

**SAFETY COMMITTEE MINUTES  
SEPTEMBER 15, 2015**

The Safety Committee meeting was held on September 15, 2015, at North Royalton City Hall, 14600 State Road. The meeting was called to order at 6:46 p.m.

**PRESENT:** Committee Members: Chair Dan Langshaw, Gary Petrusky, Steve Muller; Council: John Nickell, Larry Antoskiewicz; Paul Marnecheck, Dan Kasaris; Administration: Mayor Robert Stefanik, Police Chief John Elek, Fire Chief Robert Chegan, Safety Director Bruce Campbell; Other: Lou Krzepina.

**APPROVAL OF MINUTES**

Moved by Mr. Petrusky, seconded by Mr. Langshaw to **approve the July 21, 2015 minutes** as received. Yeas: 3. Nays: 0. **Motion carried.**

**UNFINISHED BUSINESS**

**1. Oil and Gas Appeal Update**

Mayor Stefanik said that we won the appeal. We are waiting now for the other side to appeal this decision. Mr. Kelly said that the other side still has time to file an appeal. He said as of this morning we had not received any indication as to whether or not the Attorney General's Office and the Division of Oil and Gas are going to appeal. Assuming there is no appeal, Mr. Kasaris asked Mr. Kelly to explain the process from there. Mr. Kelly said that the decision from Judge Fry in the Franklin County Court of Common Pleas then becomes what is called the Law of the Case. This means that the ability of Cutter Oil to impose a pooling effort on the city will be closed out for good. Mr. Kelly said that Cutter Oil's permit has already expired for this particular pooling. Mr. Kasaris asked if there is a remand back to a lower body for consideration consistent with the judge's ruling. Mr. Kelly said there would be no remand consistent with the judge's ruling. The judge's ruling was simply that the chief might converse with or confer with the technical committee. Mr. Kasaris said then that there is no remand back to the administrative committee where then the committee can state that they considered safety and make a decision again. Mr. Kelly said the chief would have the ability but for the fact that the permit has already expired. The chief would have the ability to at least reconsider his ruling. Mr. Kasaris asked if there was a stay on the permit. Mr. Kelly said that there was a stay issued initially from the Oil and Gas Commission but that stay now is lifted because the judgment is filed and the only question now is whether or not they choose to appeal. Mr. Kasaris asked if it is possible that we will win all the battles but ultimately lose the war. Mr. Kelly said yes, that is always possible.

Mr. Marnecheck asked if this only applies to Cutter Oil. Mr. Kelly said not only does it apply only to Cutter Oil, but it only applies to this case. It is intended to be instructive to the chief, but it only comes from one Common Pleas Judge. Mr. Kelly said that while he is grateful to Judge Fry for a beautifully written opinion, the fact of the matter is that it is just his opinion. Mr. Marnecheck asked if Cutter Oil could still try to force pool another street in North Royalton. Mr. Kelly said absolutely. We would be back in the same position. He said that the good thing about Judge Fry's opinion is that it is something that we can bring up in front of the Oil and Gas Commission and the ODNR. He said that Cutter Oil needs to determine what they will gain when deciding whether or not to appeal. He said from one point of view, if they appeal they might be able to overturn Judge Fry. If they were able to do this, then they would feel much stronger in their regular practice. The risk for Cutter Oil is if they appeal and lose and get a published decision. Mr. Kelly said that Judge Fry's decision is not being published in the major lectionaries involving case law. This decision is just an opinion filed with the Clerk and is not being disseminated. It will be discovered by interested lawyers all over the state who want this information, but it does not have the weight of an appellate decision or Supreme Court decision. Judge Fry's decision is the law that is to be applied in this particular set of facts and only this set of facts. Mr. Marnecheck asked when the window to appeal closes. Mr. Kelly said that we should know within a week if they are going to appeal. Mr. Langshaw thanked the Administration for all the hard work they have put into this endeavor.

## 2. **Regional Deer Control**

Lucy McKernan, 755 Hillside Road, Seven Hills, Ohio, addressed Council. She said she is here today representing North Royalton resident Kathy Tomaro. She said she does not consider this a safety issue and therefore should not be in the Safety Committee. She said that she has gone through all of the deer/vehicle crash records for the last 6 years for Seven Hills, Broadview Hts., Independence and North Royalton and has found only one extremely minor human injury for which medical treatment was refused. She said Lyme Disease is not carried primarily by deer; it is carried by mice and other small rodents. She said her research also jives with the Ohio Department of Public Safety information which states there have been no human deaths in all of Cuyahoga County in the past 5+ years. She said she is concerned that this issue is in a Safety Committee meeting when there is no safety issue and she is here to have this concern addressed. She said that the reason that Independence has had a significant reduction in deer/vehicle accidents is because of the tall sound barriers on I-77; it is not because of the hunting. She said the sound barriers were erected within two years after the 2007 bow hunting began and most of the deer/vehicle crashes were occurring on or near I-77 and this is why there is such a big drop. She said that Mr. Kasaris had spoken with her before about deer/motorcycle accidents. She said that it is her opinion that she doesn't see a lot of motorcyclists wearing helmets, so she said that they are not too concerned about safety.

