

CITY OF NORTH CANTON, OHIO

WATER BOARD

TRANSCRIPT OF

JANUARY 23, 2020, MEETING

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Transcript of Proceedings of the North Canton Water Board, taken by me, the undersigned, Laurie Maryl Jonas, a Registered Merit Reporter and Notary Public in and for the State of Ohio, at North Canton City Hall, 145 North Main Street, North Canton, Ohio, on Thursday, January 23, 2020, at 9:24 a.m.

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APPEARANCES:

Patrick A. DeOrion, Director of Administration

Timothy L. Fox, Director of Law

Jina Alaback, Director of Finance

Mark Cerreta, Council at Large

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1 MR. DEORIO: All right. I'd like to call the
2 board of -- water board meeting to order. It is
3 Thursday, January 23, 2020. The time is 9:24 a.m. I
4 will call the roll.

5 Member Cerreta?

6 MR. CERRETA: Here.

7 MR. DEORIO: Member Fox?

8 MR. FOX: Here.

9 MR. DEORIO: Member Alaback?

10 MS. ALABACK: Here.

11 MR. DEORIO: Member DeOrio is here.

12 Also in attendance is Mayor Wilder and a
13 citizen from the community, Mr. Brad Davis.

14 So could I have a review of the minutes from
15 October 24, 2019. Is there a motion to approve as
16 presented?

17 MR. FOX: Motion.

18 MR. CERRETA: Second.

19 MR. DEORIO: Moved and seconded. All those
20 in favor, signify by saying "aye."

21 ("Aye" in unison.)

22 MR. DEORIO: Those abstained?

23 MS. ALABACK: Abstain.

24 MR. DEORIO: One abstention. Finance
25 director.

1 All right. No. 2., Organization discussions
2 to name the position of finance director. As you
3 know, we've had a change in finance director, and by
4 our board's construction the finance director is a --
5 is by right a member of this group, but just for
6 formalities would like to have a motion to accept
7 Jina Alaback in as a member of the North Canton Water
8 Board.

9 MR. FOX: Motion.

10 MR. CERRETA: Second.

11 MR. DEORIO: All those in favor, signify by
12 saying "aye."

13 ("Aye" in unison.)

14 MR. DEORIO: Opposed? Aye's have it.
15 Welcome aboard.

16 MS. ALABACK: Thank you.

17 MR. DEORIO: All right. We have one item on
18 the agenda, analyzing the appeals regarding an
19 overage of water utilities. Who would like to speak?

20 MR. FOX: I can start.

21 We had one, I believe it was perhaps the last
22 water board, the one before that, the difference was
23 it was residential, an elderly retired woman who had
24 an upstairs toilet that was apparently running and
25 caused an excessive water bill. And under our system

1 that we're -- our former system and what we're
2 transferring to, the old system took a meter reader
3 to come by once a month; if they missed it, once
4 every two months, and so a -- something caused a loss
5 of water it would take a great deal of time before
6 they could find it. They normally found it when they
7 got a large water bill. And we put into place the
8 ability to request relief so long as they're diligent
9 in having a repair, and it appears that indeed that
10 has resolved the problems and that's what we had done
11 with the residential application.

12 Here we have a local business on Main Street
13 that has indicated that they had a similar problem
14 with a notification of a high water usage. Their
15 bill was normally in the neighborhood of \$200,
16 suddenly it's in the neighborhood of \$500. And they
17 had a person check for what that problem could be,
18 where's the water going. They found that it, again,
19 was a broken toilet. And so they said they
20 immediately had it repaired.

21 We all have in our packets a printout that
22 shows two and a half years of usage for this
23 location. And as you look through there, the average
24 before July 16 through August 16, before that the
25 average of consumption -- and this is in thousands --

1 was 12.6. And after that, for this four-month
2 period, it went from that -- I beg your pardon. It
3 was 12.6, and after that, for the four-month period,
4 the average was nearly 55. So indeed there was this
5 spike when they received that bill, had their toilet
6 repaired. I just, moments ago, checked with
7 Utilities to confirm that it dropped back to the
8 normal range, and for the November cycle it dropped
9 to 11, December is 16, so they indeed are within that
10 range.

