they get through that program they graduate, the case is dismissed and they do not have a felony conviction and then they can work in the community, get a job and not be saddled with a felony. And it's not for everybody—it is not to say that everybody who enters that program who is eligible for the program will make it -- but for those that do, it's an absolute benefit to this community. And from a financial perspective it cuts down on the jail population. We can actually use those beds -- instead of using a 137 beds for detox we can use those beds for criminals who need to spend that time in jail -- who need to go to prison.

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It is such benefit to every community to have those resources in place and to have a mental health court for the same reason, because we have to address those problems. The heroine epidemic is not an inter-city Cleveland problem anymore. It is our problem. I don't know -- you've probably read -- if you don't know anybody in your life who is affected by this, you probably have read about it. The Attorney General has said literally "this is an epidemic" and I can tell you my daughter coached high school cheerleading for three years after she graduated in Suffield -- she's already lost two cheerleaders. This is not any longer something that we can just say happens in big cities -- this is our problem -- it's in our back yard -- it is everywhere in this county. We have to address it because we can no longer say that the criminal justice system can say, "You know what, that's what jail is for; that's what probation officers are for." That is no longer an answer. We have to address it we have to be proactive. We have to have a -- judges who will address it head on and not just blame it on everybody else and say, "You know what, that's not my job" because that's what we've had so far and that is not what we need. I am absolutely adamant about doing this -- about getting this in place. I have talked to all of the resources that we have, they are all willing to do it. We just need to have somebody in that position in Judge Enlow's seat who wants to do it. It takes time; it takes effort; it takes a lot of dedication; but what it's not going to take is a lot of money so rest assured it's not going to be something that's going to cost the county a lot of money. It's in place we just have to have somebody there who does it. Thank you. Sorry to be so preachy but this problem affects everybody. Whether you know it or not, somebody in your life, your neighbor, a relative, somebody is going to be affected by this. And it's not going to be somebody that you can just say, "You know what, they're a drug addict we don't want to help them." That's not the case anymore. These are our kids these are our friends, our kids' friends this is not something we can ignore. Thank you.

Sandra Templeton: Thanks for coming.

Diane Austin: I'm guessing that you, Sabrina, would like to speak.

Sabrina Christian-Bennett: I just wanted to come out and introduce [myself to] you. I'm your Portage County Commissioner who replaced Tommie Jo Marsilio. I am up for re-election this November and I just wanted to let you know a little bit about me. I'm also a small business owner which has been very beneficial working in the public sector coming from private sector I have my own business. I am very much for economic development; I actually serve as the Secretary/Treasurer for the Portage Development Board, which I don't know if most of you know about three years ago the county turned over the economic development for the county over to a nonprofit board, which -- it still consists of public entities like Ravenna City is part of it; it also consists of private sector. It's basically putting the public and private sector together and working to develop Portage County so you find that you can do a lot more with the private sector and the public sector working together. So you tend to get things moved on a little bit faster than the public sector, though so an example all of the development being done over at NEOMED is all being done by a private source and I had a meeting shortly ago and he said that if the school waited to do it would've probably been five years down the road whereas they had a private sector individual come in there and develop it and he said within a year it's up there. And I don't know if you've seen the Bio-Med high school they have a brand new high school there so that they did work in cooperation with the state and with the actual medical school. Another thing is I'm focusing on creating a capital budget plan for the county. Unfortunately right now our capital budget line item is a big fat goose egg because what has happened is over time with the recession—the capital budget [indecipherable] so as the economic times got worse they continued to keep the staffing that reduced our capital improvement budget to where we have nothing in there now. So we are currently, the Board of Commissioners, and the Department of Finance and Budgeting is working on that because a lot of our buildings are falling apart. Have you been out to the jail lately to see—it's about a 20 year old building but it needs a lot of repair. Another thing is I'm all about keeping an eye on your tax dollars. I know I work hard for my tax dollars and I don't do want them spent frivolously on unneeded projects or just throw good money after bad money and a lot of that comes from me being a private sector employee I own a real estate title company and I can tell you I have spent many hours working to develop my company and make sure that first of all my staff are taken care of and that I keep an eye of my budgeting as well as I make sure that I don't spend things frivolously and I brought that into the county as well. It's nice because I came up through the private section whereas my two colleagues both have come up through the public sector so it's really nice that we have a different prospective and a different view and I have made suggestions that they were unfamiliar with because private sector is very different from the public sector and a lot of the changes we've done have been cost-saving changes. Things that we have done that have been changed since I've been in there and I've only been in there since February so I just wanted to introduce myself. I have some information afterwards I'd be glad to pass out to anyone that's interested and I happen to have business cards if you want to call me if you have any questions.