Mr. Nickell acknowledged that Ms. McKernan is entitled to her opinion. He said that he personally has a family member whose car was hit by a deer, it slammed up onto the hood and smashed in the windshield. The car was totaled, the driver received facial injuries and a lot of medical bills. He said that when driving in North Royalton he has to be very aware so as not to hit a deer. He also said that many residents have approached him about this and are very concerned about this issue. He said that there have been instances where large bucks are present in the morning when children are waiting for the school bus. He said that as a father, he would not want his child to be in this situation. He said that last summer he saw a child playing in the front yard and there was a very large buck only 300 feet away, looking at the child and stomping its hoof which is a sign of aggression. He said he stopped his car to ensure that the child did not get any closer to the buck. He said that human life is far more valuable than that of a deer. Mr. Nickell said that we have a couple hundred deer crashes here per year and this can result in any type of problem with safety. Mr. Antoskiewicz said that this issue is in the Safety Committee because any automobile accident, fatal or not, is a safety issue.

Mr. Kasaris said that there have been over 1,000 deer/vehicle accidents since 2000 in North Royalton. That is a safety issue and that is why it is in Safety Committee.

Ms. McKernan said that her research eliminates the deer that have died by means other than vehicle accidents and as a result she found that an average of 40% of the reports of deer/vehicle crashes are erroneous or unrelated. She said that this finding was pretty consistent throughout every community. She said that her research also shows that when North Royalton was founded in 1818, there were the same number of deer then as there are now. She said that they are actually at their natural biological carrying capacity. She said that it is just our perception that there are too many. She said that North Royalton deer/vehicle accidents have been on the decline since 2009 which showed the highest spike.

Mr. Kasaris said that in 2005 there were 23 deer/vehicle accidents; in 2012 there were 107 and last year he said he thinks there were 140. He said that this is not a decline.

Mr. Nickell said that the deer population has depleted foliage all throughout the community, stripping trees and destroying flowers and shrubs. He said that this results in another wildlife concern in that the smaller animals are being left with nothing to eat due to the disappearing ground cover.

Ms. McKernan said that based on her research the actual number of deer/vehicle accidents for 2014 was 70, not 140 as Mr. Kasaris stated earlier. Mr. Kasaris said that even 70 is an increase over 23 and is not decreasing as Ms. McKernan stated earlier. Mr. Kasaris said that these statistics were provided by the city's Safety Director. Ms. McKernan said that if you look at the trend since 2009 when the city had the

highest number of deer/vehicle accidents, it is going down. Mr. Kasaris said that we had our highest number of deer/vehicle accidents last year. Ms. McKernan said that the question still remains that if there are no human injuries or fatalities, why is this a safety issue. Is it just because something might happen.

Mayor Stefanik said he understands that this is a passionate issue. He said that he spoke with Ms. McKernan a few years ago and remembers telling her at that time that this issue would most likely end up on the ballot someday, and at that time Ms. McKernan told him that she did not have a problem with that. Mayor Stefanik said that as early as this morning, Mayors from adjoining communities met with the Law Directors and continued to discuss what might be put on the ballot in March 2016. He said the Law Directors are still putting the legislation together that we hope to have in front of the respective City Councils sometime in late October. At that time, each Council will consider whether or not to put this issue on their agendas and then whether or not to vote to place this issue on the ballot for the residents to vote on. During that time frame, each community will be holding informational public meetings where residents can voice their opinions and concerns regarding this matter. He said that he is going to make sure that the legislation contains provisions requiring us to investigate and have the state invest in non-lethal methods. He said this will be both a short term and long term approach to the problem. He said that he has never been in favor of culling or killing of deer, but he understands that it is a problem whether you want to accept it or not. He said at the end of the day, it will be up to the residents of each community to decide which path they want to take. He said that these meetings will be held not as Council Meetings, but rather as Town Hall meetings and urged everyone interested to come and be heard.