11 We had offered relief to the residential
12 applicant for something that's often outside of their
13 control. They don't get notice until they get the
14 bill. Perhaps we could do that as well for a small
15 business owner, Swenson's, on Main Street. So that's
16 for your consideration.

17 MR. DEORIO: So if you were -- with what
18 you've said, if you were putting that in the form of
19 a motion -- I'm not asking you to, but I'm asking you
20 to clarify what it is that we would be -- what we
21 would be granting. Are we granting that they just
22 have more time to pay it or are we granting because
23 of existential circumstances beyond anybody's control
24 that we're offering some sort of financial relief to
25 that?

1 MR. FOX: Well, that would be for the -- you
2 know, certainly for the board's consideration. Not
3 knowing the -- certainly the books on Swenson's, we
4 do know that it's a small business that's being
5 operated there and this amount certainly could be
6 significant for it. It's one of those drive-ins
7 where it is --

8 MR. DEORIO: Not a lot of people driving in
9 right now.

10 MR. FOX: Right. It's seasonal. A lot of
11 people don't go to essentially the car hop kind of
12 restaurant. So they went into this kind of
13 off-season period and then their water bills had
14 jumped two to two and a half times. So I believe
15 what we had done for the resident is that we --
16 something along the lines of taking the average of
17 what they had for their bill, charging them that for
18 those couple months that they had an issue that they
19 weren't aware of. Because of their diligence in
20 fixing it, we credited them for that amount.

21 MR. DEORIO: Well, it would seem -- seem
22 consistent with what we've done in the past. It's
23 reasonable that if we averaged what their bill was
24 and expected them to pay the average then they're
25 paying more than, you know, perhaps what they would

1 have had this not occurred but at the same time, you
2 know, each side's got to give in a little bit on
3 that.

4 MAYOR WILDER: May I ask a question?

5 MR. CERRETA: Are they paying the lowest rate
6 right now? They're paying the lowest. Is there a
7 business rate or are they paying -- they're inside,
8 of course.

9 MR. FOX: They're inside business.

10 MR. CERRETA: Are they paying the lowest,
11 though, that is possible at this point, or are
12 they in a --

13 MR. FOX: Yeah. I think what they have set
14 up is -- is within a range, although their bills are,
15 that I've seen for water, are 139 so long as they
16 stay in certain parameters, and then once they exceed
17 that then it escalates.

18 MR. CERRETA: Some have a bigger meter on
19 them. I think most commercials have the bigger meter
20 which costs more because more goes through that meter
21 at one time.

22 MR. FOX: Right.

23 MR. CERRETA: And I'm just kind of wondering,
24 you know, when we work with these kind of issues, not
25 necessarily now but in the future if we change the

1 rate of the lowest meter, you know, which is the less
2 because of an issue but that's maybe something we
3 should look at in the future, just take a look at
4 what the difference, the circumference, the volume
5 that goes through the meter, trying to get them down
6 to, you know, something without saying, hey, you
7 know, because my always concern, as we know, about a
8 precedent that we set with everybody that just
9 because your toilet was bad for three months, and
10 this looks like two or three months, did not anybody
11 go in that toilet and see that it keeps running and
12 running and running?

13 MR. DEORIO: Well, I think if you look at
14 their correspondence, they said they did. We
15 notified them of it, there was an issue, we -- they
16 looked at it and they addressed that in that
17 August-September or September-October range and took
18 care of it. Thought they were done. Next billing
19 cycle went from 550 up to 900 for their bill.

20 MR. CERRETA: Okay.

21 MR. DEORIO: Called us back out and we went
22 back out with our crews, looked underground to see if
23 there was some sort of pipe broken --

24 MR. CERRETA: Yeah.

25 MR. DEORIO: -- that was causing this water,

1 and they appreciated our quick response.