Diane Austin: Thank you. Mr. Starcher, it's your turn.

David Starcher: I would like to complain about this ditch that was put across from Giddings Road without anybody from the Township or the Zoning or anybody else that has anything to do with that being there to see that it was done in right. They did it on their own and I would like to have an idea of what anybody was going to do about that with all that water being diverted and running on me. I'm trying to farm that back there in the corner.

Sandra Templeton: Who did the road? Was it our road man, Chris Diehl?

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David Starcher: No, it was Dillons out there doing it by themselves.

Sandra Templeton: Ok, which Dillons?

David Starcher: Denny Dillon and Bill Dillon.

Sandra Templeton: Ok. My next question, was there a culvert under that road before?

David Starcher: Not to my knowledge, no. They put a new culvert in. They cut the road put the culvert in they were just finishing filling it up when I got there. And by the way I've never see them guys work so fast they were trying to hurry up get it done before somebody caught 'em.

Sandra Templeton: Did they have the 'road closed' signs up when they were doing it?

David Starcher: Yes. They had a 'roads closed' sign in the middle of the road with horse with one leg on it and a cone. But before I got done talking to them and asking what they was doing that was all taken down and disappeared.

Diane Austin: Who took the sign down?

David Starcher: I don't know. I was talking to Denny Dillon when they did that. They was in quite of a hurry.

Sandra Templeton: Tim, did they call you and give you any kind of heads up that they were working on the road and that it was closed?

Tim Paulus: No.

David Starcher: They didn't have a sign 'road closed' on the west side of the ditch either.

Sandra Templeton: So our road guy was nowhere to be seen.

David Starcher: Nobody from the road crew or Township, zoning anybody just the Dillons. And I'd like to know why—that ain't right that some private individual can put a culvert across the road—if you start that everybody's gonna be doing it.

Sandra Templeton: Well, to my knowledge, these guys aren't on our payroll so they really--

David Starcher: Denny did tell me that he was getting paid to do that.

Sandra Templeton: Actually, why don't you make it public record exactly what they said to you.

David Starcher: Well I stopped and asked them, "what are you guys doing?" and Denny come up and he said, "we're putting a pipe across there to run more water on you" and what's funnier than that was—and I quote him, "what's more funnier than that is, we're getting paid to do it".

Sandra Templeton: Well they're not employed with us and they're not getting paid and they had no business doing that and our road man had no business telling them to do that.

David Starcher: Well it's in there so—

Sandra Templeton: Well it's gonna get corrected.

David Starcher: I'd like to know what's gonna happen with all that extra water coming over on me when I'm trying to farm that ground over there and you can see where the water's already come through the pipe so fast that it's forced the grass and the dirt and pieces of corn cobs and corn stuff out of the field back in the field where's the pipes at, pointing north.

Diane Austin: Mike, I need you to state your name, I'm sorry.

Mike Pittinger: Sorry, Mike Pittinger. That culvert on their property across from it opened up over the winter and early spring – I went out with Chris Deihl, when him and I were going down the road you could see that the pipe had opened up in the ground.

Diane Austin: Just to be clear, the culvert where it's at now?

Mike Pittinger: Where they put the catch basin -- is at right now—the catch basin that they put in.

Diane Austin: Do you know if there was a culvert under the road right there?

Mike Pittinger: There was no culvert under that road.

Sandra Templeton: So there was a culvert where the catch basin is at the corner of the property.

Mike Pittinger: There was a culvert there that opened up through the winter and you could see where the water has been going down into that pipe.

