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CITY OF NORTH CANTON, OHIO
WATER BOARD

**TRANSCRIPT OF
MARCH 7, 2019, MEETING**

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, March 7, 2019, at 9:00 a.m.

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APPEARANCES:

Patrick DeOrion, Director of Administration

Timothy L. Fox, Director of Law

Laura E. Brown, Director of Finance

Mark Cerreta, Council at Large

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1 MR. DEORIO: Good morning. It is 9 a.m. It
2 is Thursday, March 7, 2019. I'd like to call to
3 order the water board meeting for the City of North
4 Canton. I will call the roll.

5 Member Cerreta?

6 MR. CERRETA: Here.

7 MR. DEORIO: Member Brown?

8 MS. BROWN: Here.

9 MR. DEORIO: Member Fox?

10 MR. FOX: Here.

11 MR. DEORIO: Member DeOrio is here.

12 Looking at your agenda, the first item is to
13 review the minutes from the February 19, 2019,
14 meeting. Are there any additions, corrections,
15 commentary? If not, the chair will entertain a
16 motion to approve the minutes as presented.

17 MR. CERRETA: Motion to approve.

18 MR. FOX: Seconded.

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

21 ("Aye" in unison.)

22 (Cell phone ringing.)

23 MR. DEORIO: Apologies.

24 Item 2. Analyze appeals regarding overage of
25 utilities. Member Brown, are there any of those?

1 MS. BROWN: There are not. I just have one
2 update on one we had for the business, the apartment
3 building that had a fire. That continues to be an
4 issue. They have submitted their documentation to
5 the building department but haven't received final
6 approvals yet to restore those units, so we continue
7 with the discount that we established at the prior
8 meeting.

9 MR. DEORIO: Okay.

10 MR. CERRETA: If I recall, we wanted to try
11 to get that in, or finish that as soon as possible so
12 they would have kind of a push to get it done.

13 MS. BROWN: Yes. And each time that it
14 reaches a new bill cycle I check with the building
15 department and get an update and kind of see where
16 they are, so I will continue to update you.

17 MR. CERRETA: Thank you.

18 MS. BROWN: But there are no new overages.

19 MR. DEORIO: Recognizing that in Item 3,
20 analyze applications to provide water to new
21 locations outside the city limits, there are no
22 applications as such so we can move to Item No. 4,
23 which was the water high use policy and procedures
24 which we had established that we wanted to have this
25 special meeting to talk about that. So Member Brown?

1 MS. BROWN: Yes. I had drafted a policy and
2 sent that out to everybody, and then in working with
3 the law director, I think there's some things we want
4 to add to the very last section. What happens if
5 somebody contests the decision of the water utility
6 billing department and they want to appeal then back
7 to the board, that there might be some additional
8 language that we could put in there and just spell
9 out the appeal process a little bit more.

10 Tim, did you have anything else on that?

11 MR. FOX: Yes. And what I was looking at is
12 that our tax legislation has written out very well
13 process if you disagree with the tax official that
14 the tax board of review, there's a -- a process that
15 you can let the applicant know what they would need
16 to do to appeal that process. And what I think is
17 important is that although everything the board would
18 do perhaps in making a decision could be clear, if
19 there wasn't a clearly defined method to provide due
20 process to that applicant, should they challenge it,
21 a court may find that, although that the decision was
22 perhaps correct with the policies and procedure, that
23 the due process method was left wanting and then find
24 for the applicant and send it back. And so I had
25 recommended that with some minor variations that the

1 due process that's provided from the board of tax
2 review, such as they may appeal in writing, give a
3 time frame, and give them the opportunity to be
4 heard, and so that's essentially due process. So
5 that they could then come to a subsequent water board
6 meeting, they could bring their appeal so that we
7 might be able to ask them questions. They could have
8 any documentation. They could be represented by
9 legal counsel and at that time, much like the zoning
10 board of appeals, often a decision is somewhat
11 straightforward and the board can make that decision
12 right there.

13 But there's also a provision that if the
14 board would need to do some additional investigation,
15 obtain some materials, things like that, that there's
16 an opportunity for the board to gather that to make
17 its decision and then a reasonable time frame for
18 that decision to be issued to the applicant in
19 writing.

20 And then there's also a vehicle to appeal
21 that. And that's actually the zoning board of
22 appeals, where there's a specification in there that
23 if you wish to appeal a decision from city officials
24 or another board then you can take it there and from
25 that there's another avenue, which is you take that

1 decision and appeal it to the common pleas court.

2 So I think simply adding that to this policy
3 would cover that, that due process element, and --
4 and give the taxpayers, although some of them may be
5 \$70 or something like that, but if it's a corporation
6 and there was a line break and there's several
7 thousands of dollars in water that they believe may
8 not be their fault, this gives them an avenue where
9 they may challenge this, and if we don't have a full
10 and fair opportunity to be heard we could lose that,
11 that decision, for not having in place ability to be
12 heard, a clear due process element available in the
13 appeal section for our policies and procedures.

14 So if I may, what I'd like to do is work with
15 Laura on this and put this element in there with any
16 other essential legalese and then have this available
17 in advance of the next meeting of the board so that
18 we could give it final approval and then put it in
19 place.

