

ERIE COUNTY COMMISSIONERS

REGULAR SESSION

WEDNESDAY, JANUARY 3, 2024

ALL PRESENT

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President Shenigo called the meeting to order at 9:30 a.m. and opened with the Pledge of Allegiance.

On motion of Mr. Shoffner and second of Mr. Old, Board approves the **December 14 and December 20, 2023 Commission Meetings**; Roll Call: All Aye

**Public Comment.**

Cherry Road Flooding.

Matthew Lewis, 12806 Cherry Road, stated he lives on the other side of the ditch on Cherry Road. He has lived in his home for over 10 years and has never experienced flooding until his neighbor, Mr. Dunn, moved in across the street and started filling the culvert with dirt and rock, preventing Mr. Dunn's property from flooding. When Mr. Dunn obstructs the ditch, the surrounding neighbors' yards flood. Mr. Lewis' front yard floods three feet deep and is not safe for his small children. The water in the ditch does not flow and is stagnant. The Engineer's Office was called on December 27<sup>th</sup> for the roadway being impaired on Cherry Road, due to Mr. Dunn having obstructed the ditch to prevent his yard from flooding. Mr. Lewis is appreciative of the Engineers' crew for removing the obstruction, but currently, the culvert is still filled with water, and the next rainfall will likely cause flooding again.

Drainage Manager Jeremy Blakely stated that it was very difficult to see and the Engineer's crew excavated what they could. He mentioned that since the water has receded, his crew can now go back and clear additional rock and dirt. Jeremy noted that the water pressure was so strong, when they were excavating, the crew thought a waterline had burst.

County Engineer Jack Farschman stated that he received a phone call from Mr. Dunn in August 2023 about the ditch and the flooding he experiences on his property. Mr. Dunn was very direct with Mr. Farschman and explained to Mr. Farschman that, since the ditch was on his property, he was going to fill the culvert with rocks and dirt to prevent it from flooding his yard. Mr. Farschman stated that when a resident obstructs a culvert on their property, it becomes a civil suit among the neighbors and has nothing more to do with the County, as the County has no jurisdiction over private property.

Mr. Jack Farschman stated that his job as County Engineer is to provide a safe road system for Erie County. On December 27<sup>th</sup>, Mr. Farschman went to the site on Cherry Road and noticed that water from the ditch was within two feet of cresting the centerline of the road. Mr. Farschman stated that, when the water covers the road, it becomes a County issue and is up to the Engineer's Office to keep the roads safe.

The Engineer's crew proceeded to excavate the culvert outlet up to approximately 10 to 15 feet from the outlet on Mr. Dunn's side of Cherry Road, so that the water would recede and no longer block the road.

Mr. Lewis stated that it has been several days since the culvert was unclogged, but water is still filled to the top of the ditch. Mr. Farschman stated that it will sit there and recede slowly through the rock and dirt, still leaving an issue of stagnant water. He also stated that the water in that area has a natural flow, and the ditch elevation drops about 80 feet as Darrow Road is at an elevation of roughly 730 feet from sea level, the lowest point of the ditch is at about 650 feet. The average drop in elevation is 2 feet per 100 feet.

Assistant Prosecuting Attorney Charles Bennett stated that the County's interest is in protecting the public roads. Mr. Bennett suggests the best course of action would be for all the residents in that area retain one attorney that knows riparian rights. Erie County can only act when the County has jurisdiction, which is when water from the ditch floods the road. Mr. Bennett also believes that Mr. Dunn should be charged for the time and equipment it cost for the Engineer's Office to excavate the ditch on December 27, 2023.

Mr. Bennett noted that Mr. Dunn believes that the County owes him money due to the ditch encroaching on his property. Mr. Bennett noted that in this case, since the ditch is on his property, this becomes his issue to solve.

Mr. Carl Hill asked Mr. Farschman if the pressure of the water had not been released, could the ditch have failed. Mr. Farschman stated that, since the pressure was equal on both sides, it would not have failed.

A neighbor who did not give his name, stated that he has a leach field and the water covered it completely. He has lived at his residence for 27 years and has never had standing water. He also mentioned that before Mr. Dunn started obstructing the ditch, when it would fill, it usually receded just as quick.

Mr. Blakely is concerned that Mr. Dunn will continue to fill the ditch and asked if there is anything that the County can do at this point. Mr. Bennett responded stating that the County could file an injunction to prevent him from entering the right-of-way.

Mr. Farschman noted another issue to consider is that if the water lays dormant in a ditch for a long period of time, it could create a problem with mosquitos and the Health Department may need to get involved at some point.

