

# In The Supreme Court Of Ohio

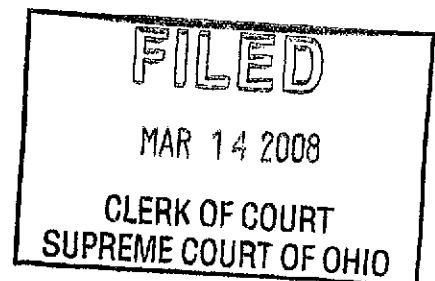
State ex rel. Summit County Republican Party :  
Executive Committee, :  
Relator, : Case No. 08-0478  
vs. : Original Action in Mandamus  
Secretary of State Jennifer Brunner :  
Respondent. :

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## RESPONDENT'S EVIDENCE – VOLUME IX Affidavits

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Exhibit A Affidavit of Jennifer Brunner  
Exhibit B Affidavit of David M. Farrell  
Exhibit C Affidavit of Donald S. Varian  
Exhibit D Affidavit of William Kinney  
Exhibit E Affidavit of Sarina Kinney  
Exhibit F Affidavit of Debra A. Vargas  
Exhibit G Affidavit of Jill Burke  
Exhibit H Affidavit of Jill E. Madden  
Exhibit I Affidavit of James J. Hardy



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614-466-2872

614-728-7592 fax

*Attorneys for Respondent*

Ohio Secretary of State Jennifer Brunner

**Certificate of Service**

This is to certify that a copy of the foregoing *Respondent's Evidence, Vol. IX*, was served upon the following, on this 14th day of March 2008, by US Mail, postage prepaid:

Timothy J. Grendell  
Grendell & Simon Co., LPA  
Broadview Heights, Ohio 44147  
440-746-9604 (Fax)

*Attorney for Relator*

  
Richard N. Coglianesse

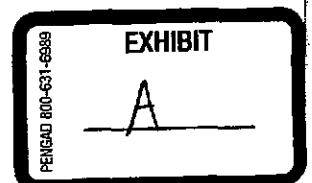
**IN THE SUPREME COURT OF OHIO**

State ex rel. Summit County Republican Party :  
Executive Committee, :  
Relator, : Case No. 08-0478  
vs. : Original Action in Mandamus  
Secretary of State Jennifer Brunner :  
Respondent. :

**AFFIDAVIT OF JENNIFER BRUNNER**

I, Jennifer Brunner, having been duly cautioned and sworn, state the following on personal knowledge and belief:

1. I am over eighteen years of age and am competent to testify to the matters contained in this Affidavit.
2. Currently, I serve as the duly elected Secretary of State of Ohio. I have served in that capacity from January, 2007, to the present.
3. Prior to my election to the office of Secretary of State, I served as a judge of the Franklin County Common Pleas Court from December, 2000, to September 1, 2005.
4. As Ohio's Secretary of State, I appoint all members of the various county boards of elections to serve as my representatives, as provided in Revised Code 3501.06.
5. A properly functioning board of elections is critical to ensure fair and accurate elections and to inspire public confidence that elections are administered in an open, honest, and non-partisan manner.



6. When a vacancy occurs on a board of elections due to expiration of a member's term, the county executive committees of the political parties may recommend to my attention a nominee for appointment, in accordance with Revised Code 3501.07.

7. In January 2008, the Summit County Republican Party Executive Committee ("Executive Committee") submitted for my consideration the reappointment of Alexander Arshinkoff for a subsequent full term.

8. Based on the evidence before me, I rejected Mr. Arshinkoff's reappointment. Various employees at the Summit County Board of Elections reported specific incidents of harassment, intimidation, coercion, and threats attributed to Mr. Arshinkoff. Board employees reported that he created a general atmosphere of "back-biting" and hostility. Credible complaints also indicated that Mr. Arshinkoff fostered a highly partisan climate at the Board. According to reports I reviewed, Republican board employees were prevented from even talking to fellow board employees who are Democrats, and Board employees were also being asked to engage in partisan recruiting and petitioning from the board office during the workday.

9. I have personally visited the Summit County Board of Elections and witnessed the tension and heightened partisan atmosphere at the Board.

10. I also considered the affidavits of three judges of the Summit County Common Pleas Court. These judges testified that Mr. Arshinkoff attempted to interfere with the discharge of their official duties and attempted to intimidate them as concerned the Judicial Corrections Board.

11. Based on these credible claims, I had reason to believe that Mr. Arshinkoff would not be competent, fit, or suitable to continue as a member of the Board and that his behavior severely compromised the Board's ability to conduct elections in a fair and nonpartisan manner.

12. After my rejection of Mr. Arshinkoff's reappointment, the Summit County Republican Party Executive Committee submitted Brian K. Daley as their second nominee for the Summit County Board of Elections. The recommendation materials were dated February 26, 2008.

13. Following the same process as I do with all nominees, I reviewed the materials submitted by Mr. Daley and by the Executive Committee and considered information and correspondence that had been sent to my office by various third parties.

14. Based on the materials before me at the time of my review of Mr. Daley's recommendation, I had reason to believe that he was not competent, fit, or suitable to serve on a board of elections.

15. The evidence before me included Mr. Daley's past conduct and demeanor as a member and president of the Hudson City Council. A written communication from Michael Moran, who served on city council with Mr. Daley, indicated that Mr. Daley has bullied, intimidated, and threatened people in order to get his way, rather than engaging in reasoned or constructive problem solving.

16. Mr. Moran further reported that while serving on the Hudson City Council, Mr. Daley opposed a local school funding issue. While public officials are entitled to their own opinions, Mr. Daley's conduct went one step further. Mr. Moran indicated that Mr. Daley had demanded that city officials refuse to meet or cooperate with local school officials regarding a school funding issue. Rather than working on reaching a solution with city officials, Mr. Daley resorted to calling proponents of cooperation with education interests, including the Chamber of Commerce and Hudson Economic Development Cooperation, "special interests" and "ankle biters."

17. Mr. Daley's conduct during this school funding incident gave me reason to believe that he was not competent to perform the duties of a Board of Elections member. Schools routinely place issues on election ballots, and the board of elections must work with schools official to place issues those issues before the voters. Given Mr. Daley's refusal to work with Hudson City Council and other officials, I had serious concerns that he would engage in similar conduct if appointed to the Board of Elections.

18. Given the already partisan and hostile environment at the Summit County Board of Elections, I did not find it to be in the best interests of the electorate of Summit County to appoint Mr. Daley to a position at the Board of Elections that requires fairness, objectivity, and cooperation with fellow board members and employees, regardless of their political positions or beliefs, and with other agencies, organizations and political subdivisions.

19. On February 29, 2008, I issued a letter to Mr. Arshinkoff rejecting the Executive Committee's recommendation of Mr. Daley and outlining my reasons for believing that Mr. Daley would not be a competent member of the Board of Elections.

20. After the rejection of Mr. Daley's appointment, the Executive Committee was not in a position to submit another elector as a nominee for appointment, because the March 1, 2008, deadline for the appointment of Board of Election members, as set forth in R.C. 3501.06, was the next day. By statute, Board reorganization was required to take place between March 2 and March 6, 2008, and it was incumbent on me by statute to have all board appointments complete to allow this process to take place according to law. Therefore, I proceeded with the consideration of Donald Varian for appointment to the Board.


21. I instructed my Deputy Assistant Secretary of State and Director of Elections, David Farrell, to conduct a telephone interview with Mr. Varian.

22. Donald Varian is an attorney and currently a member of the Central Committee of the Summit County Republican Party. Mr. Varian also has a favorable reputation as a member of the Summit County legal community. Given Mr. Varian's credentials and Mr. Farrell's reports to me on his interview, I had reason to believe that Mr. Varian would be a competent member of the Board of Elections, and thereby appointed him to the Board.

FURTHER AFFIANT SAYETH NAUGHT.

  
\_\_\_\_\_  
JENNIFER BRUNNER

Sworn to before me and subscribed in my presence this 14th day of March, 2008.

  
\_\_\_\_\_  
Notary Public



**BRIAN E. SHINN**  
**ATTORNEY AT LAW**  
NOTARY PUBLIC, STATE OF OHIO  
My commission has no expiration date.  
Section 147.03 R.C.



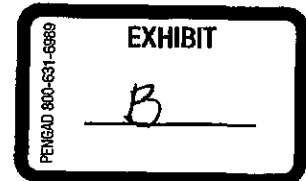
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AFFIDAVIT OF DAVID M. FARRELL

I, David M. Farrell, having been duly cautioned and sworn, state the following on personal knowledge and belief:

1. I am over eighteen years of age and am competent to testify to the matters contained in this Affidavit.
2. Currently, I serve as the Deputy Assistant Secretary of State of Ohio and Director of Elections. In that capacity, I oversee the Elections, Campaign Finance, and Field Services sections of the Secretary of State's Office.
3. Prior to my employment at the Secretary of State's Office, I acquired first hand knowledge and experience in elections administration by serving as a member of the Clark County Board of Elections from March 2000 to December 2006.
4. During that time, I also served as Chair of the Clark County Board of Elections from 2002 to December 2006.
5. In my capacity as Deputy Assistant Secretary of State and Director of Elections, and because of my previous knowledge and experience in elections administration, I am responsible for overseeing the appointment process for nominees recommended to the Secretary



of State for appointment to the county boards of elections statewide by the county executive committee of a political party, as provided in Revised Code 3501.07.

6. When the county executive committee of a political party wishes to recommend a qualified elector who currently serves on the board of elections for another full term appointment to the board of elections, the county executive committee submits a form entitled "Recommendation for Full Term Appointment of Member of Board of Elections," also known as "Form No. 300." That form is completed and signed by the chairperson and secretary of the party's executive committee.

7. When the county executive committee of political party wishes to recommend a qualified elector who currently serves on the board for a new full term appointment to the board of elections, the nominee completes, and the county executive committee submits to the Secretary of State, a form entitled "Questionnaire for Prospective Appointment as a Member of the \_\_\_\_\_ County Board of Elections," also known as "Form No. 302." That form asks for information such as the nominee's full name, address, date of birth, social security number, and any previous addresses. Form No. 302 also includes a series of questions asking the nominee to disclose the existence of prior criminal convictions, potential conflicts of interest, or involvement in any complaints or referrals to the Ohio Elections Commission as a candidate or campaign treasurer.