Sandra Templeton: Oh, so there wasn't a crawl space it was just pipe.

Mike Pittinger: Let me show you. [draws] This is the road, ok, this is Denny's property over here; this is Giddings Road. The culvert pipes over here had opened up through the winter and you could see there's a big hole there, ok? Chris and I looked at that. There was no pipe going under the road.

Sandra Templeton: There was no catch basin there.

Mike Pittinger: There was no catch basin and then after they said there was problems with the road down there, one of us from the Fire Department we drove down and looked and here somebody had put a catch basin and ran a culvert pipe under the road.

Sandra Templeton: What they did is they cut the road in half

Mike Pittinger: Right exactly and then it washed out after the rain and then we had a ditch down there about that deep -- somebody took more gravel and it's going to wash back out again. Now I think they've put asphalt there.

Sandra Templeton: We've actually had a recommendation from the prosecutor to fix the problem. Did we not?

Mike Pittinger: It never went under the road; that I can tell you.

Diane Austin: John is our Trustee liaison for the Road Department so if you want to give us--

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John Hayes: Exactly what Mr. Starcher -- he brought that to my attention and as the Board of Trustees we had absolutely -- and I believe I can speak for the other Trustees because I discussed it with them -- we had absolutely no knowledge that this was going to take place. But my first knowledge of this was when you stopped at my place of business and told me about this. I immediately called the other Trustees and said, "what do we do?" then I called Chris Diehl and Chris Diehl then said that he authorized the Dillons to do that and according to the other trustees, why that's not in the Road Supervisor's -- to authorize over and above-- we're the representatives of the Township and all of our fire people, road people anybody that works under our employment is our responsibility but they immediately work for the Township too, but we're the liaisons --if I'm wrong --or right--but the three Trustees, the Board of Trustees are the representatives of the Township and we were blindsided that and we can apologize to you all we want but ultimately it was wrong and we did get advised by the County Prosecutor--

Diane Austin: Yes and I'd like to take a minute, I'm going to--when John called me, I didn't know. I sent a letter to the prosecuting Attorney on behalf of the Board of Trustees outlining what took place to the best of our knowledge and we received a written recommendation from the Prosecutor's Office, Diane read it; **"Under the Ohio Revised Code 5571.02 the Board of Township Trustees has control over the Township roads. Going forward the Board of Trustees could and probably should consider adopting a policy clearly informing the Road Department that before anyone may bore under a Township road or install a crossover of any kind under the road that the Township Trustees must first approve the action."** So in accordance with this, I would like to make a motion--

RESOLUTION 2014-165: A motion was made by Diane Austin to adopt a policy duly informing any employee of Edinburg Township that they do not have the authority to give permission to any person to bore under a Township road, install a crossover of any kind under the road without first bringing it to the Board of Trustees for the action; this was seconded by Sandra Templeton. Roll call shows: Diane Austin, yes; John Hayes, yes; Sandra Templeton, yes.

Chris told John that he gave the permission, that's how we know this. [reading] "Whether a Road Superintendent has the authority to grant permission, ultimately the authority is with the Board of Trustees. Now a Township Board may delegate to the Road Superintendent reasonable authority to act on behalf of the Trustees" --which we are not doing-- [reading] "the question becomes whether the Township has allowed the Road Superintendent in the past to unilaterally grant permission for someone to do something like what was recently done." To the best of my knowledge, that has not happened.

John Hayes: If I could add something? In my conversation with Chris Diehl, and I would like to believe that he was honest, he said that he had had the Dillon family do things in the past.

Sandra Templeton: They might have done stuff in the past--

John Hayes: I don't know what.

Sandra Templeton: They were hired and they were paid for anything that they done.

Diane Austin: No, no, I'm saying that to the best of my knowledge in the past eight and a half years that has not happened.

Sandra Templeton: If they did any kind of work, they were paid for it.

John Hayes: I'm not on anybody's defense I'm just trying to make it a level playing field.

Sandra Templeton: Right, but the way he's saying it, it's not true.

Diane Austin: [reading] "The Township does have responsibility and a general liability to the general public that use the road for travel." We did close the road.