2 MR. CERRETA: Right.

3 MR. DEORIO: But we eliminated that there was
4 not an underground leakage concern as it related to
5 the city's responsibility.

6 MR. FOX: And it's important to note that in
7 the future, because we're changing over from the
8 meters to the digital, we're going to find these
9 things much more quickly.

10 MR. CERRETA: Uh-huh.

11 MR. FOX: We're going to see the excessive
12 use, there's going to be a notice right away that we
13 can contact them and say, Hey, you normally use this
14 daily. You're using this. Is there something you
15 can attribute to it? And so we can, if you will, put
16 our finger in the dike much more quickly than three
17 or four weeks before a meter reader comes by and that
18 gets processed and they receive their bill and
19 suddenly see something that wasn't plainly visible.

20 MR. CERRETA: Yeah. I'm good with doing the
21 plan that you're saying here. You know, it doesn't
22 look like they're selling water for us there so
23 there's definitely an issue going on here and
24 everything. And I just, you know, want to make sure
25 that we're not setting precedents on anything that we

1 move forward to.

2 MR. DEORIO: Sure.

3 MR. CERRETA: And if there's a resident that
4 comes to us and says, you know, my bill is \$400 and
5 you gave this away. Small businesses, you know,
6 we're all for to help these people out. I'm good
7 with what you guys are suggesting.

8 MR. DEORIO: All right. Before we would move
9 to hear a motion or something like that, the board
10 has, in the past, allowed for members of the
11 administrative team to speak before the board to
12 provide some additional insight or clarity or
13 observations. And so I think at this time I think
14 Mayor Wilder had a question so I'd like the board to
15 give him that opportunity.

16 MR. CERRETA: Sure.

17 MR. FOX: Of course.

18 MAYOR WILDER: Thank you for the privilege to
19 do so.

20 My question was, have they ever been
21 delinquent on any of their payments for their water
22 bills? Is there any history of delinquency?

23 MR. CERRETA: Good question.

24 MR. FOX: I'll need to check as far as
25 delinquent payments. And I can do that with -- in

1 just a moment, but what I do have is about two and a
2 half years' worth of consumption and it averages
3 12.6. And during those four months it's, you know,
4 like 55. The last was 93, so something was really
5 wrong, but I can --

6 MR. CERRETA: Well, not necessary.

7 MAYOR WILDER: That's okay. I think my point
8 is --

9 MR. CERRETA: The point is we have to look at
10 these people; right.

11 MR. DEORIO: We can make -- your motion could
12 be made contingent upon that.

13 MAYOR WILDER: Just we have strength there
14 that they have always been -- made payment and I
15 think that a relief of some sort would be afforded to
16 them.

17 And my only other comment would be I think
18 sometimes -- I understand not wanting to set a
19 precedent, but I also come from a point of view that
20 I think we need to treat each incident that may come
21 before the board on its own circumstances. And not
22 have to be -- I just think that treat each case on
23 its own set of circumstances. For example, if we
24 just wanted to have one general rule for everybody,
25 that may not apply. And I just think that as these

1 things come before the board it would be my thought
2 on it that we treat each one on its own merits and
3 address it that way.

4 MR. CERRETA: We do, typically. But in the
5 same sense, there are -- people have to maintain
6 their own. We can't let things go. My toilet's
7 leaking. I'll get to it, I'll get to it, I'll get to
8 it. It costs me money. God, I'll get to it. And
9 finally it's like they finally get the bill and now
10 it's blah, blah, blah, and they go, Oh, darn. I
11 better call the city and see if they can help me out
12 here. I get that. But we don't -- we don't want
13 that to occur. So we should have some kind of at
14 least rule that we look at things and have some
15 empathy, like you're saying. Exactly.