20 MR. CERRETA: Well, my first simple mind
21 thinks, is why are we doing this? But you just
22 explained why. I think we just made a little --
23 teeny little hole in the mountain of the world. But
24 I know what our world is this day in today's world
25 with all the sociality so I got to say that's probably

1 the right way to go.

2 MR. DEORIO: Okay. I would concur with that.

3 If we could just talk a little bit just for
4 the Record, though, Laura, how you put this together
5 and trying to keep it quite, I think -- in my mind
6 it's quite simple and certain, which is always great
7 with policy. So, you know, it's an issue of high
8 usage, first of all. So it's not a matter of you
9 questioning your bill because it was 10 gallons over
10 from what usage was.

11 MS. BROWN: Right.

12 MR. DEORIO: This is a high usage. And then
13 it breaks down into, what? there's just -- there's
14 either a known reason why it's high or it's unknown?

15 MS. BROWN: Right.

16 MR. DEORIO: And, you know, that, I think,
17 gives you a lot of that clarity. So under high
18 usage, known reason, the reason or the example that
19 was given suggests that the reason is an issue on the
20 consumer's end.

21 MS. BROWN: Correct.

22 MR. DEORIO: Okay. Does that need to be
23 spelled out in any different way or could there be a
24 scenario there's high usage -- or maybe just ask it
25 this way. If it's high usage and the known reason is

1 something on our end, this wouldn't be something that
2 we would be bringing to the board because we would
3 want to fix that --

4 MS. BROWN: Correct.

5 MR. DEORIO: -- ourselves, like we have a bad
6 meter.

7 MS. BROWN: Well, I think when you get down
8 into the unknown reason, that second paragraph, that
9 addresses if it's a bad meter. Typically the known
10 reason is going to be something on the other side of
11 the meter. Something in the customer's home. A
12 running toilet, a pipe break, you know, due to cold
13 weather, a sprinkler system that bursts, something
14 like that. That's our typical known high usage. If
15 it's a meter problem, that's typically unknown until
16 we take further steps to investigate. And once
17 you've ruled out a plumbing problem in the home then
18 you kind of start working backwards and saying, well,
19 is it the meter? is it something outside the home?

20 But what we've tried to do here is follow
21 what our custom has been, our past practice as a
22 board and even before we had this format to the
23 board, which is, as we said in the past, we offer to
24 give them the lowest rate in their category per
25 thousand gallons and then if they don't have the

1 ability to pay everything up front, because sometimes
2 it can be several thousand dollars, we offer a
3 payment plan of up to 24 months without interest.

4 MR. CERRETA: I think it's really fair. I've
5 been through it a couple times. And because what we
6 talked about in the past that what we do and don't
7 want to see and how we want to handle it, and I think
8 it pretty much states all that.

9 MS. BROWN: And the end goal is just to not
10 have to shut anybody off for nonpayment as long as
11 they're making an attempt to stay current and stick
12 to that payment.

13 MR. DEORIO: Okay. Then it would seem to me
14 that we have a path forward, we just need to finalize
15 it and then get together again and officially adopt
16 what's the final draft of that. So what we probably
17 should look at doing is deciding when we should next
18 meet. Typically this board meets the fourth Thursday
19 of every month, but I believe the fourth Thursday of
20 March will be spring break.

21 MR. CERRETA: Yeah. I won't be here.

22 MR. DEORIO: And I'm pretty sure I know some
23 of us won't be able to be here.

24 MS. BROWN: Okay.

25 MR. DEORIO: So what is the board's

1 preference then? So Member Brown, you're the one
2 dealing with this. Do you want a special meeting in
3 April rather than wait until the end of April?

4 MS. BROWN: I would say if we could do like
5 we did this month and just have a special meeting
6 toward the beginning of April, hopefully Tim and I
7 will have a chance to have everything done well
8 before that and then we can hopefully approve and
9 that will stop us from meeting future meetings as
10 long as we can just follow the policy.

11 MR. DEORIO: Any consideration, Member Brown,
12 with your other duties and income tax with that
13 season getting very busy up to April 15? Do you want
14 to do something before that or is that okay or do you
15 want to wait until after that?

16 MS. BROWN: That would be fine. I know we
17 typically do a Thursday morning, so either the 4th or
18 the 11th of April would be fine with me.

19 MR. DEORIO: Mark?

20 MR. CERRETA: It's fine with me, either of
21 those right now.

22 MR. DEORIO: 4th? Knock it out as soon -- as
23 quickly as we can.

24 All right. So the chair will be looking for
25 a motion to establish April 4, 2019, at 9 a.m. a

1 special meeting of the water board, and the item on
2 the agenda will be water high usage policies and
3 procedures. That will be the only item on the
4 agenda.

5 MR. FOX: I move that we have that special
6 meeting at 9 a.m. for the high usage policy and
7 procedures.

8 MR. CERRETA: I'll second.

9 MR. DEORIO: It's been moved and seconded.
10 All those in favor, signify by saying "Aye."

11 ("Aye" in unison.)

12 MR. DEORIO: All those opposed? Ayes have
13 it. The chairman will entertain a motion to adjourn.

14 MR. FOX: Motion.


15 MR. CERRETA: Second.

16 MR. DEORIO: Seconded. All those in favor,
17 signify by saying "Aye."

18 ("Aye" in unison.)

19 MR. DEORIO: Opposed? We're adjourned.

20 9:15.

21 

22 (Meeting concluded at 9:15 a.m.)

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