John Hayes: I told you and I suggested that they--I called James Hershberger and I suggested that they put the road grater across the road and he didn't do that and he put two 'closed' signs and much to my ignorance or my new, unknown knowledge, he said that a road is--and he asked me, "do you want me to close it at Industry and Stroup and Giddings?" and I said, "just close it right there" and finding out the next day that the road is not officially closed unless it's closed at both ends so in other words a person wouldn't have to go a mile down the road to find out oh my God it's closed. But the fact of the matter is that we then had that done. But then I hear from Diane -- if I could go on? Yes, go ahead. We've been up and down this road for the last week and a half, Sandy too, and the 'road closed' signs were down. Want me to continue?

Diane Austin: Yes, go ahead.

John Hayes: ok. Then I called -- you see Chris Diehl was on vacation this week -- and where he was is his own personal business but then I called Chris Diehl and Diane informed me that the road was closed I find out that Chris Diehl had come back to work that day to close the road and I called him immediately that day and told him to put the signs back up; you're on vacation; what are you doing there?; why'd you come in today? Well there was a funeral in town that day. So then you can go ahead or I can continue to talk--

Diane Austin: No, go ahead. I'm just going to read this so it's in the record. [reading] "If the culvert that was installed under the Township road causes any type of damage to road the Township would remain responsible for repairing and maintaining the road to ensure it is safely passable. So the Township is responsible to the moving public regardless of whether another person does something to harm the road. The Township could bring a claim against the person who installed the culvert if the culvert caused degradation or some other harm or damage to the public road. Thus regardless of whether a Township employee gave permission to this person to install the culvert under the road, that person must not cause harm to the road and if it can be shown that the person's action is the cause of such damage, then that person should reimburse the

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Township for the cost and expense in repairing the road. Regarding removing the culvert” –this is an option for the Board to consider...” Then it goes on to talk about some other things that are employee issues. [reading] “The neighboring property owner, if the culvert diverts water from its natural flow and now goes somewhere where it before did not go, then arguable this is a civil trespass on the neighbor’s land caused by the other resident putting in the culvert.” I’m not sure if it’s the natural water or not. ←reading? [reading] “There are a number of issues that you raised. The road needs to be repaired as soon as reasonably possible if the culvert is causing flooding on the neighbor’s land and if this neighbor had not consented to the extra water, then the culvert should be removed and situation restored to what is was before the installation of the culvert. Regarding the cost of the repair, the ideal situation is that the resident immediately pays to the Township cost and expense it will occur in repairing the road.

Regarding the future, the policy probably should be established, in writing, that Trustees must approve this type of thing in the future and that the Road Superintendent in the future may not grant permission without having the Board approval for the project.” So this is where we’re at. Go ahead, Dave.

David Starcher: Ok now, when I was down there they had a front end loader on a tractor they was bringing gravel from behind this guy’s house to put on top of the pipe I’m pretty sure. There was no pile of gravel on or beside the road to use to cover the pipe up so where did the material come from? Did the Township pay for the pipe?

Diane Austin: The Township did not pay for the pipe or the material. Was the asphalt put back in?

John Hayes: Yes.

Diane Austin: Ok so, when all this is taking place, John had conversation with one of the Dillons—

John Hayes: Bill Dillon. Well as it said in the prosecutor’s advice—in a perfect world, in a terrible situation as this potentially could be, why the property owner would reimburse the Township for the repair to bring the road up to standards. So, however, Chris Diehl did return and I might have spoken to Sandy and Diane and we believed that to make it right—one part of the situation right—why was to approach the Dillons and tell them that we would want to send them bill for the remainder of the repairs and I might have been overstepping boundaries but I told Chris Diehl that we would accept his inspection because he’s the one that we normally count on to inspect our roads, even though he was not there –

Sandra Templeton: He inspects the roads and the repairs what he does, not what a resident does.

Mike Pittinger: First off, I want to ask a question if I may.

Diane Austin: State your name, please.