8. When the county executive committee of a political party wishes to recommend for full term appointment to the board of elections a nominee who is not currently serving on the board, the nominee completes, and the executive committee also submits to the Secretary of State, a resume that sets forth the nominee's education, employment history and other information relating to the applicant's qualifications to be a member of a board of elections, in addition to the aforementioned Form No. 300 and Form No. 302.

9. The Secretary of State has established a policy that, upon submission of the proper application materials, nominees are screened through a criminal background check conducted by the Ohio Department of Public Safety and screened by the Ohio Elections commission for any prior campaign finance violations.

10. The materials submitted by the Executive Committee and any background check information available are then submitted for my review. In addition to reviewing the materials submitted by the nominee and the committee, I may also receive correspondence or phone calls from other parties supporting or opposing the appointment of the nominee.

11. Regional liaisons, who are employees of the Field Services section of the Elections Division, also routinely communicate concerns they may have with the performance and conduct of incumbent board members based on their personal experience in working and interacting with county boards of elections and board staffs in their regions. Relevant comments from regional liaisons are conveyed to the Secretary for her consideration in reviewing board appointments and reappointments.

12. In accordance with R.C. 3501.07, I review all the materials collected in the nominee's appointment file before submitting them to the Secretary of State and note any possible reason for concern.

13. In the meantime, an employee of the Secretary of State's office prepares a draft letter, draft certificate, and draft oath of office document for all nominees. In the event that the nominee is approved by the Secretary of State, the draft documents will be signed by the Secretary and the nominee where indicated. If the nominee is rejected, then the letter and certificate are kept, unsigned, in the office's files and are not sent to the nominee.

14. Prior to March 1, 2008, the Secretary of State's Office received a letter dated February 26, 2008, from the Summit County Republican Party Executive Committee, and a copy

of a resolution purportedly adopted by the Summit County Republican Party Executive Committee supporting the nomination of Brian K. Daley to the Summit County Board of Elections for the four year term beginning March 1, 2008. Form No. 300 and Form No. 302 were completed by the committee and nominee Daley and submitted along with Mr. Daley's resume to the Secretary of State's office.

15. As is the case with all other board of election nominees, I reviewed all materials that were submitted from the Summit County Republican Party Executive Committee and all additional correspondence received prior to February 29, 2008, regarding Mr. Daley's recommendation and then subsequently forwarded the materials to the Secretary of State for consideration.

16. The Secretary of State reviewed the materials submitted to her and expressed to me her conclusion that the materials in Mr. Daley's file demonstrated that there was reason to believe that Mr. Daley would not be able to cooperate with fellow board members and board staff to administer elections in Summit County in a fair and non-partisan fashion and that she would not be appointing Mr. Daley to the position.

17. The procedures as outlined above (Paragraphs 6-13) were followed before Mr. Daley was notified of the Secretary's decision to reject his appointment to the Summit County Board of Elections.

18. On February 29, 2008, the Secretary of State informed me that Donald Varian was a possible candidate for appointment to the Summit County Board of Elections and, in view of the fact that the Revised Code required her to make board appointments on March 1, 2008, asked me to contact Mr. Varian by telephone and ask him if he was interested in serving on the Summit County Board of Elections.

19. I thereafter spoke to Mr. Varian on the telephone and asked him if he was interested in serving on the Summit County Board of Elections. He indicated to me that he was interested in serving.

20. I proceeded to ask Mr. Varian a series of questions based on the questions contained on Form No. 302, "Questionnaire for Prospective Appointment as a Member of the \_\_\_\_\_ County Board of Elections, a copy of which is attached hereto as Exhibit "A." Mr. Varian also supplied additional information which included the following: that he was a registered voter in Summit County and a Republican; had never been elected to public office nor served as a campaign treasurer; had no relatives employed at the Summit County Board of Elections; that he had been a practicing attorney for 36 years and an assistant prosecutor for 2 years; that he had been married for 36 years and had 4 grown children and was the grandfather of five.

21. After completing the phone call, I called the Secretary of State and relayed the information I had gathered from Mr. Varian.

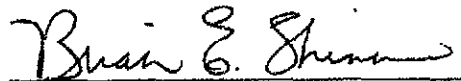
FURTHER AFFIANT SAYETH NAUGHT.

  
\_\_\_\_\_  
DAVID M. FARRELL

Sworn to before me and subscribed by David M. Farrell in my presence this 14th day of March, 2008.



**BRIAN E. SHINN**  
**ATTORNEY AT LAW**  
NOTARY PUBLIC, STATE OF OHIO  
My commission has no expiration date.  
Section 147.03 R.C.

  
\_\_\_\_\_  
Notary Public

**Questionnaire for Prospective Appointment as a Member  
of the \_\_\_\_\_ County Board of Elections**

(Please return YOUR RESUME with your completed form, unless you are being reappointed to the Board)

Full Name (please print): \_\_\_\_\_ Date: \_\_\_\_\_

Present Home Address: \_\_\_\_\_ City: \_\_\_\_\_

Zip Code \_\_\_\_\_ Home telephone number \_\_\_\_\_ E-mail address \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Aliases or Maiden Name: \_\_\_\_\_

Driver's License Number: \_\_\_\_\_ SS#: \_\_\_\_\_

Previous addresses in past ten years (include years of residence, city & state)

\_\_\_\_\_  
\_\_\_\_\_

Business Address: \_\_\_\_\_ City: \_\_\_\_\_

Zip Code \_\_\_\_\_ Occupation \_\_\_\_\_ Business telephone number \_\_\_\_\_

When answering the following questions, please attach additional sheets as necessary.

1. Are you currently holding any elected office?  Yes  No  
If yes, please identify. \_\_\_\_\_
2. Are you currently holding any appointed office for which you must subsequently be elected? If yes, please identify.  Yes  No  
\_\_\_\_\_
3. Have you ever been convicted of a misdemeanor or felony? If yes, give details of conviction: what, when and where.  Yes  No  
\_\_\_\_\_
4. Are there any circumstances which might present a conflict of interest with the administrative duties of a member of the board of elections? (see enclosed ethics policy, Directive #2007-35) If yes, please identify.  Yes  No  
\_\_\_\_\_
5. Please describe any employment or interests in contracts you have had with the board of elections within the last 24 months.  
\_\_\_\_\_
6. Have you ever been required, as a candidate or campaign treasurer, to file a campaign finance report with any board of elections or the Secretary of State?  Yes  No  
\_\_\_\_\_
7. Has a campaign in which you were involved as a candidate or treasurer ever been the subject of a referral or complaint to the Ohio Elections Commission? If yes, please explain.  Yes  No  
\_\_\_\_\_

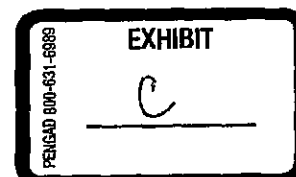
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Send to: Secretary of State's Office  
Attention: Myra Hawkins  
P O Box 2828, Columbus, OH 43216

**AFFIDAVIT  
OF  
DONALD S. VARIAN, JR.**

NOW COMES, Donald S. Varian, Jr., 195 S. Main Street, Suite 400, Akron, Ohio 44308 and does state that he has been appointed as a Republican member of the Summit County, Ohio Board of Elections and he has been a member of the Republican Party throughout his adult life. He has participated in a variety of Republican activities, organizations and appointments, which have included in chronological order:

1. **1966-Summer Intern-** National Republican Congressional Committee, Washington, D.C. Worked directly for Congressman Gerald Ford of Michigan and Congressman Melvin Laird of Wisconsin.
2. **1968-Nixon for President Committee-**One of the first 17 employees working directly for Nixon for President. Co-manager of Youth for Nixon under David Eisenhower.
3. **1969-Republican National Committee, Washington, D.C.** Served as college liaison for the Republican National Committee throughout the United States.
4. **1971-Hired by Republican Mayor, John Ballard, Akron, Ohio as Assistant Director of Law and Prosecutor.**
5. **1970's-Ran several campaigns for Republican candidates including Bill Spicer for County Commissioner, Bill Spicer for Akron Municipal Court and Lynn Slaby for Summit County Prosecutor.**
6. **1970's-Served on the Executive Committee of the Summit County Republican Party.**
7. **1980's-Contributed to dozens of Republican candidates, assisted in dozens of Republican campaigns.**
8. **1990-Ran Republican candidate Joyce George for 14<sup>th</sup> District Congresswoman. Ran Republican candidate Joyce George's campaign for Ohio Supreme Court.**
9. **Late in 1990's early 2000-Served as Central Committee Member, Precinct Committeeman as a Republican.**
10. **2003-2007-Appointed by Republican Attorney General for the State of Ohio, Jim**





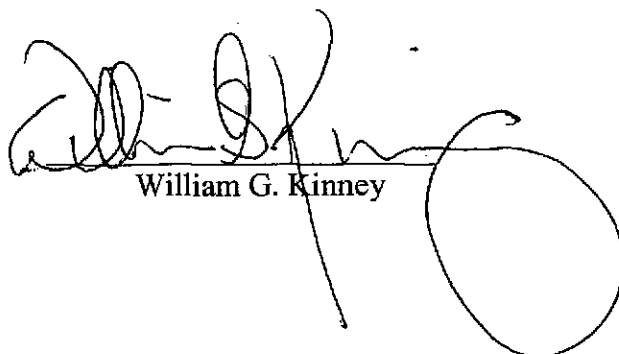


**AFFIDAVIT**

I, William G. Kinney, being first duty sworn according to law, deposes and states as follows:

1. My name is William G Kinney.
2. I reside at 243 East Streetsboro St., Hudson, Ohio 44236.
3. The factual matters stated in this Affidavit are based upon and made on the basis of my personal knowledge.
4. I have lived in Hudson for twenty-five years.
5. I served on two (2) Hudson City Charter Review Commissions.
6. I closely follow Hudson City Government and its activities.
7. I have watched Brian Daley's attempts to move Hudson Council elections from non-partisan to partisan politics, a violation of City Charter.
8. I know that he has used his relationship with Alex Arshinkoff to move funds from the County Republican monies to local races, as evidenced by the campaign reports of Mr. Daley and others.
9. I do not believe that Brian Daley can serve as a fair and competent member of the Summit County Board of Elections, nor will he be an asset to the Board.