16 So Jina, anything that -- I don't put you on
17 the spot, but anything you guys have done out in the
18 Louisville areas with this kind of issue that --

19 MS. ALABACK: I understand what the mayor is
20 saying, but it makes it very hard for us to do our
21 job with making exceptions because every single
22 reason why they didn't pay their bill, no matter who
23 it is or what bill, is that it makes our job very
24 hard. So if there is a blanket one-time forgiveness
25 rule, then that is the rule. We have the same thing

1 on the income tax side. The penalties. And so it's
2 very -- easier for us.

3 MR. DEORIO: It does set a dangerous, you
4 know --

5 MS. ALABACK: It does.

6 MR. DEORIO: -- set of circumstances where
7 people are coming to us with, you know, they feel
8 their valid reasons. They don't understand why you
9 gave one, not the other. So, you know, this board's
10 existence is a result of the city council determining
11 years ago that they wanted to be out of the moral
12 claim business. And the moral claim business, as you
13 recall, was somebody called up their councilman, he
14 was able to swing three votes and things were getting
15 paid willy-nilly. There was no rhyme or reason. So
16 this water board was created to establish some type
17 of process, level of fairness and equity, but we do
18 evaluate each one on its merits, and if there's some
19 sort of existential circumstances that would cause us
20 to waive the normal process then that's, you know,
21 something that is done. I think that's to your
22 point. It's just not these -- none of these boxes
23 are checked so you're denied. We have not done that.

24 MR. CERRETA: And when someone -- I mean, I
25 would even think these people would be happy with

1 even half. I mean, it's not necessarily giving them
2 everything off, but I think people look at that and
3 think, God, what can you do for me here. So, you
4 know, I --

5 MS. ALABACK: Well, the city still --

6 MR. CERRETA: I go with your plan, but even,
7 you know, getting some of it rather than the average
8 just to say, hey, you know, you've got to have some
9 penalty of some kind when you're not taking care of
10 your product that you're doing, and if I had a rental
11 property and I had let that go, who's to blame for it
12 if I let things go? So I don't necessarily, you
13 know --

14 MS. ALABACK: The city still had to treat
15 that water. Still had to distribute that water. It
16 still came to a cost of the city as well. So if it
17 was half or whatever the amount is, we would be
18 sharing that burden with the owner, you know.
19 Because we still had to process that water, treat
20 that water, distribute that water.

21 MR. CERRETA: Yeah. And at least giving them
22 something. And small businesses this time, and
23 Swenson's is a fabulous place, but I'm not going to
24 compare places in our town. Everybody is equal to
25 what we need in our town. Maybe we need to set or

1 look at precedents like that when we look, you know,
2 that like even the last one we did was 30 bucks. If
3 we would have made it 15 bucks it would have been
4 happy, you know what I mean? Kind of a half kind of
5 thing to go down. But I'm open to anywhere you guys
6 want to go. It just seems like it's weighing into,
7 you know, how we do things here. We collect a little
8 bit more or we just give them an average. I think
9 they would be happy with either of those, those type
10 things.

11 MR. DEORIO: So --

12 MR. CERRETA: They're probably paying for a
13 new toilet, too, which is costing them money.

14 MR. DEORIO: What if you look as what their
15 average was before the leak, compared it to what
16 their average bill was with the leak and then split
17 the difference?

18 MR. CERRETA: That sounds calculating and
19 fair. Jina?

20 MS. ALABACK: I'm fine with that.

21 MR. CERRETA: You don't want to give a dime
22 away. I understand.

23 MS. ALABACK: I don't.

24 MR. CERRETA: That's your job. I get it.

25 MS. ALABACK: That's my job.

1 MR. DEORIO: But at least that would
2 establish some type of guideline that we're looking
3 at --

4 MR. CERRETA: Right. Right.

5 MR. DEORIO: -- down the road.

6 MR. CERRETA: And these aren't easy
7 decisions. They have to understand that. We're
8 trying -- we want them here, but in the same sense,
9 people have to take care of their stuff and do
10 their --

11 MS. ALABACK: And should the business owner
12 request a payment plan for the difference, not pay
13 their bill and to continue to pay their current bill
14 and a payment plan, you know, we would be fine with
15 that.