Mike Pittinger: Mike Pittinger. Wouldn’t it not take an engineer’s approval to dig or bore under any road in Portage County or anywhere in the county whether it’s Township or not. That should be engineered—you can’t just make a waterway because you want to, cover it back up, put a new road in and say it’s good. There has to be studies done, you just can’t divert water ok that’s just my opinion, ok? Obviously there’s a water problem on their side of the road otherwise wouldn’t have tunneled under your side of the road.

Sandra Templeton: Exactly.

Mike Pittinger: An engineer study should have been done before any of this was ever touched. So that’s the way I look at it.

John Hayes: So an engineer study evidently wasn’t done and however, the situation could go either direction, and the Dillons for whatever you want to hear, they agreed to pay the Township, reimburse the Township for the finish of that cut across the road.

Diane Austin: The problem is, though, the diversion of the water. That’s what we’re still liable for.

Sandra Templeton: We can’t leave it like that.

Diane Austin: That’s what we have to—and I don’t have an answer for you tonight but we are working on this and I hope to have some sort of a resolution for the next meeting. We have to work with the prosecuting attorney on what to do next. Our main concern right then was to get it fixed enough so that somebody—we had all those storms right after they did it and the gravel washed out. John and I, Sandy – I was through there—

David Starcher: Where’d the gravel all wash out to, down there on my property?

Diane Austin: I don’t know, can we have our gravel back?

David Starcher: I had to hire kids to pick up rocks down there. I can show you the bills. I’ve had kids down there for the last two years picking up rocks.

Diane Austin: Did you have them picking up these rocks? I’m just teasing him.

David Starcher: I’m gonna have them picking up these rocks and I’ll send you the bill.

Diane Austin: Ok. No.

David Starcher: Oh you heard that on tape.

Diane Austin: No, you send me the bill, don’t send the Township the bill.

David Starcher: Seriously, though, this whole thing has got me upset.

Diane Austin: I don’t blame you.

David Starcher: It ain’t right.

Diane Austin: You’re right, it’s not.

David Starcher: Who has the right to come in and do whatever they want on the road when expecting we were running water on me and it’s a Dillon. I’m a Starcher across the street and if they can do this and get by with it then I’m gonna run a pipe across Stroup Road and run the water out of that corn field on the other side over across the street—mark my words.

Diane Austin: You have to get our permission.

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David Starcher: No I'm not gonna ask your permission, I'm gonna ask Chris Diehl's. It worked for Dillons it ought to work for me. I'm upset about that that they can come along and do that.

Diane Austin: I tried to have – I didn't call until today – to have Chris come out and I didn't get in touch with him about coming out.

David Starcher: Well you tell whoever that Farmer Dave is not a happy camper

Diane Austin: I know you're not and I am sorry and we are not done with this, I will promise you that.

David Starcher: Oh I hope not 'cause I ain't.

Sandra Templeton: Dave, it's gonna be made--we're gonna make it—

David Starcher: I don't want somebody just letting this go on and on and on and then just kinda forget about it.

Sandra Templeton: No, we're gonna make it right.

David Starcher: What baffles me you'd be down there with a back hoe and 5 or 6 thousand dollar bill putting it back the way it was and send me the bill—that's what you'd do to me.

Sandra Templeton: I'm telling you I'd rather go under the prosecutor's recommendation—that all gets torn back out and put it back the way it was.

Diane Austin: No, Dave, it's not right and I apologize on behalf of the Township.

David Starcher: You don't need to apologize—

Diane Austin: No, we do.

David Starcher: I'm not holding you guys responsible. Chris Diehl—

Sandra Templeton: Well, we're sorry for what happened.

Diane Austin: Ultimately we are responsible and we have to take the action to get this taken care of.

David Starcher: —he's not thinkin'. That ain't—I mean how dumb can you be to do that.

Diane Austin: We are going to be working with the prosecuting attorney.

Sandra Templeton: We'll have an answer by our next meeting. In September, there'll be an answer. Trust me.

David Starcher: Well, September what year?

Sandra Templeton: This next month coming up.

David Starcher: Alright. I still love all of ya – you guys just straighten this out. That ain't right.

Sandra Templeton: We will.