Further, Affiant sayeth naught.



William G. Kinney

STATE OF OHIO :  
 : SS  
 COUNTY OF SUMMIT :

BEFORE ME, a Notary Public in and for said county and state, personally appeared William G. Kinney residing at 243 E. Streetsboro, Hudson, Ohio , who acknowledged to me that he did execute the foregoing instrument and that the same is his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Twinsburg, Ohio, this 12<sup>th</sup> day of March.

  
 Notary Public



LINDA S. MAHNE  
 NOTARY PUBLIC  
 STATE OF OHIO

My Comm. Expires  
 April 2, 2010

EXHIBIT  
 D

800-851-6888

**AFFIDAVIT**

I, Sarina Kinney, being first duty sworn according to law, deposes and states as follows:

1. My name is Sarina Kinney.
2. I reside at 243 East Streetsboro St., Hudson, Ohio 44236.
3. The factual matters stated in this Affidavit are based upon and made on the basis of my personal knowledge.
4. I have lived in Hudson for twenty-five years.
5. I served on the Downtown Re-development and have been involved in dozens of republican elections over the years, both as a local coordinator and as a fund raiser.
6. I closely follow Hudson City Government and its activities.
7. I have watched Brian Daley's attempts to move Hudson Council elections from non-partisan to partisan politics, a violation of City Charter.
8. I know that he has used his relationship with Alex Arshinkoff to move funds from the County Republican monies to local races, as evidenced by the campaign reports of Mr. Daley and others.
9. I do not believe that Brian Daley can serve as a fair and competent member of the Summit County Board of Elections, nor will he be an asset to the Board.

Further, Affiant sayeth naught.

*Sarina F Kinney*  
 Sarina Kinney

STATE OF OHIO :  
 : SS  
 COUNTY OF SUMMIT :

BEFORE ME, a Notary Public in and for said county and state, personally appeared Sarina Kinney residing at 243 E. Streetsboro St., Hudson, Ohio, who acknowledged to me that she did execute the foregoing instrument and that the same is her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Twinsburg, Ohio, this 12<sup>th</sup> day of March.

*Linda S. Mahne*  
 Notary Public



LINDA S. MAHNE  
 NOTARY PUBLIC  
 STATE OF OHIO  
 My Comm. Expires  
 April 2, 2010



County of Summit  
State of Ohio

**Affidavit of Debra A. Vagas**

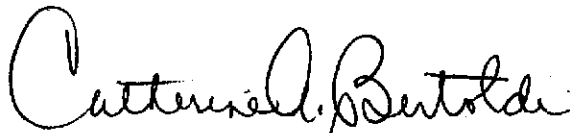
I, Debra A. Vagas, being over the age of 18 and under no legal disability, testify from personal knowledge as follows:

1. I am a resident of Hudson, Ohio and am a neighbor of Brian K. Daley.
2. I have personal knowledge of Brian K. Daley, including knowledge of Mr. Daley's temperament and his interaction with people.
3. When I learned that Mr. Daley was nominated by the Summit County Republican my husband and I wrote a letter to Secretary of State Jennifer Brunner concerning Mr. Daley's competence to serve as a member of the Board of Elections.
4. A true and accurate copy of that letter is attached to this affidavit.
5. All of the statements I made in that letter are true and I incorporate them into this affidavit.

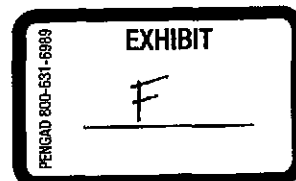
Further Affiant Sayeth Naught.

  
Debra A. Vagas

Sworn to and subscribed before me, a notary public, on this 12<sup>th</sup> day of March, 2008.

  
Notary Public

CATHERINE A. BERTOLDI  
RESIDENT OF SUMMIT COUNTY  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION EXPIRES 08/03/2009



February 27, 2008

Ms. Jennifer Brunner  
Ohio Secretary of State  
180 East Broad Street  
Columbus, OH 43215

Dear Ms. Brunner:

My husband, Bill Vagas, and I are writing this letter to ask that you NOT allow Brian Daley to assume the position on the Summit County Board of Elections that Alex Arshinkoff will not be reappointed to.

Over the past several years we have been a party to Mr. Daley's intimidation tactics, and his abuse of power and position while serving as President of Hudson City Council in bringing a lawsuit against us regarding a waterline that both of our homes share (see our website [www.cnscslc.com/lawsuit.htm](http://www.cnscslc.com/lawsuit.htm)).

In 2005 we began to receive threats of a lawsuit through his attorney Dean Hoover if we did not remove ourselves from this waterline. No one, including the City of Hudson, new prior to 2005 that the 2 homes shared this waterline. We refused to get off the waterline without proof as to whose waterline it actually was (our home was built in 1892 and the line runs directly to our home and the Daley's in 1941 which the waterline T's off to). At this time he was on Hudson City Council (2003 – 2007). We are in the process of deposing the then City Manager Doug Elliott who we were told was approached by Mr. Daley in 2005 about getting us off of the waterline. Mr. Daley was told presumably by the City Manager that the City does not get involved in personal property issues. Mr. Elliott was let go several months later (timeline attached). Again, we are in the process of deposing Mr. Elliott to get this fact on record.

In December 2005 Mr. Daley became President of City Council. One month later (January 2006) after being elected President of Hudson City Council we received a letter from Chuck Riehl, attorney for the City of Hudson. We were told that we were in violation of Section 10 and must remove ourselves from this waterline. We asked him why the Daleys were not being sent a letter also since they are in violation too. We were told that the city was acting on a complaint from a citizen of Hudson (Brian Daley). We told Mr. Riehl then we would also like to file a complaint as citizens of Hudson against Mr. Daley for the Section 10 violation. The issue of Mr. Daley being in violation was never addressed by the city attorney and we were told that if we didn't remove ourselves by August 2006 the city would file suit against us.

In November 2006 the City of Hudson filed a lawsuit against us. We were still not intimidated by these tactics and retained counsel. To date we have incurred

approximately \$13,000 in legal fees while Mr. Daley (as President of City Council) has hid behind the City of Hudson to fight his legal battle (the city has incurred approximately \$8500 + to fight this lawsuit for Mr. Daley – which in all actuality we have paid for as citizens of Hudson).

In October 2007, less than 1 year after the lawsuit was filed against us by the City of Hudson, the Court ordered the City of Hudson to add the Daleys or dismiss the case. The City was forced to add the Daleys to the lawsuit in October 2007 and the Daleys had to retain counsel now at their expense.

In November 2007 Mr. Daley **lost his bid for re-election to Hudson City Council**. Approximately one month after his loss for re-election our attorney received a call that the Mr. Daley would like to split the cost of the waterline to alleviate any further legal fees (we have already spent in excess of \$13,000 on this lawsuit & Mr. Daley has spent nothing).

In February 2008 the City of Hudson dropped its lawsuit against us. It seems to be very obvious as to why this even became a legal issue with the City.

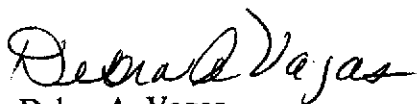
We have now filed a suit against the City of Hudson for violating our civil rights. In the Counterclaim against the City of Hudson we state in COUNT I (3) "the actions of the City of Hudson were taken on behalf of and at the hest of Brian and Raija Daley (copy attached).

At this time we would also like to encourage the Summit County Prosecutor's office to get involved in this matter to file criminal charges against Mr. Daley and the city solicitor of Hudson for their actions and abuse of power in office.

Again, we cannot reiterate strongly enough that if you do not want a repeat of Mr. Arshinkoff's antics you will NOT allow Mr. Daley to be appointed to the Summit County Board of Elections.

Thank you for your time and if you would like to talk with us further, please do not hesitate to contact us at any time.

Sincerely,



Debra A. Vagas  
1 Stokes Lane  
Hudson, OH 44236  
(330-655-9813 – Home)  
(440-773-9259 – Cell)  
(216-267-7100, X7211 – Work)

**Timeline:**

<b>2003- 2007</b>	<b>Brian Daley Member of City Council</b>
<b>December 2005</b>	<b>Brian Daley Becomes City Council President</b>
<b>January 19, 2006</b>	<b>First letter from the city's solicitor Chuck Riehl</b> <b>One month after Daley is elected President of City Council</b>
<b>April 14, 2006</b>	<b>Doug Elliott "resigns" as City Manager</b>
<b>April 19 2006</b>	<b>Tony Bales, Deputy City Manager, becomes Acting City Manager</b>
<b>July 26, 2006</b>	<b>Anthony Bales is hired as City Manager</b>
<b>November 2006</b>	<b>Lawsuit filed by the City Hudson against the Vagases</b>
<b>October 2007</b>	<b>Court forces City to add Daley or dismiss case</b>
<b>November 2007</b>	<b>Daley loses re-election to Hudson City Council</b>
<b>December 2007</b>	<b>1 month after Daley loses election we receive offer from Daley</b> <b>To split waterline cost</b>
<b>February 2008</b>	<b>City of Hudson dismisses case against Vagases</b>
<b>February 2008</b>	<b>Vagases file suit against City for civil rights violation, etc.</b>

Maistros & Loepp,  
Limited  
3580 Darrow Road  
Stow, OH 44224  
(330) 688-1806  
(330) 688-1103 Fax

DANIEL M. HERRIGAN  
2008 FEB 19 AM 8:29  
SUMMIT COUNTY  
CLERK OF COURTS

IN THE COURT OF COMMON PLEAS  
SUMMIT COUNTY, OHIO

WILLIAM E. VAGAS  
1 STOKES LANE  
HUDSON, OH 44236

DEBRA A. VAGAS  
1 STOKES LANE  
HUDSON, OH 44236

Plaintiffs

vs.