16 MR. CERRETA: I think that's fair under any
17 circumstances.

18 MR. DEORIO: We've always allowed that
19 payment plan.

20 MR. FOX: It is a shame that the business
21 owner's not here to answer questions that we may have
22 because those questions about late payments and
23 diligence and cost of repair and so forth would be
24 available to us, and the fact that they elected not
25 to appear, we don't know if they are snowbirds or

1 whatnot, but they have decided not to appear or send
2 a representative so perhaps that has some
3 significance as well.

4 One of the important factors to put on the
5 Record is utilities is one of the unique situations
6 where we have the ability to -- to do a couple things
7 to encourage payment. We can shut them off, and
8 that's the policy, if you're late or behind you'll
9 receive a notice that you're late and behind and to
10 bring that up to current. And should the next pay
11 period it be ignored again, it's the policy to give
12 notice that we intend to turn the utility off. And
13 so --

14 MR. CERRETA: Why don't we -- why don't we go
15 with this: I'm not making a motion right now. But
16 I'm just saying go with this and give them maybe
17 several months extra to pay for this extra that they
18 want. Maybe, you know, if the bill, let's say it's
19 500 bucks, we're going to charge them the average,
20 maybe, say, 200 more, give them several months to pay
21 that down the road. Doesn't matter to us if it's all
22 at once, as long as it's down the road.

23 MR. DEORIO: The payment plan, that doesn't
24 require water board action. That's something that
25 Jina --

1 MR. CERRETA: Jina can handle that. Jina can
2 look at that, if they want to do that one way or the
3 other. But so then I will make a motion then to go
4 with the calculation that Pat mentioned here about
5 take the average of both and then split it down the
6 middle and have them pay that to us, whether it be on
7 a -- whatever Jina decides, on a monthly or all at
8 once. So motion for that.

9 MR. DEORIO: It's been moved. Is there a
10 second?

11 MR. FOX: Second.

12 MR. DEORIO: We'll do a roll call vote.

13 Member Alaback?

14 MS. ALABACK: Yes.

15 MR. DEORIO: Member DeOrio votes yes.

16 Member Fox?

17 MR. FOX: Yes.

18 MR. DEORIO: Member Cerreta?

19 MR. CERRETA: Yes.

20 MR. DEORIO: It's been unanimously approved.

21 Being that there's nothing else on our
22 agenda, I would entertain a motion to adjourn.

23 MR. CERRETA: So moved.

24 MR. FOX: Second.

25 MR. DEORIO: Moved and seconded. All those

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in favor, signify by saying "aye."

("Aye" in unison.)

MR. DEORIO: Opposed? We are adjourned. It
is 9:46 a.m.

- - - - -

(Meeting adjourned at 9:46 a.m.)

- - - - -

Attest:



Patrick A. DeOrio
Director of Administration

C E R T I F I C A T E

STATE OF OHIO)
)SS
 STARK COUNTY)

I, Laurie Maryl Jonas, a Registered Merit Reporter and Notary Public in and for the State of Ohio, duly commissioned and qualified, do hereby certify that this meeting was by me reduced to Stenotype and afterwards prepared and produced by means of Computer-Aided Transcription, and that the foregoing is a true and correct transcription.

I further certify that this hearing was taken at the time and place in the foregoing caption specified.

I further certify that I am not a relative, employee of or attorney for any party or counsel, or otherwise financially interested in the event of 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 Canton, Ohio, on this 25th day of January, 2020.

Laurie Maryl Jonas
 Laurie Maryl Jonas, RMR & Notary Public.
 My commission expires January 6, 2022.

MAYOR WILDER: [4]
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MR. CERRETA: [32]
MR. DEORIO: [35]
MR. FOX: [17] 3/8
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MS. ALABACK: [12]
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