Mr. Blakely also suggested that this ditch can be put on the ditch maintenance program. The landowners can file a petition for the county to clean and keep the ditch clear, but the county would need to take over the land to maintain the ditch. The landowners surrounding that ditch are then taxed on their property for the county to maintain the ditch. The only issue with going this route is all property owners have to sign the petition and agree to have the county maintain the ditch.

The Commissioners agreed with Mr. Bennett and stated the County's job is to protect the right-of-way. Mr. Shenigo explained that the residents should retain an attorney now that specializes in riparian.

The Commissioners' thanked the residents for their input in this situation.

On motion of Mr. Shoffner and second of Mr. Old, Board appoints the **Boards and Committees for the Commissioners' for the 2024 calendar year**; Roll Call: All Aye

On motion of Mr. Shoffner and second of Mr. Old, Board adopts resolution **designating the official representative and alternate to vote at the annual meeting of the County Commissioners Association of Ohio (CCAO)**; Roll Call: All Aye (#24-01 - Mathew Old, voting representative and Steve Shoffner, alternate)

On motion of Mr. Shoffner and second of Mr. Old, Board adopts resolution **establishing an installment schedule of payments** for sanitary sewer tap fees servicing the property located at 2815 Cleveland Road, Huron, Ohio, Tax ID Number 01-00053.000 and 01-00889.000; Roll Call: All Aye (#24-02 - Todd Anderson)

On motion of Mr. Shoffner and second of Mr. Old, Board adopts resolution **authorizing the County Administrator to contract and pay claims for goods received and services rendered**, and to pay general obligation and revenue notes and bonds; Roll Call: All Aye (#24-03)

On motion of Mr. Shoffner and second of Mr. Old, Board adopts resolution **setting regular and special meetings and establishing rules for the meetings** of the Board of Erie County Commissioners; Roll Call: All Aye (#24-04)

On motion of Mr. Shoffner and second of Mr. Old, Board adopts resolution confirming an agreement with the **Erie County Sheriff and Groton Township Trustees**; Roll Call: All Aye (#24-05 - providing radio dispatching services for Groton Township Fire Department)

On motion of Mr. Shoffner and second of Mr. Old, Board adopts resolution confirming an agreement with the **Erie County Sheriff and the City of Huron**; Roll Call: All Aye (#24-06 - providing radio dispatching services for City of Huron Police and Fire Departments)

On motion of Mr. Shoffner and second of Mr. Old, Board adopts resolution confirming an agreement with the **Erie County Sheriff and Village of Milan**; Roll Call: All Aye (#24-07 - providing radio dispatching services for Milan Police Department)

On motion of Mr. Shoffner and second of Mr. Old, Board adopts resolution confirming an agreement with the **Erie County Sheriff and Vermilion Township Trustees**; Roll Call: All Aye (#24-08 - providing radio dispatching services for Vermilion Township Fire Department)

Board approves Revised Auditor's Certificates for **MediCare** in additional amounts of \$8,000 and \$17,000 re provide staffing support services for The Meadows at Osborn Park.

Board approves Revised Auditor's Certificate for **Erie County General Health District** in an additional amount of \$10,000 re providing medical services, including clinician and nursing services, for inmates at the Erie County Jail.

Board approves Revised Auditors Certificate for **Aramark Correctional Services, LLC** in an additional amount of \$7,125.00 re providing inmate food services at the Jail.

Board approves Travel Request Form for **Tory Yarbo**, FCFC, attending mentoring group tour of FBI offices in Cleveland, Ohio, on 1/5/24 at no cost.

Board authorizes expenses for **Tira Serrano**, FCFC, attending Ohio children's Alliance online training on 6/29/23 in the amount of \$29.00.

Board approves Personnel Action Forms for **The Meadows at Osborn Park** re **Katherine Fleitz**, full-time RN, employment effective 12/27/23; **Erica Garner**, full-time LPN, going to 72 hours per pay effective 1/7/24; **Khalil Holt**, part-time STNA, rate decrease due to switching to third shift effective 1/7/24; **Melisa Mees**, full-time LPN, retirement effective 1/31/24; Dominique Payton, full-time STNA, termination effective 12/20/23; **Shanine Peden**, from part-time LPN to full-time LPN effective 1/7/24; and **Taylor Turner**, full-time LPN, full-time effective 1/7/24.

Received letter from Erie County Prosecutor Kevin Baxter **requesting separation pay in the amount of \$3,477.42 from the Compensate Reserve Fund** for Connie Toomey who is retiring from the Prosecutor's Office on 12/29/23. Board approves request.

Received cover letter and copy of **Erie County Prosecutor's 2023 Annual Report**.

Received cover letter and copy of **2023 FOJ Expenditures from the Prosecutor's Office.**

On motion of Mr. Old and second of Mr. Shoffner, Board **adjourns** at 10:31 a.m.; Roll Call: All Aye

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