CITY OF HUDSON, OHIO  
27 EAST MAIN ST  
HUDSON, OH 44236

Defendant

CASE ~~2008~~ - 02 - 1460

JUDGE:

ASSIGNED TO JUDGE TEODOSIO

COMPLAINT

(Jury Demand Endorsed Hereon)

\*\*\*\*\*

Now come the Plaintiffs, William E. And Debra A. Vagas, by and through their counsel, and for their Complaint state the following:

**COUNT I**

1. This matter arises out of the actions taken by the City of Hudson against these Plaintiffs.
2. The City of Hudson had no legal and/or factual basis in law for bringing any claims against the Vagases.
3. The actions of the City of Hudson were taken on behalf of and at the behest of Brian and Raija Daley.

Hubsm Hub 5/23/07

# Councilman questions city's involvement in complaint

## Water line issue involves Council president's neighbor

By Laura Freeman  
Reporter

HUNSON — A City Council member has suggested the city should file a complaint against Council President Brian Daley's neighbor if a private matter, but Daley and city staff members insist it is a city issue.

Councilman Mike Moran said that, unless he sees convincing evidence, he would like the city to drop its legal complaint against Daley's neighbor involving a dispute over a shared water line. He said because it involves Daley, "there's the appearance the city may have acted with some influence."

City solicitor Chuck Richl said

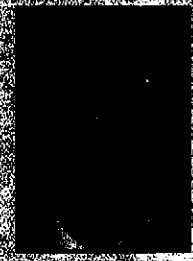
the city is acting on its own behalf and not representing Daley.

Daley said because he is City Council president, others are making an issue of it.

"If my home were to break down, do I have to contact a private fire department or can I call the city fire department?" Daley asked. "Why can't I call for public services when we're talking about health and safety issues?"

In a May 16 e-mail to City Council members, Moran asked why Council was not informed of this legal action and questioned why the

(See COMPLAINT — Page 1B)



MORAN



DALEY

From Page 1

# Complaint

city got involved. The complaint involves a shared water line between Daley and his neighbors, William and Debra Vagas of Stokes Lane.

The city filed the complaint in Summit County Court of Common Pleas Nov. 14, 2006, asking the court to force the Vagas to stop using the water line and to build a new one. The Vagas have asked that the case be dismissed. No court dates had been scheduled by press time.

The city claims the water line is Daley's and the Vagas tie into it. William Vagas told the *Hub-Times* the water line is his and Daley ties into it. They cannot share the water line because city regulations forbid it.

"I don't understand why the city is suing the Vagas when it seems unclear who owns the water line and shut off valve," Moran wrote in his e-mail. "Rather than having the city pay for legal costs, I would hope the two neighbors would see that the situation was sufficiently unclear so that they should share equally in the expense of installing a new water line and valve for one of them."

Daley said the water line is

his because his home was built in 1892 while the Daley home was built in 1942, so he believes the water line originally ran to his house.

However, City Manager Anthony Bales said there was a different home where the Daley home is now, and the water line originally belonged to it before it burned down.

"It was our understanding that it was Daley's line and it goes under the Daley house and services the Vagas as well," Bales said. "It may be found out in court that it may be different."

Richl said the city defended the water line is Daley's because his property fronts the line and because of an incident in 2003. He said at that time, Daley paid to have a rupture in the water line repaired. He attempted to get reimbursed by the city, but the court ruled the water line was Daley's responsibility.

Richl said the city filed the complaint in court after Daley filed a complaint with the public services department.

Bales said Council was not informed about the complaint because it involved a code violation and a major law suit.

Richl said the city has already paid \$3,000 in legal costs for the complaint. He said a water line could have been installed with the money that both sides have paid so far in legal costs.

William Vagas told the *Hub-Times* the water line is

Daley said the water line is

Richl said the city has already paid \$3,000 in legal costs for the complaint. He said a water line could have been installed with the money that both sides have paid so far in legal costs.

William Vagas told the *Hub-Times* the water line is





Everything Cleveland

# THE PLAIN DEALER

## Hudson resident suspicious of city's lawsuit in neighbor dispute

One neighbor sued; the other left alone

Wednesday, October 24, 2007

Laura Johnston  
Plain Dealer Reporter

Hudson- William Vagas wants to know why the city sued him - and not his neighbor, City Council President Brian Daley - over a shared water line.

It's a case of special treatment, Vagas and his attorney contend.

Even Mayor William Currin questions the suit.

"I am curious, as others are, of why the city solicitor - under whatever influence was put upon him - took the Vagas to court and not the Vagas and the Daleys," Mayor William Currin said Tuesday. "It's a potential, glaring conflict of interest of inappropriate city resources to resolve an issue."

So far, the city has spent more than \$8,000 litigating the dispute between neighbors.

The city sued Vagas and his wife Debra in November, wanting their household off the Daleys' water line. The line runs from a valve on Main Street beneath the Daleys' house and connects to the Vagas' house.

But the Vagas argue their house - built in 1892, about 50 years before the Daley home - owns the water line. So last month they successfully petitioned the Summit County Common Pleas Court to include Daley and his wife Raija as defendants in the lawsuit.

"I believe this is being pursued because Mr. Daley wants it pursued," said Thomas Loepp, the Vagas' attorney. "Why he wants it pursued is a mystery to me."

Daley, a first-term councilman who is up for re-election next month, declined to comment Tuesday.

City Solicitor Chuck Riehl said allegations that he is acting as Daley's attorney are untrue, and the city would file suit for any resident.

"It's a safety issue, and that's really what we want to remedy," said Riehl, who works part-time for the city under an agreement approved by City Council. "If it was clear to the city that the line was the Vagas' line, then the situation would be different, and the city would be enforcing against the Daleys."

The Vagas house, originally a farmhand's quarters to a grand home called the Babcock House, sits behind the Daley house, which was built after a 1941 fire destroyed the Babcock House, Riehl said.

The water line has existed at least since 1930, the Vagas say. The Daleys built a garage addition over the line in 1988.

The neighbors, who Vagas said used to socialize, have separate water meters. They learned of their shared line - illegal under a 1952 city ordinance - in November 2004, when the city shut off water to the Daleys' house.

They've battled over it ever since.

In May, the Vagases bought an easement to run a new pipe to the city-owned water main on Main Street, but they couldn't afford the copper pipe, Loepp said. They offered to put a valve on their property, so that in case of a problem, the city could turn their water off without disturbing the Daleys.

But in November, weeks before Daley became council president, the city filed suit.

Others don't think so.

Neither council nor the mayor learned of the suit until about May, when a resident sent an e-mail, said Councilman Mike Moran.

"I questioned that when I saw the complaint," Moran said. "I didn't see sufficient fact to jump to the conclusion that the water line was one party's or the other's. The lawsuit just didn't make sense in the context of the facts."

Daley's daughter, Councilwoman Kristina Roegner, said political rivals are the ones questioning the suit.

"I don't personally believe that Daley was abusing his position," she said. "I think the city would have done this for any [resident]."

The case is set for a January trial, and so far, neither side is backing down. The Vagases have filed a cross-claim against the Daleys, asking the court to grant them ownership of the water line, which they've used for 21 years.

"It's a waste of the taxpayer's money," Moran said. "I don't want the city of Hudson to be involved in unnecessary litigation."

To reach this Plain Dealer reporter:

ljohnsto@plaind.com, 216-999-4115

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# Ohio.com

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## Harmful for Hudson

**Brian Daley has brought an aggressively ideological approach. The city can do much better for leadership on its council**

Published on Monday, Oct 29, 2007

A year ago, an ill-advised charter change found its way onto the November ballot in Hudson. Issue 38 was billed as an anti-nepotism measure. In reality, it had nothing to do with hiring at city hall. The aim was to prevent candidates from running for the City Council if a family member already held a local elected office. The targets were Brian Daley, the council president, and his daughter, Councilwoman Kristina Roegner. The concern was the direction the city was taking under Daley's leadership.

This editorial page urged a vote against Issue 38, which narrowly failed, as a restriction on citizens' access to the ballot, a basic tenet of democracy. At the same time, we urged those who recognized the damage being done by Daley and his allies to pursue their goal the old-fashioned way: Find a candidate to run against the council president.

Daley's opponents have done so, rallying around George Roth, a construction company executive and a former at-large council member, plus a former council president. He is capable, knowledgeable and experienced. Daley, a retired financial executive, says this November's contest in Hudson's Ward 1 is beginning to feel like a U.S. Senate race.

The comment is more telling than Daley perhaps intended. The race does have intensity. The trouble is Daley's approach, in style and substance, is not suited to the political realities of Hudson. It would fit a highly partisan, high-profile Senate contest.

A fiscal conservative, Daley acts as if Hudson (where voters in 2004 approved a tax increase to improve the growing city) faces a budget crisis. An increase in city employees, from 126 to 166 in five years, triggered his ire. Daley campaigns touting staff reductions of 10 percent and \$2 million in cuts in annual operating costs, translating into a projected surplus of \$10.9 million by 2010 instead of \$1.8 million.

In Washington, awash in red ink, that kind of work (adjusted into the billions, even trillions) would be an accomplishment. In Hudson, such arbitrary reductions wildly miss the point. The city is not in a fiscal emergency. Meanwhile, the projects and services citizens expect are suffering.

Daley plays the arch ideologue in a city better served by practical problem-solvers. His way clashes sharply with the nonpartisan tradition of governing. It is no secret that Daley has been supported financially by the Summit County Republican Party, chaired by Alex Arshinkoff, a Hudson resident and most partisan of pols.

As the council president, Daley has operated like a bully. Staff resignations have become commonplace, among them city engineers. In a recent dispute between Daley and his neighbors over a waterline they share, the city spent \$8,000 suing William and Debra Vagas to get them off the line. Daley denies siccing the city on the Vargases. A court order recently added the Daleys to the suit as defendants.

The episode reveals how Daley has poisoned the political climate in Hudson, proving a harmful distraction, diverting the city from addressing key priorities. On Nov. 6, voters in Ward 1 can change all that. They should elect George Roth and put the interests of the city first.