Julie Bearss: Maybe I don't understand the geography of the situation but is the pipe that opened up causing the problem – is it causing the flooding—not the one that goes across – the one that runs parallel.

Sandra Templeton: Well it was flooding one of the boy's yards

Julie Bearss: If it's got a huge hole in it—but if that culvert is replaced and it doesn't have a hole in it will it be sufficient to carry the water out?

Diane Austin: I can't answer that and Mr. Diehl isn't here so I don't want to answer you incorrectly. Dave, we will be in touch with you and at the next meeting we're going to see about Chris Meduri coming so that we can do right thing. I want to do what's correct.

John Hayes: Which way does the water flow on Giddings Road?

David Starcher: On Dillon's side, before they put that new pipe in, it used to run down along the road west to the main pipe that they put in years ago—the big pipe— then go underneath the road on the edge of that cornfield on the Ogle's property.

John Hayes: It runs west on the south side of Giddings Road.

David Starcher: Yes.

John Hayes: Water flows that way.

David Starcher: Well when we have these hard rains, Matt's yard has got some water laying in it. But the next day or the day after it's gone. But that's not fast enough for them so that's why they put the pipe in.

John Hayes: So there is a culvert or a bridge, if you will, 300 to 400 feet west of that—

David Starcher: There's a culvert 3 or 4 hundred feet west of that one they put in. Twelve fourteen inch pipe—24 inches I'm sorry, bigger than I thought.

John Hayes: So that's the natural flow of water. In your best opinion, that's the natural flow of the water, is west?

David Starcher: It's been like that since I was a kid.

John Hayes: So it ultimately comes to the north side of Giddings?

David Starcher: Down at the big culvert. Then the ditch is plugged up there at my uncle's property – cause he won't let me in there to clean it out on private land cause it goes over the hill there deep enough that I had dug out with a bulldozer Mike Kuntz did it years ago to drain that whole farm down over on Smith which is a natural flow of water--cause they dug their ditch out before I did that big one there.

John Hayes: So in your opinion then other than that this culvert running the water directly into your area, why it didn't disrupt the natural direction of the water flow.

David Starcher: They diverted it from going down there to the left standing on the road looking west, going down a couple hundred yards to the right it's going up here to the right but then when it comes over on my side there's a little ditch there that goes all the way down to where that cattails is at -- where that main pipe comes across that two footer – goes over on my uncle's.

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John Hayes: So from where that culvert is -- whether it's right or wrong or you like it or you don't -- to where the larger culvert is that we spoke of, a couple hundred feet down the road -- whatever the measurements is -- that water then flows towards the larger 24 inch culvert.

David Starcher: Well they put that pipe in the water don't go all the way to the pipe now part of that water comes back up to the new culvert that Dillons put in. But it used to all go down to the big culvert cause that's the only place that it could go underneath the road.

Mike Pittinger: It eventually relieved the pressure now instead of going down it's coming across the road now.

David Starcher: Instead of going all the way down there to cross, some of it's coming part way back to that new culvert that Dillon did and then going back down again the other direction going west.

John Hayes: Why do you think that is?

David Starcher: That's the way the land lays.

Diane Austin: We will be in touch, Dave.

CORRESPONDENCE

The following correspondence was received and presented:

--Soil & Water District, 68th Annual Election & Breakfast

OLD BUSINESS

--The revised Holiday Schedule was signed.

NEW BUSINESS

--One Cemetery Deed was signed.

--Two EMS Closure Authorizations were signed.

--Diane asked Tom to handle the Critical Facilities Questionnaire for the Portage County EMA.

--New Certified Oil – Corporate Fleet Card Program – new cards will be issued by the end of the month.

Tom said they did not send as many cards as the Township currently has. He contacted them and they rest of the cards will hopefully arrive before the 1st of September.

--Tom reported on the road salt issue. He listened to a teleconference today at 3:00 pm and nothing has changed. For Portage County (District 4) the price of Morton is still up [\$108.01]. They are working to come up with something but they still don't have an answer. Some of the people who spoke during this teleconference don't have a salt contract with anyone. More information is coming but they are not optimistic that the price will come down. He will do some checking and get pricing on grits and maybe use cinders this year. Diane said the Township reduced the request for the amount of salt but depending on the winter, the Township will have to be very conservative on the salt [use]. The Township would still use salt on the intersections but would be filling in with cinders and grit to maintain the roads along with plowing.

