

PLEASANT HILL BOARD OF PUBLIC AFFAIRS

September 10, 2008

The Village of Pleasant Hill Board of Public Affairs met in special session on September 10, 2008. BPA President Stanley Fessler called the meeting to order at 7:00 p.m. Roll call: Stan Fessler – present; Kory Krofft – present; Jamie Clark – present. Others present: Steve Overmyer, 1410 N SR48; Jenny Schwartz and Roger Bridgeman, 1420 N SR48; Grady and Jamie Hix, 1430 N SR48; Nick and Missy Diehl, 1455 N SR48; Mark Bradley, 1460 N SR48; Gary Brewsaugh, 1480 N SR48; Kevin and Teresa Narad, 1495 N SR48; Paul Wagner, Village Solicitor; Jeff Derksen, Service Superintendent; Fiscal Officer, Debbie Cress.

Stan stated that the meeting length would be about ninety minutes and the purpose of the meeting is to consider the alternatives for addressing the condition of the water line servicing Newton Township residents on N SR48, north of the Village of Pleasant Hill.

Stan stated: that this area is serviced by a 1½” galvanized line, and it is unknown when or how it was installed (possibly added on to when houses were built to the north) or who installed it; it frequently requires repairs, and the patches keep getting larger and more expensive; the BPA has been talking for years about getting the line replaced and brought up to Pleasant Hill standards. Nick Diehl stated that concern about this water line has been going on since 1972, and even when he was on the board nothing was done, despite numerous complaints.

Stan stated that the proposal is for replacement of the water line, and a fire hydrant at the north end, with the installation to conform to current Village standards. He further stated that the Board of Public Affairs’ responsibility is to the Village residents, therefore the cost of this replacement would have to be funded by the Newton Township N SR48 customers. It was noted that in an effort to minimize costs, the materials have already been purchased, due to expected continued increases.

Paul summarized the situation: The BPA’s responsibility is to the Village. The Newton Township N SR48 customers are not in the Village, but the BPA cares about these customers, that’s why they called this meeting. They want to continue to provide service. It has been determined that the line needs to be replaced because it is so old and it has become cost prohibitive to continue repairing the line. Because of this duty to the Village, the BPA cannot continue to provide the service at the cost level of maintaining that water line. The alternatives are to discontinue service or to install a new water line which will require less maintenance, which would help them be responsible to the Village citizens, with the cost paid by the property owners serviced by this line. Paul explained that one proposal is for the cost being divided evenly among the property owners, but from the Village’s view point, it doesn’t matter, as long as the cost is fully covered.

The property owners expressed that they feel they are being treated differently from other water customers by being required to pay for this water line; Paul agreed that these customers are being treated differently because they legally cannot be treated as Village residents. He also stated that the Village cannot assess their properties for improvements in the same manner as Village residents are assessed for improvements, that this is a contractual matter.

The BPA and the N SR48 property owners agreed that however this is resolved, there needs to be a written agreement in contractual form about the responsibilities for the new water line.

The property owners stated that they are currently paying more (50%) than Village residents to obtain water service, and wanted to know how this is being accounted for. The BPA stated that the additional rate structure was established by prior boards and that the Ohio Revised Code allows this charge when service is provided to non-residents for the privilege of having that service and it is not accounted for separately within the water and water capital improvement funds.

A property owner expressed that he feels the Village has an obligation to continue to provide service and install/maintain the lines required to provide the

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service. Paul explained that there is an implied agreement that in exchange for paying the bill, the customer receives the service; however, the Village is not legally obligated to continue to provide service and there is no guarantee of future service.

Discussion of the BPA's alternatives for the property owners: drill their own wells or pay for the new line installation, with the property owners disputing that they are or should be required to pay for the new water line.

Paul stated that this (or any) decision may be unpopular, but the BPA members have to be fiscally responsible as sitting on the board. What the N SR48 customers have been paying for is service. There has not been presented any agreement that would indicate that there would be a continuation of service, other than the expectation on the N SR48 customers' part. What they have is a contractual issue, not a warranty, not a guarantee for future services. This appears to have been something that was done because it was convenient at the time, apparently more than 50 years ago, and there was benefit to the Village because the N SR48 customers paid a higher rate, and the Village maintained the water line. Paul summarized that what it comes down to is a contractual issue, with the Village providing the service and the N SR48 customers paying their bills, and when it becomes uneconomic to continue to provide the service, the Village has to do something.

The N SR48 customers criticized the BPA for their failure to deal with this in a timely manner. The Board responded that previous boards had concerns about this water line, but had done nothing; there were complaints that it leaked a lot, and it had to be repaired a lot, but only in the last year has the Water Department presented to the Board that it is at the point of not being repairable. Nick Diehl disputed this, stating that when he was on the Board in 2000, they had talked about it and had gotten an estimate from Pat Cullars, but nothing was done.

The N SR48 customers questioned if the replacement could wait until the SR48 project. Jeff noted that project is several years away, and it has not been determined if that will be a complete reconstruction, or just a resurfacing. He stated that the small repairs have been made, if repairs are required in the areas that have already been patched, the cost will be \$3,000 - \$5,000, and a couple of those would go a long way toward the project.

Paul brought up the subject of annexation, but the N SR48 customers expressed that they are not interested in annexation because they would receive no benefit (e.g. they already have water, fire, and sheriff's services) and do not want to pay income taxes.

It was noted that different parties have received apparently conflicting information on being able to get a permit to drill a well. It was agreed that the BPA would try to clarify this situation. The N SR48 customers agreed that no one is interested in drilling a well.

The property owners agreed that they are interested in continuing to obtain water from the Village, and they are willing to pay slightly increased fees. The BPA agreed to maintain the line during this discussion period and to ask their engineering firm to explore the availability of grants. Jeff is to contact Doug Christian. The BPA requested that if the N SR48 customers have outside resources, information, or contacts that can contribute to resolving this situation, that this be passed on to the BPA to check into.

It was agreed to schedule another special meeting for October 15, 2008 at 7:00 p.m.; agreed it is not necessary to send notification letters.

Jamie made a motion to adjourn, Kory seconded. Roll call: Jamie – yes; Kory – yes; Stan – yes. Motion carried. Meeting adjourned at 9:05 p.m.