### Find this article at:

<http://www.ohio.com/editorial/opinions/10856711.html>

Check the box to include the list of links referenced in the article.

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# THE PLAIN DEALER

## Editorial: Hudson councilman is out of line in feud with neighbor over water

Monday, October 29, 2007

In Hudson, politics has muddied an already bitter fight over a waterline. For many years, two homes - one owned by City Council President Brian Daley and his wife, Raija, and another owned by their neighbors William and Debra Vagas - have shared the line. That violates a city ordinance.

But they never knew until 2004, when the city shut off the line for repairs on one home and both lost service. They've battled over ownership of the line ever since.

The city sued, too, but it sued only the Vagas. The case, which has cost Hudson \$8,000 to litigate so far, is scheduled for trial in January.

Two questions: Why didn't the city sue the council president, too, if it's so intent on enforcing its ordinance? And why is this case headed to court at all?

Mayor Bill Currin has the authority to introduce legislation that creates an exemption in the law that forbids shared waterlines, and that's just what he should do. Each house has its own meter and could be fitted with its own shut-off valve.

Meanwhile, the appearance that Daley has used his position on council to escalate a tiff with a neighbor and is using taxpayers' money to push it in court is alarming. The city of Hudson should not be footing the bill for a neighborhood feud.

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# Hudsonhubtimes.com

## City drops complaint over neighbors' shared waterline

February 20, 2008

by Laura Freeman

Reporter

Hudson -- City officials decided to drop a complaint over a water line shared between two residents Feb. 8, the day the city was to appear before a Summit County Court of Common Pleas magistrate.

City Solicitor Chuck Riehl said city officials agreed to drop the complaint because they did not want to spend more money and incur more legal fees. A previous report stated the city had spent more than \$8,000 on the complaint.

William and Debra Vagas of Stokes Lane, whose home shares a waterline with the South Main Street home of former Council President Brian Daley and his wife, Raija Daley, have debated ownership of a shared waterline since its discovery in 2003. Daley was not re-elected to the Ward 1 seat in November 2007.

In November 2006, the city filed a complaint against the Vagases, asking the Vagases to pay to connect to an alternate water line because it was unsafe and against city policies to have two homes on one water line. The city added the Daleys as defendants at the instruction of Magistrate John Shoemaker.

Council President Mike Moran said Feb. 18 it looked like an issue that predominately needed to be worked out between two neighbors.

The Daleys and Vagases have since filed claims against each other, each claiming ownership of the line.

Riehl said the dispute over the shared water line would be handled by the ongoing case between the Vagases and Daleys.

"The relief the city had initially sought was being adequately handled by the claims between the Vagases and Daleys," Riehl said.

Tom Loepp, attorney for Vagases, said he planned to file a suit against the city of Hudson Feb. 19 for compensation in excess of \$25,000 and punitive damages in excess of \$100,000. He says the city filed the suit on the interests of the Daleys, not the city's interests.

Loepp said the city needs to "own up for its political decision" and admit it made a mistake.

"Now they're dismissing the case because they don't know what it was claiming and who was right and who was wrong," Loepp said. "The city cannot willy nilly go into a case like this."

Riehl said the city filed a complaint against the Vagases because it believed the Daleys owned the waterline and the Vagases should pay to be removed from it. Ownership was based on the Daleys paying for a repair to a rupture in the waterline in 2003.

"We brought the suit with the best information we had," Riehl said.

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Phone: 330-688-0088 ext. 3150

## Hudsonhubtimes.com

### Couple claims city acted with 'ill will,' seeks compensation

10 hours ago

by Bill Hammerstrom

Editor

Hudson -- A lawsuit filed by a Stokes Lane couple claims the city acted with "malice and ill will" when it filed a complaint against them in November 2006 over a shared water line and is seeking in excess of \$125,000 from the city.

William and Debra Vagas filed a complaint against the city of Hudson in Summit County Common Pleas Court Feb. 19 seeking in excess of \$25,000 in compensatory damages and in excess of \$100,000 in punitive damages.

City Solicitor Chuck Riehl said Feb. 21 that he had not seen the complaint and did not want to comment on it.

A phone call to City Communications Manager Jody Roberts was not returned by press time.

The Vagases claim the city had no "legal and/or factual basis in law" for filing the complaint against them in November 2006.

In that complaint, which the city dismissed Feb. 8, the city asked the court to order the Vagases to discontinue use of a water line they shared with a neighbor and to construct a new water line to service their home.

In their Feb. 19 complaint, the Vagases claim the city's actions "were taken on behalf of and at the behest of" then Council President Brian Daley and his wife -- who own the home that the Vagases share a water line with.

In their complaint, the Vagases claim the city interfered with a private dispute and acted "with malice and ill will."

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bhammerstrom@recordpub.com

Phone: 330-686-3944



# THE PLAIN DEALER

## Hudson drops water line suit after Council President Brian Daley loses election

Thursday, March 13, 2008

**Laura Johnston**  
Plain Dealer Reporter

Hudson - The mess erupted over a 75-year-old water line, illegal in the city since 1952.

Neighbors William Vagas and Brian Daley each claimed they owned the line.

Daley, though, sat on the City Council.

And in November 2006, weeks before Daley became council president, the city sued Vagas and his wife, Debra. The rest of the council didn't learn of the suit until May.

As the case inched forward, Hudson spent more than \$8,000 on legal bills; Summit County Common Pleas Court forced the city to add Daley and his wife, Raija, to the suit as defendants.

Vagas and Daley each filed cross-claims against each other; and Daley decisively lost his bid for re-election.

Last month, the city dropped its suit. Council members didn't want to spend any more money on the case and figured the neighbors' cross-claims would resolve the issue, city Solicitor Charles Riehl said.

Yet the city still is embroiled, defending a motion for Vagas to recoup legal fees, on top of a separate, \$125,000 lawsuit that Vagas filed arguing the city acted on behalf of the Daleys with "malice and ill will."

The Vagas' house, built in 1892, sits behind the Daleys', which was built in 1942 with a garage added above the water line in 1988. The neighbors have separate water meters and discovered their shared line only in 2004.

Although Vagas once promised to fix the problem by obtaining an easement and connecting directly to a city-owned water main, the neighbors have fought ever since.

"This thing should have been, from Day One, the two neighbors dealing with each other," said Councilman George Roth, who beat Daley with 63 percent of the vote in November. "The city should have never been involved with this."

Roth won't say whether Daley's position pushed the city to sue.

"It's easy to point fingers now," Roth said. "I don't know what the method to the madness was then."

Vagas has a theory.

"I figured the lawsuit would be dropped once Brian Daley didn't get re-elected," he said. "All the city did was drive up everybody's bills. Now the city is paying the attorney who caused all this mess to fight us. . . . It just

blows my mind."

Daley won't comment on the suit, though he said it probably hurt his re-election campaign. He doesn't know if it played into Ohio Secretary of State Jennifer Brunner's decision last month to bar him from the Summit County Board of Elections.

Riehl, though, defends the city's actions, maintaining Vagas illegally connected to Daley's water line.

In a court document, the city said it filed the suit "in the interest of enforcing its local police regulations and protecting the public health and safety."

Vagas and his attorney, Thomas Loepp, don't buy it.

"There's no reason they should have brought the suit," Loepp said. "Their city manager is going to have to answer the question eventually as to how this lawsuit came about."

To reach this Plain Dealer reporter:

ljohnsto@plaind.com, 216-999-4115

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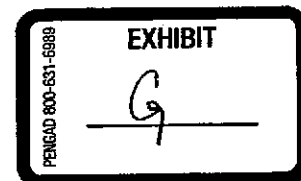


**County of Summit  
State of Ohio**

**Affidavit of Jill Burke**

I, Jill Burke, being over the age of 18 and under no legal disability, testify from personal knowledge as follows:


1. I am a resident of Hudson, Ohio and know Brian K. Daley because I served with Mr. Daley on the Hudson City Council from September 2004 until December 2005.
2. I personally witnessed Mr. Daley's interactions with staff members of the City of Hudson.
3. During budget preparations in late 2004, Brian became verbally abusive to City of Hudson employees.
4. While all members of the Hudson City Council might need to ask city employees tough questions during the budget process, most members of the city council did so with professionalism and respect for the employees.
5. When Mr. Daley asked questions of these employees, he exhibited body language and a tone of voice that was condescending and critical. I was appalled by his behavior.
6. Mr. Daley's behavior became commonplace. During many of our meetings, Mr. Daley became arrogant and condescending toward members of the Hudson City Council and toward City employees.
7. There were times when I was not on City Council, when I would approach the podium to address issues and would take positions opposite that which Mr. Daley advocated. During these times, Mr. Daley acted in the same condescending and critical manner as he exhibited when I served on the Hudson City Council.
8. At one meeting, approximately 30 citizens and business professionals opposed the elimination of the Hudson Economic Development Director's position. Later, in a City Council Workshop, Mr. Daley publicly referred to us as a "group of ankle biters."
9. Mr. Daley's behavior and treatment of others is similar to that exhibited by Mr. Alex Arshinkoff.
10. I believe that Mr. Daley will treat employees of the board of elections in the same manner in which Mr. Arshinkoff treated employees of the board of elections.



Further Affiant Sayeth Naught.

  
\_\_\_\_\_  
Jill Burke

Sworn to and subscribed before me, a notary public, on this 13 day of March, 2008.

