

TRANSCRIPTION OF AUDIO FILE

Stark County Commissioners
Viewing of the Roose Ditch Improvement Petition
September 1, 2020

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1 **MR. REGULA:** Okay. This is
2 September 1, 2020, and it is 10:00 a.m. and the
3 Board of Stark County Commissioners now convenes
4 the view of a ditch improvement petition held in
5 accordance with Section 6131.04 of the Ohio
6 Revised Code.

7 On July 2, 2020, a ditch petition was
8 filed by Regina and Dirk Warner, proposing
9 improvements to the Roose Ditch in Washington
10 Township. The petition requests the Board of
11 County Commissioners to take steps for the
12 cleaning, deepening and removing of obstructions
13 from the Roose Ditch and for lowering of the
14 culvert beneath the Iron Horse Trail.

15 The proceedings of this View will be
16 recorded. By the way of introductions,
17 Commissioner Janet Creighton, Commissioner Bill
18 Smith, and I'm Richard Regula. Commissioners'
19 staff and County Administrator, Brant Luther; I
20 don't see Brant yet.

21 Assistant Clerks of the Board, Rick
22 Flory and Jennifer Odie. Stark County Engineer
23 Keith Bennet is here, along with Young Jedi --
24 or, I mean, Vince, Vince Mueser. And I don't
25 think -- Sharon's not here, is she?

1 **MR. SMITH:** No.

2 **MR. REGULA:** Okay. Stark County
3 Prosecutor's Office is represented by Deborah
4 Dawson, and our Petitioners, Regina and Dirk
5 Warner are here.

6 We are here this morning to begin the
7 process of collecting information and hearing
8 testimony offered by any owner affected by the
9 proposed ditch improvement. The information
10 collected will assist us in understanding the
11 Petitioners' request and answer questions that,
12 today, we can't answer.

13 After hearing from any property owner
14 who wishes to be heard, the Board of
15 Commissioners and the County Engineer shall go
16 to view the proposed ditch improvement, as laid
17 out in the petition.

18 If the Petitioners' run out of time,
19 before they complete the View, they will adjourn
20 to another date and time, which will be posted
21 on the County Commissioners' website. Upon
22 completion of the View, the Board shall adjourn
23 until November 18, 2020 at 12:30 p.m., at which
24 time we will reconvene at the -- for the first
25 hearing of this petition at the Stark County

1 Office Building, 110 Central Plaza South, in the
2 Auditor's hearing room, Suite 210 in Canton,
3 Ohio.

4 At that hearing, the Board will hear
5 the preliminary report provided by the County
6 Engineer as provided in Section 6131.09 of the
7 Ohio Revised Code. And we'll also hear any
8 evidence offered by any owner, for and against
9 the granting of the proposed improvement, or for
10 or against any laterals, branches, spurs or
11 change in route, course, termini, or manner of
12 construction described in the petition.

13 We will now hear from the Petitioner
14 of the ditch improvement. Regina?

15 MS. WARNER: Hi.

16 MR. REGULA: You've got to swear
17 in.

18 MS. WARNER: Okay.

19 (Thereupon, the witness was sworn
20 in.)

21 MR. REGULA: Go ahead. State
22 your name and address for the record.

23 MS. WARNER: Regina Warner, 4241
24 Beachwood Avenue, Alliance, Ohio 44601. So we
25 moved here about 19 years ago. And at that

1 time, there was a distinct ditch, a distinct
2 little creek. We would take our kids down to
3 play in it.

4 It was very nice, water flowed. It
5 was not very deep, you know, it wasn't a big
6 thing, but water definitely flowed in a
7 particular creek down there. Since then, it has
8 gotten just filled up, I guess.

9 Also at that point, we had Johnsons,
10 down the road here, farmers, farming our land.
11 They planted corn and soybeans and the planted
12 the entire area that not our yard.

13 Since then, it has slowly gotten
14 wetter and wetter. All the land cannot be
15 farmed now; it's very swampy back there and the
16 creek has basically vanished. When you walk
17 back there now, you can't find any creek. It's
18 very wet, but it's not anything in particular.

19 So we're just seeing that we can't
20 use our land. It's frustrating and we're just
21 looking for maybe some help to clean that up, so
22 we can have some useable land again.