DEPARTMENT REPORTS

Julie Bearss - Zoning Inspector

--She made/received 13 phone calls.

--No permits were issued.

--She has had multiple calls about zoning for property in the Highlands. She contacted Chris Meduri about what to tell them. As long as all of the zoning requirements are met, they can build and the Township no longer needs to be involved. The rest is up to the buyer. It is recommended that the buyer pay a title company to do a complete search for any deed restrictions that were applied to the development when it went through Regional Planning. Even though the association is defunct, each individual living in the development would have legal rights to bring suit against others in the development if they are not in compliance with the deed restrictions.

Tim Paulus - Fire Department Report

Diane stated that she received a call from a concerned resident about the dispatching and the Edinburg Fire Department's response to a recent house fire. She asked Tim to bring in the audio from this emergency call.

Purchases

LED Sign

--The Ohio Fire Chiefs' Association will give the Township \$3,719 and the Monitor Grant has \$1,749 + \$87.45 match for a total of \$5,555.25 toward the purchase of an LED sign for the Fire Department.

He recommends purchasing a 28"x65" sign (current sign is 40"x96") at a cost of \$6,125—a difference of \$569.00. FEMA has given him a verbal "no" on this but emailed a written "yes" to him. He is unable to contact his representative for clarification on this until Tuesday. The money from the Ohio Fire Chiefs' Association will only be available through the middle of October. He will report on this at the next meeting.

Employee

--He recommended that Sandra Schartiger be hired to the Fire Department pending results from established testing and background check. He also recommends that once these are passed she be enrolled in the Robinson Memorial Hospital EMT-Basic course.

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RESOLUTION 2014-166: A motion was made by Diane Austin to hire Sandra Schartiger to the Fire Department pending results from established testing and background check; this was seconded by Sandra Templeton. Roll call shows: Diane Austin, yes; John Hayes, yes; Sandra Templeton, yes.

RESOLUTION 2014-167: A motion was made by Diane Austin that Sandra Schartiger be enrolled in the Robinson Memorial Hospital EMT-Basic course pending results from established testing and background check; this was seconded by Sandra Templeton. Roll call shows: Diane Austin, yes; John Hayes, yes; Sandra Templeton, yes.

--He informed the Trustees that he would be off for at least six weeks for a medical issue. He will inform them of when as soon as he knows.

--Diane asked Tim to play the audio from dispatch regarding the recent house fire and the two 9-1-1 calls that dispatch received. Tim asked the Trustees to pay close attention to the callers and then the way it was dispatched to the station. [Audio was played at this time.]

Tim stated that Gary had called [dispatch] three times to get additional information but it was not given.

Diane asked if it is automatic that Palmyra would be called on a house fire.

Tim said Palmyra had previously cancelled auto aid and with Board approval in August of 2013 Edinburg cancelled its auto aid too. (Ravenna dispatch was notified of this cancellation and he received an email back from them confirming it).

Diane confirmed with Tim that when there's a fire, Edinburg Fire Department is called and then EFD determines who they want to call. Palmyra was called on this fire and should not have been --Tim will straighten things out regarding this tomorrow morning.

Diane asked for clarification from Gary Stewart of the events of this fire.

He said that he asked for assistance from Rootstown and Atwater and also told Palmyra to staff their station and as soon as they were at the station they were told to respond to the fire.

John asked Tim what other information was needed. Tim said the size of the fire, extent of the fire (partial roof collapse) is good information to know.

Diane confirmed that the house was empty (a foreclosure situation) but this was not known at the time the fire was called in.

Derek Reed? Mark Garvin?, from Palmyra Township Fire Department, confirmed that he was present in tonight's meeting to observe and offer any explanation that was needed regarding why Palmyra did not respond to the fire right away (there was a seven minute delay). He said Gary did a good job on the fire scene and PFD jumped in and helped where he asked them to help.