  
\_\_\_\_\_  
Notary Public

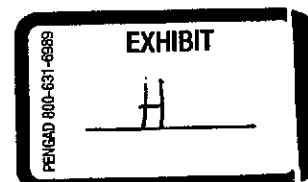
**Diane Dombroski, Notary Public**  
**State of Ohio**  
**My commission expires May 29, 2012**

**County of Summit  
State of Ohio**

**Affidavit of Jill E. Madden**

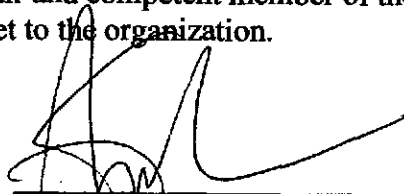
I, Jill E. Madden, being over the age of 18 and under no legal disability, testify from personal knowledge as follows:

1. My name is Jill E. Madden.
2. I reside at 26 Tanager Drive, Hudson, Ohio 44236.
3. The factual matters stated in this Affidavit are based upon and made on the basis of my personal knowledge.
- 4: I have lived in Hudson since 1998.
5. I am a commercial real estate developer and communications consultant.
6. I served as a volunteer member of the City of Hudson Economic Development Advisory Committee and am a Trustee of Hudson Economic Development Corporation.
6. I closely follow Hudson City Government and its activities.
7. I have attended numerous City Council meetings and workshops and have witnessed Mr. Daley's arrogant behavior and attempts to intimidate and bully other members of Council, City Staff, representatives from the Hudson Public Schools, as well as citizens of Hudson during his tenure as Ward Councilman and Council President. Hudson City Council meetings and workshops are recorded on video by Hudson Cable Television and are replayed on Hudson Channel 26 (Time Warner) and are available for purchase.
8. After more than 30 citizens, business owners, and economic development professionals who disagreed with Mr. Daley's decision to eliminate the City's economic development department attended a meeting of Council to speak about the issue, Mr. Daley publicly – at a subsequent workshop meeting - called the group "ankle biters".
9. I believe that Mr. Daley used his position as City Council president for personal gain as evidenced by the lawsuit brought by the City against his neighbors, Bill and Debbie Vagas, over a shared waterline, and legislation that resulted in the donation of city-owned and development-ready land adjacent to the Daley home (with infrastructure improvements approved and paid for by Hudson taxpayers) to the Hudson Park Board. This legislation was read during the lame-duck sessions of the previous Council and passed during the first meeting of a new Council. I filed a complaint with the Ohio Ethics Commission regarding the latter. A copy of the complaint is attached to this Affidavit.



10. I do not believe that Mr. Daley can serve as a fair and competent member of the Summit County Board of Elections, nor would he be an asset to the organization.


Further Affiant Sayeth Naught.



---

Jill E. Madden

Sworn to and subscribed before me, a notary public, on this 13<sup>th</sup> day of March, 2008.



---

Notary Public

**Diane Dombroski, Notary Public**  
State of Ohio  
My commission expires May 29, 2012

**OHIO ETHICS COMMISSION ALLEGATION FORM**

The Ohio Ethics Commission reviews every allegation of a violation of the Ohio Ethics Law. Your truthful response to the questions listed below and cooperation in this effort are greatly appreciated. The Commission treats the filing of allegation as a serious matter. The filing of an allegation alone, however, does not mean that a violation of any ethics law has occurred.

Please answer the following questions and return this information to our office as soon as possible.

1. Your name JILL BACON MADDEN  
Address 26 TANAGER DRIVE  
HUDSON, OHIO 44236  
Telephone (330) 259-5734 (cell)

2. Name of person(s) you allege has violated the Ohio Ethics Law  
Name BRIAN DALEY ROEGNER  
Position HUDSON CITY COUNCIL PRESIDENT / COUNCILMEMBER  
Address (see attached)  
Telephone (714) 935-1335

(If more than one individual is involved, please attach extra sheets.)

3. Summary of facts relevant to the allegation. Please attach any documents supporting the allegation. (For example minutes of meetings, contracts, deeds, notes, etc.)

MR. BRIAN DALEY ROEGNER, PRESIDENT OF HUDSON  
CITY COUNCIL, OWNS PROPERTY IN A RESIDENCE  
LOCATED AT 132 S. MAIN STREET IN HUDSON, OHIO.  
ON NOVEMBER 2, 2005, MR. DALEY INTRODUCED  
LEGISLATION THAT PROPOSED TO DONATE 38-ACRES OF  
CITY-OWNED LAND TO THE HUDSON CITY PARK BOARD.  
THE CITY-OWNED LAND IS SITUATED DIRECTLY  
NEXT TO MR. DALEY'S PROPERTY. (SEE ATTACHED).  
(Attach extra sheets, if necessary)

**CONFIDENTIAL**

4. Other persons with knowledge of the above facts. (see attached)

A. Name JILL BURKE

Address 5265 SULLIVAN ROAD, HUDSON 44236

Telephone (330) 204-2557

B. Name BERNARDINE MATANA-VAN KESSEL

Address 38 CHURCH ST., HUDSON 44236

Telephone (330) 650-2113

5. Are you aware of the existence and location of any other relevant evidence? (For example, photographs, receipts, maps, etc.)

YES AND

(If you have or can easily obtain copies of any of this information, please attach them to this form)

6. Have you contacted any other governmental agencies regarding these allegations? If so, who did you contact and when? What was the response of these agencies?

NO



All of the above is true to the best of my knowledge.

Signature [Handwritten Signature] Date 7/6/06

**RETURN THIS FORM TO US AS SOON AS POSSIBLE.** If you have any questions, please feel free to contact this office at (614) 466-7090 and ask for an investigator. All investigations of the Ohio Ethics Commission are confidential by law; therefore, we are prohibited from disclosing that we are conducting an investigation, the status or results of an investigation. We ask you to maintain the confidentiality of this process. Thank you for your cooperation.

Sincerely,  
THE OHIO ETHICS COMMISSION  
[Handwritten Signature]  
David E. Freel  
Executive Director

## **OHIO ETHICS COMMISSION ALLEGATION –**

### **Item 2**

#### **Persons Alleged to have Violated Ohio Ethics Laws**

##### **Brian Daley, president**

Hudson City Council (Ward 1)

132 S. Main Street

Hudson, OH 44236

330-342-1115

[bdaley@hudson.oh.us](mailto:bdaley@hudson.oh.us)

##### **Kristina Daley Roegner, councilmember**

Hudson City Council (At-Large)

2222 East Streetsboro Road

Hudson, Ohio 44236

330-656-1935

[kroegner@hudson.oh.us](mailto:kroegner@hudson.oh.us)

### **Item 4**

#### **Persons with knowledge of the facts**

George Roth

105 Streetsboro Road

Hudson, Ohio 44236

330-650-0900

Jill Burke

5265 Sullivan Road

Hudson, Ohio 44236

330-204-2557

Bernardine Matava – Van Kessel

38 Church Street

Hudson, Ohio 44236

330-650-2113

### **OHIO ETHICS COMMISSION ALLEGATION - Summary of Facts (Item 3)**

Mr. Brian Daley, current president of Hudson City Council owns and lives in a residence located at 132 South Main Street in Hudson, Ohio. Mr. Daley supported legislation that was introduced on November 2, 2005, that proposed to donate 38-acres of city-owned land to the Hudson City Park Board. This city-owned land is situated directly next to Mr. Daley's property.

The 38-acres were purchased by the city in separate transactions totaling approximately \$4.5 million. Additional infrastructure improvements, including a new roadway, traffic light and underground utilities were invested by the city during 2004-2005 to further enhance this property for potential further development and other city uses and to create a bypass to alleviate potential increased traffic anticipated for a now completed downtown redevelopment. There have been estimates that including these infrastructure improvements, the city has approximately \$6 million invested in this property, plus legal and professional fees.

Mr. Daley opposed any further development of this city-owned property and backed legislation to donate the property to the Hudson Park Board, which would permanently eliminate the possibility of any future development of this property except by a voter referendum. He failed to disclose his conflict of interest of his ownership in the adjoining property. Other city council members, who were lame duck due to their defeat in the November 2005 election, objected to Daley's actions and asked him to recuse himself from the discussion of such legislation. One former council member specifically pointed out the conflict in writing as a matter of record (See Jill Burke's letter). Daley not only did not recuse himself, he actively participated and actively supported the legislation.

The legislation required three public readings. The first two readings occurred during the lame-duck sessions of the unexpired terms of four city council members during November and December of 2005. Four newly-elected city council members were sworn into office on December 7, 2005, including Kristina Daley Roegner, the daughter of Brian Daley. At this, the new council's initial meeting, the legislation received its third reading and council voted in favor of the legislation to donate the property to the Hudson Park Board by a vote of 5-1. While Brian



Daley abstained from voting, he, along with his daughter, Kristina Daley Roegner, actively participated in public discussion expressing support of the legislation to donate the property. Kristina Daley Roegner cast her vote with the majority supporting the legislation (see minutes and videotape of proceedings).

We believe a substantial conflict of interest has occurred by both Brian Daley and his daughter, Kristina Daley Roegner. While not directly addressed in the Ohio Ethics Law, we believe that the spirit and intent of section 2921.42(A) has been violated. Brian Daley has espoused that since being elected as president of City Council, that he sought to eliminate waste and spending. However, we believe his actions to donate property that the city has invested in excess of \$4.5 million violates that ethos and he and his family, including his daughter, fellow council member Kristina Daley Roegner, have received a significant personal benefit and economic gain from this legislative action. Furthermore, we believe that Mr. Daley exerted significant influence to the newly-elected council members to support the legislation in exchange for his active and significant support for their election campaigns. We find it highly unusual that such a significant piece of legislation, a donation of property that represents almost 10% of the annual operating budget was acted upon at the very first meeting of the newly-inducted City Council without significant discussion or knowledge about its impact on the community, especially since all of the new council members were elected based on their emphasis on fiscal restraint.

Aerial photo of Brian Daley's property located at 132 S. Main Street in Hudson, Ohio (labeled 132) and portion of adjacent park property (top).



CITY OF HUDSON  
COUNCIL MINUTES  
October 19, 2005

Mayor Currin called to order the regular meeting of the Council of the City of Hudson at 7:30 p.m. in the Meeting Room of the Town Hall.

Everyone joined in the pledge of allegiance.

Roll Call: Present: Mr. Roth, Dr. Williams, Mr. Hasbrouck, Mr. Daley, Mr. Basil, Ms. Burke, Mr. Jeffers.

Officials Present: Mrs. George, Clerk of Council; Mr. Elliott, City Manager; Mr. Hunt, Assistant City Solicitor; Mr. Bales, Deputy City Manager; Mr. Knoblauch, Finance Director.