23 **MR. REGULA:** Okay. Very good.
24 At this time, are there other affected owners
25 wish to offer testimony and comments regarding

1 the proposed ditch? Go ahead.

2 (Thereupon, the witness was sworn
3 in.)

4 **MR. REGULA:** Sir, just state
5 your name and address for the record.

6 **MR. SOCOTCH:** I'm Dave Socotch.
7 I'm representing Larry Sampson, who owns
8 property going through the creek. I have lived
9 here since 1982, and that was a free-flowing
10 creek.

11 I don't know what year the oil
12 company drilled the wells. Do you remember what
13 year?

14 **MS. WARNER:** Not off the top of
15 my head.

16 **MR. SOCOTCH:** It was after you
17 guys moved here.

18 **MS. WARNER:** Yes, it was.

19 **MR. SOCOTCH:** After they dug the
20 well, they went from this well across the creek,
21 then they took at ditch, that line, all the way
22 over to the oil well on the other side of -- on
23 the other side of the Iron Horse Trail. Then
24 they took the line up to where they get the
25 supply from.

1 They failed to fill in that ditch.
2 Now, there were -- that transit they did, took
3 the pipe over to the Iron Horse Trail to that
4 well, was never filled. So the water, instead
5 of flowing on the course that it should have
6 went, it started flowing along that ditch.

7 So once it started backing up a
8 little bit toward Mud Lake, it started flowing
9 across the Pyle property, across Mr. Bias'
10 property and across Larry Sampson's property. I
11 put somewhat of the blame on the oil company for
12 not putting -- filling that trench in. Then the
13 water would have been able to continue to flow
14 along that creek.

15 Bob Bias and Larry Sampson had a
16 great woods right there. After three or four
17 years of that ditch not being filled, the water
18 started seeping across. And I told Sue here,
19 her dad used to pasture all that down there that
20 is swamping out.

21 But the water is flowing around that
22 way and once backs up, it just starts laterally
23 across the land. The other concern that I have
24 is: I don't think the culvert under the Iron
25 Horse Trail needs lowered. I believe the real

1 problem is the outlet of Mud Lake.

2 So when it rains heavy and the water
3 that flows here gets to Mud Lake, it starts
4 backing up the creek. So in turn, if the exit
5 out of Mud Lake would be ditched out, so when
6 the water from this creek flows to Mud Lake, it
7 can flow out of Mud Lake.

8 But right now, I think you have a
9 problem on that side, initially, to get the
10 water out. But my thing here is that the oil
11 well company should have some responsibility in
12 this, because that creek was free-flowing. But
13 once that put that line across it, they never
14 filled that ditch in.

15 So the water -- I mean, you go back
16 there and you can fall in and break your leg
17 right now. It is this deep and yeah wide.

18 **MR. REGULA:** Okay. Thank you,
19 sir. Anyone else?

20 **MS. ZAGRAY:** So --
21 (Thereupon, the witness was sworn
22 in.)

23 **MR. REGULA:** Just state your
24 name and address for the record.

25 **MS. ZAGRAY:** Kim Zagray, it's

1 4215 Beachwood Avenue, so I'm right there
2 next -- I'm next to the Warners. So I have been
3 here also about 19 or 20 years. We had that
4 fence put in and we had it professionally
5 installed. It was at least two-foot off the --
6 from the creek when we had it installed along
7 the edge there.

8 Well, now, I can tell you, I've
9 probably lost about four or five fence posts
10 because this has been backing up here, it backs
11 up right to my house. So any time there is a
12 heavy rain, you know, everything backs up.

13 And I've had water that almost goes
14 up to my barn now. So when it floods, my whole
15 pasture here is flooded and part way out into
16 here. And like I said, I have lost several
17 fence posts now and it comes up almost into my
18 barn now, so, I mean, that is a good -- what,
19 50-foot off the -- away from the creek.

20 Yeah, and it is just ruining my
21 pasture where my horses are. And we do bale
22 that field as well. So now we've lost -- we've
23 lost the back end of this side too, so I'm
24 losing hay and I'm losing pastureland and I've
25 lost several fence posts, so.