Ms. McKernan said that she was under the impression that because this is in the Safety Committee, the website said that the discussion would be about the ballot. She said that if the basis of putting this on the ballot is that it is a safety issue, this is what she is challenging. Mayor Stefanik said going back many years, this issue came up because people wanted to cull in North Royalton, and people hunting in the woods is a safety issue and it still continues to be a safety issue if we are going to let people cull at some point. He said that it is common sense that this would fall under the umbrella of safety. He asked that this not be picked apart and try to make this something that it isn't. It was a safety issue when Mrs. Tomaro would throw 10 loaves of bread over the fence and have all the deer in the neighborhood gather causing 25 deer to cross the street to get to the food.

Mr. Kelly said that the approach that we have been discussing is intended to be a regional effort to attempt to control the deer population. We have the support of the ODNR, our wildlife representative Mr. Westerfield is supporting the efforts that we are promoting and together there are 7 communities that are interested in having this on the ballot so that the electorate has the opportunity to tell us what they think. We recognize that people who are wildlife advocates have a point of view, we recognize that the hunting community has a point of view and the focus of the effort that is being made now is to find out what the silent majority wants. Rather than trying to monitor a debate between the two sides, the Mayors of these communities have determined that they would like to hear from the electorate. The effort will be made to place before all 7 City Councils model legislation that would allow for the limited taking of deer in conjunction with and in coordination with the ODNR.

Ms. McKernan said that she is familiar with the facts of the situation and is only challenging the basis of the safety issue.

Mr. Langshaw said that Animal Control falls under the jurisdiction of the Safety Committee per our Codified Ordinances.

### 3. **ODNR Oil Well Inspections**

Mayor Stefanik said that the time has passed for them to finish everything and provide us with copies stating that the work is finished. He said that he spoke with the ODNR a week ago and asked them for the reports. They did not give them to us yet, so he has instructed the Law Director to send a letter asking where the information is and see exactly what Cutter Oil and the other companies have completed. If they have not completed the remedies, we will explore our options to perhaps file charges.

#### 4. **Fire Department Locker Room Renovation**

Chief Chegan said that they have not yet started the construction. The bid has been approved and the City Engineer is working on finalizing the paperwork for the contract.

### **NEW BUSINESS**

#### 1. **Summer Fire Hydrant Painting**

Chief Chegan said that this program has been renewed for next year. He said that they did as many of the main roads as possible last year. This year they worked in some of the developments. He said last year they completed 391 hydrants on State Road, Royalton Road, part of York Road, and many other main roads. There are approximately 2,400 hydrants throughout the city. He said in about 12 weeks this year they finished the main roads and were able to complete W. 130<sup>th</sup>, finished on York Road, Abbey Road, Albion Road, Akins Road, Edgerton Road, Drake Road, Tilby Road and Bunker Road. He said they changed the process this year. It is very hard to remove the rust build up on the older hydrants that have a corrugated surface. He said a lot of these type hydrants that we did last year have the rust showing through. He said that this is due to the normal process of oxidation. This year we doubled the primer and paint. The newer hydrants have a smoother surface and are coming out better. He feels that what was done this year will greatly improve the longevity of the hydrants. He said that they were able to complete 496 hydrants this year. He said that they were able to do more this year because we hired the same two workers from last year and they worked very hard all summer. He said some of the developments they were able to get to this year were Sir Robert, Sir John, Prince Charles area, Stoney Creek, Garden Side, Patricia, Pinebrook Estates, Yorkview, Royal Haven, Goodman, Goodman Circle, Creek Run, Hilary, Padua, Glenwillow, Ridgedale, Pamela, and Parkdale. He said that he is pleased with the work that has been done. He said that the budget was the same this year as last year. Cost per hydrant last year was \$31.00, this year it was \$24.19. He said that private companies charge \$90.00+ per hydrant which includes complete sandblasting down to the metal.

### **MISCELLANEOUS**

Bruce Campbell reported on some upcoming community events:

- The Health and Wellness Community Expo will be held on October 3<sup>rd</sup> from 8:00 a.m. to noon at the High School. St. Albert's Cub Scout Pack 526 is holding a fund raiser and will be a part of the Health and Wellness Expo asking for clothing, blankets, etc. The Bear Run will be held as a part of this Expo as well.
- The Partnership for a Healthy North Royalton will be hosting Judge Astrab who will make a presentation on heroin usage to students at the High School this Friday and will also address parents on September 23<sup>rd</sup> at 7:00 at the High School

Mayor Stefanik asked Council to help out at the Health and Wellness Expo Pancake Breakfast at 8:00 a.m. He also asked for their assistance at the Harvest Fest on Sunday, September 20<sup>th</sup> to help cook and serve fried bologna.

### **ADJOURNMENT**

Moved by Mr. Langshaw, seconded by Mr. Muller to adjourn the September 15, 2015 meeting. Yeas: 3. Nays: 0. **Motion carried.**

**Meeting adjourned at 7:28 p.m.**