The minutes of the regular meeting of October 5, 2005, and the workshop meeting of October 11, 2005, were approved as written.

Mr. Roth reminded everyone that the Charter amendments, Issue 38, will be on the November 8, 2005, ballot. He said these amendments were recommended by the Charter Review Commission and are on the City's web site.

Mayor Currin read the September, 2005, Monthly Report of the Hudson Mayor's Court. (A copy of the report is attached to the record copy of the minutes.)

Mr. Bob Craven, Habilitation Manager, Board of Mental Retardation and Developmental Disabilities (MRDD), said he was present to ask Council and the citizens of Hudson to vote yes on Issue 6 on November 8. He said Issue 6 is a 4.5 mill, six-year operating levy. He said Issue 6 will replace a 3.61 mill operating levy and will add .89 mills. Mayor Currin thanked Mr. Craven and said the citizens of Hudson are very appreciative of the work done by the Board of Mental Retardation and Developmental Disabilities.

Mr. Elliott said regarding Ordinance No. 05-146 on the agenda, a memo was given to Council explaining the funds listed for patching of the streets. He said on Council desks was a yellow sheet showing a change in the Strategic Plan on Page 1, Objective 1, replacing "review" with "pursue." He said Ordinance No. 05-142 regarding the assignment of the cable television franchise from Adelphia to Time Warner has been placed on the agenda for second reading. He said representatives from Upper Arlington, Ohio, visited Hudson today to tour the First and Main redevelopment project. He said they were very impressed.

Pursuant to Resolution No. 05-121, Mr. Elliott presented one bid from Baldwin & Sours, Inc. for 8 vehicle emitters for a City-wide GPS traffic signal preemption system at a cost of \$3,000 each. Mr. Roth moved to authorize the City Manager to enter into a contract for the purchase of 8 vehicle emitters from Baldwin & Sours, Inc., 5263 Trabue Road, Columbus, OH 43228, at a cost

not to exceed \$24,000 as the lowest and best bid. Mr. Basil seconded the motion. Roll Call: Aye: Mr. Hasbrouck, Mr. Daley, Mr. Jeffers, Ms. Burke, Dr. Williams, Mr. Roth, Mr. Basil. Nay: None. Motion carried.

Mr. Elliott presented a letter from Mr. Joel Rosenbaum, Pearce Engineering, regarding a price of \$34,100 each for two 69 Kv SF6 circuit breakers. Mr. Elliott said Mr. Riehl advised that because this is a specialty item for use in the Electric Department, it was not necessary to bid the circuit breakers. He said Mr. Rosenbaum indicated that the \$34,100 price is within the range of prices for circuit breakers for other projects in which they were involved. Mr. Roth moved to authorize the City Manager to enter into a contract for the purchase of two 69Kv SF6 circuit breakers from Siemens Power T & D, % Sirkoch Associates, P. O. Box 1223, Coraopolis, PA 15108, at a cost not to exceed \$68,200. Mr. Basil seconded the motion. Roll Call: Aye: Mr. Hasbrouck, Mr. Daley, Mr. Jeffers, Ms. Burke, Dr. Williams, Mr. Roth, Mr. Basil. Nay: None. Motion carried.

Mayor Currin read Ordinance No. 05-109 entitled "AN ORDINANCE AMENDING CHAPTER 254 OF THE CODIFIED ORDINANCES OF HUDSON, OHIO, ENTITLED EMPLOYEE HANDBOOK AND PERSONNEL RULES, AS INITIALLY ADOPTED PURSUANT TO ORDINANCE NO. 01-194." He said this Ordinance was read on July 20, 2005, and this constitutes the second reading of Ordinance No. 05-109.

Mayor Currin read Ordinance No. 05-142 entitled "AN ORDINANCE OF THE CITY OF HUDSON, OHIO CONDITIONALLY APPROVING THE REQUEST FOR AN ASSIGNMENT OF THE CABLE TELEVISION FRANCHISE FROM ADELPHIA TO TIME WARNER; AND DECLARING AN EMERGENCY." He said this Ordinance was read on October 5, 2005, and this constitutes the second reading of Ordinance No. 05-142.

Mayor Currin read Ordinance No. 05-143 entitled "AN ORDINANCE AMENDING APPENDIX D, 'ARCHITECTURAL AND DESIGN STANDARDS', OF THE LAND DEVELOPMENT CODE AT SECTIONS II AND III." He said this Ordinance was read on October 5, 2005, and this constitutes the second reading of Ordinance No. 05-143.

Mr. Roth moved to remove Resolution No. 05-144 from the table to allow Council action. Mr. Jeffers seconded the motion. Roll Call: Aye: Mr. Roth, Ms. Burke, Mr. Daley, Mr. Jeffers, Mr. Hasbrouck. Nay: Mr. Basil, Dr. Williams. Motion carried. Mayor Currin read Resolution No. 05-144 entitled "A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO PAY INVOICE NO. 38330 FROM OLDHAM & DOWLING INCURRED IN THE DEFENSE OF WILLIAM A. CURRIN IN THE CASE OF DEAN S. HOOVER V. WILLIAM A. CURRIN, ET. AL., SUMMIT COUNTY COMMON PLEAS COURT CASE NO. 2005-03-1969." He said Resolution No. 05-144 was read on October 5, 2005. Mr. Roth moved to suspend the rules as provided in Section 220.03 of the Codified Ordinances to allow passage of Resolution No. 05-144. Mr. Jeffers seconded the motion. Roll Call: Aye: Ms. Burke, Mr. Daley, Mr. Jeffers, Dr. Williams, Mr. Roth. Nay: Mr. Basil, Mr. Hasbrouck. Motion

to suspend did not carry. Mayor Currin said this constitutes the second reading of Resolution No. 05-144.

Mayor Currin offered and read Resolution No. 05-145 entitled "A RESOLUTION TO APPROVE THEN AND NOW CERTIFICATES FOR PURCHASES AND DECLARING AN EMERGENCY." Mr. Roth moved to suspend the rules as provided in Section 220.03 of the Codified Ordinances to allow passage of Resolution No. 05-145. Mr. Basil seconded the motion. Roll Call: Aye: Mr. Hasbrouck, Mr. Daley, Mr. Jeffers, Ms. Burke, Dr. Williams, Mr. Roth, Mr. Basil. Nay: None. Motion carried. Mr. Roth moved to pass Resolution No. 05-145. Mr. Basil seconded the motion. Roll Call: Aye: Mr. Hasbrouck, Mr. Daley, Mr. Jeffers, Ms. Burke, Dr. Williams, Mr. Roth, Mr. Basil. Nay: None. Motion carried. Resolution No. 05-145 declared passed.

Mayor Currin offered and read Ordinance No. 05-146 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 04-215, MAKING APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF HUDSON DURING THE FISCAL YEAR ENDING DECEMBER 31, 2005, BY MAKING ADDITIONAL AND/OR AMENDED APPROPRIATIONS RELATED TO THE THIRD QUARTER OF 2005." Mr. Roth moved to suspend the rules as provided in Section 220.03 of the Codified Ordinances to allow passage of Ordinance No. 05-146. Mr. Basil seconded the motion. Roll Call: Aye: Mr. Hasbrouck, Mr. Daley, Mr. Jeffers, Ms. Burke, Dr. Williams, Mr. Roth, Mr. Basil. Nay: None. Motion carried. Mr. Roth moved to pass Ordinance No. 05-146. Mr. Basil seconded the motion. Roll Call: Aye: Mr. Hasbrouck, Mr. Daley, Mr. Jeffers, Ms. Burke, Dr. Williams, Mr. Roth, Mr. Basil. Nay: None. Motion carried. Ordinance No. 05-146 declared passed.

Mayor Currin offered and read Resolution No. 05-147 entitled "A RESOLUTION AMENDING THE CITY OF HUDSON STRATEGIC PLAN DATED AUGUST 5, 1998, AND AMENDED APRIL 7, 1999, APRIL 5, 2000, JUNE 12, 2001, JUNE 5, 2002, JUNE 4, 2003 AND OCTOBER 20, 2004." Mr. Roth moved to suspend the rules as provided in Section 220.03 of the Codified Ordinances to allow passage of Resolution No. 05-147. Mr. Basil seconded the motion. Roll Call: Aye: Mr. Hasbrouck, Mr. Daley, Mr. Jeffers, Ms. Burke, Dr. Williams, Mr. Roth, Mr. Basil. Nay: None. Motion carried. Mr. Roth moved to pass Resolution No. 05-147. Mr. Basil seconded the motion. Mr. Jeffers referred to C, Village South, Objective 22, Page 19, and suggested changing the wording to state "36 acres" rather than using the name "Village South." Mr. Daley said the northern 18 acres was the land in the bond issue approved at the February 3, 1998, election. He said Council has not fulfilled its commitment to the voters. Mr. Daley moved to remove the entire Section C Village South from the Strategic Plan until Council has acted on the 18 acres to the north. Mr. Jeffers seconded the motion. Mr. Jeffers said all of the 36 acres should be open space and recreation. Mr. Roth said he doesn't see any merit to removing Section C. He said it needs to be addressed. He said whatever Council decides, the property will probably be used for public purposes or designated as park land. Dr. Williams said Council needs to address the usage of the 36 acres, but there is no reason to put it off. He said he