1 And it's been -- you know what, I'll
2 agree with you. When they put that oil well in,
3 I started to notice the corner of my field
4 starting to get a little wet and that field was
5 never wet, ever. And it started to get a little
6 wet, but then as time went on and we had heavier
7 and heavier rains, that's when it got really
8 bad.

9 Oh, and since it backs up so far, the
10 neighbors across the road, they put their --
11 they put their horse poop and mucking close to
12 the creek and their leaves in the fall. So not
13 only do I get the water, I get their horse poop
14 and I get their leaves that come down into my
15 field and are all over my field as well.

16 So I'm getting debris from across the
17 road that comes in my field.

18 **MR. REGULA:** Anyone else? Okay.

19 **MS. PYLE:** Well, let me say
20 something.

21 **MR. REGULA:** Okay. Well then,
22 sign up.

23 **MS. PYLE:** I know (inaudible).

24 **MR. REGULA:** I know. No worries
25 we are easy to get along with.

1 (Thereupon, the witness was sworn
2 in.)

3 **MR. REGULA:** Thank you. State
4 your name and address for the record.

5 **MS. PYLE:** Okay. It is Sue
6 Pyle I'm representing the eight (inaudible).
7 13603 Bayton Street Northeast, Alliance, Ohio
8 44601. Now, I have been here the longest; I
9 have been here 65 years, okay.

10 My dad used to (inaudible) pasture
11 down there with all his driving head cows in it.
12 He did put a lot of drainage tile through in
13 there because he wanted to till part of it, make
14 a hayfield, and had a (inaudible) field for a
15 couple of years.

16 That ground, a lot of it is the black
17 peat-like soil, like you see in Hartville. When
18 they put that oil wells in, we had one on our
19 property, one was left and Shultz's had one.
20 They put aboveground gas lines that feed into
21 the main gas lines, so those gas lines crossed
22 that creek.

23 And that starts -- and when they put
24 that in, that's when everything started backing
25 up because they broke the tile, the drainage

1 tile he had put in and everything. And he
2 couldn't farm anymore down there. He didn't
3 have cattle down there anymore. So, that's all
4 I have to say.

5 **MR. REGULA:** Okay, very good.
6 The Board -- anybody else? The Board of
7 Commissioners and the County Engineer and their
8 staff will no -- w begin the View of
9 Rudy-Friedman Ditch --

10 **MR. SMITH:** That's the wrong --

11 **MR. REGULA:** Strike that -- of
12 the Roose Ditch. And that will end our -- yep,
13 that will end it. So we are going to go out and
14 take a look.

15 **MS. WARNER:** Yeah, I thought of
16 something else. When they mentioned Mud Lake,
17 there are beaver dams at Mud Lake. I don't know
18 if maybe that is part of the drainage of Mud
19 Lake, I know there are some big beaver dams
20 there. So I don't know if that (inaudible).

21 **MR. REGULA:** Okay, very good.
22 That was Regina Warner.

23 **MS. WARNER:** The route that is
24 (inaudible) house, the route of the creek --

25 **MR. REGULA:** Okay.

1 **MS. WARNER:** -- on the map of
2 the (inaudible) is off.

3 **MR. REGULA:** Okay.

4 **MS. WARNER:** This needs to be
5 more north, (inaudible).

6 **MR. REGULA:** Okay.

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C E R T I F I C A T E

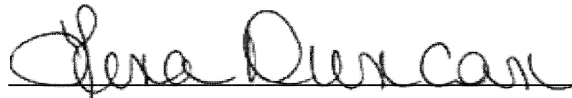
STATE OF OHIO,)
) SS:
SUMMIT COUNTY,)

I, Lena Duncan, a Stenographic Reporter and Notary Public within and for the State of Ohio, duly commissioned and qualified, do hereby certify that I was called in the capacity of a shorthand reporter to take the stenographic notes of and report this recording; that the foregoing is a true and correct Computer-Aided Transcription of the contents of the recording.

I do further certify that I am not a relative, employee of or attorney for any party or counsel, or otherwise financially interested in 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 Akron, Ohio, on this 16th day of September, 2020.



Lena Duncan

My commission expires February 19, 2025.

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3:21	1	50-foot		
wells	1	9:19		
6:12 11:18	1:6 2:2	6		
went	10:00	6131.04		
6:20 7:6 10:6				
wet				
5:18 10:4,5,6				