John asked to hear the beginning of the audio again. [Audio played.]

Diane asked about the protocol for dispatch to call in the case of a fire.

Tim said Edinburg is the first box then Palmyra is the second and then on down the list.

Gary Stewart stated that every fire department -- when they get a call to themselves -- they don't automatically dispatch the whole second box or third box -- that's an officer order.

Mayor Bica said that this should be discussed with dispatch because when that first box is called, Edinburg is called and then Palmyra is called. It has nothing to do with auto aid.

Tim stated again that he has a meeting with Captain Rarrick at 7:00 in the morning. There seems to be some confusion in the book at dispatch and this is what he wants to clarify.

Mayor Bica said that he feels it's premature to make accusations with regards to dispatch at this point.

Tim said the only thing he is concerned about with dispatch is: they had information about the severity of the fire; Gary asked three times for additional information and all they told him was a house fire.

Mayor Bica agreed.

Tim said that they had additional information, if they would have shared it with Gary when he requested additional resources, it would have been different.

Gary agreed -- the other stations would have been called at the same time.

Diane expressed her concern and asked Gary why (without the additional information) would he not have them respond at the same time?

Gary said they were coming to their station as soon as he got on the scene. They had not called that their station was staffed yet. They were toned out for mutual aid with Edinburg. Their chief called Gary as he was pulling up—Gary missed that traffic—their chief heard his traffic and he called station 20 right back.

Diane asked if it was seven minutes.

Tim said it was not seven minutes. Gary was on scene at 54 minutes. Palmyra didn't go on route until 59 minutes so if they were on scene they weren't ready to go.

Tim gave Diane the written times.

Diane confirmed with Derek Reed, and Chief Mark Garvin that Palmyra FD indeed did not gear up until they were requested -- which is protocol.

Chris Diehl - Roads, Buildings, Cemetery and Park

He was not present to give a report.

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Judy Repcik - Fiscal Officer Report

She presented the following:

--Year-to-Date Cash Summary

Due to time constraints, she will present the other items at the next meeting.

TRUSTEE REPORTS

Sandra Templeton

--She requested an executive session to discuss employees.

--She presented new complaint form and admonished those present that in order for a complaint to be heard and discussed a form must be completed and turned in. The Township staff will not act on a complaint unless it's in writing. Diane said she will still act on a concern, though.

John Hayes

--The Township is seeking applications for the Road Supervisor position. He asked if it could be put on the sign. Diane said she stopped and talked to Gary and he will talk to Joe. Tim said to let him know what to put on it and he will take care of it tomorrow.

Diane said a Special Meeting has been set for Thursday, September 4 at 6:00pm to open up the applications and set up interviews. Also a Special Meeting will be held on Monday, September 8 at 6:00 pm to conduct interviews. The application deadline is extended to September 2 due to the holiday.

Diane Austin

She had nothing further to report at this time.

RESOLUTION 2014-168: A motion was made by Sandra Templeton to approve the payment of the bills; this was seconded by Diane Austin. Roll call shows: Diane Austin, yes; John Hayes, yes; Sandra Templeton, yes.

RESOLUTION 2014-169: A motion was made by John Hayes to enter into an executive session at 9:15 p.m. to discuss employee issues; this was seconded by Sandra Templeton. Roll call shows: Diane Austin, yes; John Hayes, yes; Sandra Templeton, yes.

RESOLUTION 2014-170: A motion was made by Sandra Templeton to come out of executive session at 11:15 p.m.; this was seconded by John Hayes. Roll call shows: Diane Austin, yes; John Hayes, yes; Sandra Templeton, yes.

The Trustees agreed to advertise for next Thursday night to go into an executive session to discuss employee discipline with the Road Supervisor at 6:00 p.m.

RESOLUTION 2014-171: A motion was made by Sandra Templeton that the meeting be adjourned at 11:17 p.m. this was seconded by John Hayes. Roll call shows: Diane Austin, yes; John Hayes, yes; Sandra Templeton, yes.

Diane Hargett Austin, Chairperson

John Hayes, Trustee

Sandra Templeton, Trustee

Judy Repcik, Fiscal Officer