is against removing the section. Mr. Basil said he is against the amendment to remove the section. He said Council needs to address this in the future. He said it should be addressed in 2006. Mr. Daley said we voted to purchase the land and we were supposed to dedicate it to open space. He said he does not know which parcel will be available. He said Council should identify what we want to do with the land first. Mr. Roth suggested including this on the workshop agenda next week for discussion and it can be done. Roll Call on Mr. Daley's motion to remove Section C Village South from the Strategic Plan: Aye: Mr. Daley. Nay: Mr. Roth, Mr. Jeffers, Mr. Hasbrouck, Dr. Williams, Mr. Basil, Ms. Burke. Motion did not carry. Dr. Williams said we should look at the entire parcel and see what we are setting aside. He said looking at the entire parcel makes sense. Mr. Roth said calling it Village South is only an identifier. He said we can vote on the Strategic Plan and discuss this section at the workshop meeting. Mr. Jeffers moved to create a land use plan for the 36 acres commonly called Village South. Dr. Williams seconded the motion. Mr. Daley said he is concerned that the ballot language referred to 18 acres. He said if we change it to the 36 acres, it shouldn't be called "Village South." Mr. Jeffers said we redefined it by adding the acreage. Mr. Hasbrouck said the citizens voted on the northern parcel. He said there is a danger to add the total acreage. He said Council should consider only what the ballot language said. Mr. Basil moved to amend Mr. Jeffers amendment to create a land use plan for the land owned by the City south of Route 303 and west of Route 91 and bisected by Veterans Way. Mr. Roth seconded the motion. Roll Call: Aye: Mr. Daley, Mr. Roth, Mr. Basil, Mr. Jeffers, Dr. Williams, Ms. Burke, Mr. Hasbrouck. Nay: None. Motion carried. Mr. Jeffers referred to the Action Plan on Page 5 under 6. Objective. He said the current Action Plan does not line up with the Objective. He said it is too restrictive and does not meet the objective. Mr. Jeffers moved to remove the current Action Plan on Page 5. Mr. Daley seconded the motion. Mr. Daley said Objective 6 should be removed because it is putting the cart before the horse. He said we should not approve Objective 6 until Council discusses it. Mr. Daley moved to remove Objective 6. Mr. Jeffers seconded the motion. Roll Call: Aye: Mr. Daley. Nay: Mr. Roth, Mr. Basil, Mr. Hasbrouck, Ms. Burke, Dr. Williams, Mr. Jeffers. Motion did not pass. Mr. Roth referred to Mr. Jeffers motion to remove the Action Plan on Page 5. He said every Objective in the Strategic Plan has an Action Plan. He said the current Action Plan is not in conflict with anything and does not commit Council to make expenditures. Dr. Williams said if the Action Plan is removed, what would replace it. Mr. Jeffers said he would like Mr. Elliott and staff to make the Action Plan more closely related to the Objective. Roll Call on motion to remove the Action Plan: Aye: Mr. Jeffers, Mr. Daley. Nay: Mr. Roth, Dr. Williams, Mr. Basil, Ms. Burke, Mr. Hasbrouck. Motion did not pass. Roll Call on motion to pass Resolution No. 05-147: Aye: Mr. Roth, Mr. Basil, Mr. Hasbrouck, Dr. Williams, Ms. Burke, Mr. Jeffers. Nay: Mr. Daley. Motion carried. Resolution No. 05-147 declared passed.

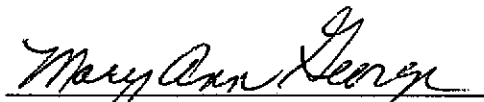
Mr. Roth moved to go into executive session following the meeting to discuss an imminent court action. Ms. Burke seconded the motion. Roll Call: Aye: Mr. Roth, Mr. Basil, Ms. Burke, Mr. Hasbrouck, Mr. Daley, Mr. Jeffers, Dr. Williams. Nay: None. Motion carried.

Mr. Roth moved to go out of executive session and into the regular meeting. Ms. Burke seconded the motion. Roll Call: Aye: Mr. Roth, Mr. Basil, Ms. Burke, Mr. Hasbrouck, Mr. Daley, Mr. Jeffers, Dr. Williams. Nay: None. Motion carried.

There being no further business, Mayor Currin adjourned the meeting at 9:05 p.m.



William A. Currin  
William A. Currin, Mayor



Mary Ann George  
Mary Ann George, Clerk of Council

CITY OF HUDSON  
COUNCIL MINUTES  
November 2, 2005

In the absence of Mayor Currin, President of Council Roth called to order the regular meeting of the Council of the City of Hudson at 7:30 p.m. in the Meeting Room of the Town Hall.

Everyone joined in the pledge of allegiance.

Roll Call: Present: Mr. Roth, Dr. Williams, Mr. Hasbrouck, Mr. Daley, Mr. Basil, Ms. Burke, Mr. Jeffers.

Officials Present: Mrs. George, Clerk of Council; Mr. Elliott, City Manager; Mr. Riehl, Solicitor; Mr. Bales, Deputy City Manager; Mr. Knoblauch, Finance Director; Mr. King, Community Development Director; Mr. Hutchinson, Parks Superintendent; Mr. McCallops, Engineer; Ms. Matava, Economic Development Director.

The minutes of the regular meeting of October 19, 2005, the workshop meeting of October 25, 2005, and the Five-Year Financial Workshop of October 27, 2005, were approved as written.

Mr. Roth read the October, 2005, Monthly Report of the Hudson Mayor's Court. (The Report is attached to the record copy of the minutes.)

Mr. Roth read a letter from Mr. Shel Schweikert, President of the Hudson Heritage Association, regarding preserving the Hudson train station. (A copy of the letter is attached to the record copy of the minutes.) Mr. Schweikert, who was present at the meeting, said there have been rumors circulating about the destruction of the train station. He said Hudson Heritage Association and three Quester chapters would like to save the train station. He said a letter was sent by Hudson Heritage expressing interest in the station. He asked Council for a letter of support and cooperation in saving the building. He said Hudson Heritage thought the train station could be moved to the land along Veterans Way. He said it could be made into a museum. He said Hudson Heritage does not want to lose another artifact of our town.

Mr. Sue Strobl, 24 Owen Brown Street, said she is a member of the Anna Lee Questers. She said their chapter, along with two other Quester chapters, want to preserve and restore the train station. She also asked for Council's support of their efforts.

Mr. Ron Strobl, 24 Owen Brown Street, said it has been about three or four weeks since the Planning Commission considered the masonry wall behind Heinens. He asked if anything had happened. He said the construction season is coming to an end. He said if the landscaping is not done soon, it will have to wait until next spring. Mr. Roth said he and Mr. Elliott are to meet with the developer tomorrow.



Mr. Roth offered and read Resolution No. 05-149 entitled "A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER." Mr. Basil moved to suspend the rules as provided in Section 220.03 of the Codified Ordinances to allow passage of Resolution No. 05-149. Dr. Williams seconded the motion. Roll Call: Aye: Mr. Roth, Dr. Williams, Ms. Burke, Mr. Daley, Mr. Hasbrouck, Mr. Basil, Mr. Jeffers. Nay: None. Motion carried. Mr. Basil moved to pass Resolution No. 05-149. Mr. Hasbrouck seconded the motion. Roll Call: Aye: Mr. Roth, Dr. Williams, Ms. Burke, Mr. Daley, Mr. Hasbrouck, Mr. Basil, Mr. Jeffers. Nay: None. Motion carried. Resolution No. 05-149 declared passed.

Mr. Roth offered and read Resolution No. 05-150 entitled "A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SETTLEMENT AGREEMENT AND MUTUAL RELEASE WITH THE HUDSON LIBRARY AND HISTORICAL SOCIETY ('HLHS')." Mr. Basil moved to suspend the rules as provided in Section 220.03 of the Codified Ordinances to allow passage of Resolution No. 05-150. Dr. Williams seconded the motion. Roll Call: Aye: Mr. Roth, Dr. Williams, Ms. Burke, Mr. Daley, Mr. Hasbrouck, Mr. Basil, Mr. Jeffers. Nay: None. Motion carried. Mr. Basil moved to pass Resolution No. 05-150. Mr. Hasbrouck seconded the motion. Roll Call: Aye: Mr. Roth, Dr. Williams, Ms. Burke, Mr. Daley, Mr. Hasbrouck, Mr. Basil, Mr. Jeffers. Nay: None. Motion carried. Resolution No. 05-150 declared passed.

Mr. Roth offered and read Resolution No. 05-151 entitled "A RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS AND TO ENTER INTO A CONTRACT FOR THE CHATHAM/CARVER DITCH IMPROVEMENTS IN THE CITY OF HUDSON WITH THE LOWEST AND BEST BIDDER SELECTED BY COUNCIL." Mr. Basil moved to suspend the rules as provided in Section 220.03 of the Codified Ordinances to allow passage of Resolution No. 05-151. Dr. Williams seconded the motion. Roll Call: Aye: Mr. Roth, Dr. Williams, Ms. Burke, Mr. Daley, Mr. Hasbrouck, Mr. Basil, Mr. Jeffers. Nay: None. Motion carried. Mr. Basil moved to pass Resolution No. 05-151. Mr. Hasbrouck seconded the motion. Roll Call: Aye: Mr. Roth, Dr. Williams, Ms. Burke, Mr. Daley, Mr. Hasbrouck, Mr. Basil, Mr. Jeffers. Nay: None. Motion carried. Resolution No. 05-151 declared passed.

Mr. Roth offered and read Resolution No. 05-152 entitled "A RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS AND TO ENTER INTO A CONTRACT FOR THE CONSTRUCTION OF TWO DETENTION BASINS IN COLONY PARK IN THE CITY OF HUDSON WITH THE LOWEST AND BEST BIDDER SELECTED BY COUNCIL." Mr. Basil moved to suspend the rules as provided in Section 220.03 of the Codified Ordinances to allow passage of Resolution No. 05-152. Dr. Williams seconded the motion. Roll Call: Aye: Mr. Roth, Ms. Burke,

Dr. Williams, Mr. Daley, Mr. Hasbrouck, Mr. Basil, Mr. Jeffers. Nay: None. Motion carried. Mr. Basil moved to pass Resolution No. 05-152. Mr. Hasbrouck seconded the motion. Roll Call: Aye: Mr. Roth, Dr. Williams, Ms. Burke, Mr. Daley, Mr. Hasbrouck, Mr. Basil, Mr. Jeffers. Nay: None. Motion carried. Resolution No. 05-152 declared passed.

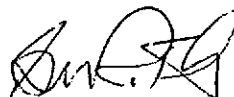
Mr. Roth offered and read Resolution No. 05-153 entitled "A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDED AGREEMENT WITH CARDINAL ASPHALT FOR THE 2005 ASPHALT CONCRETE REPAIR PROGRAM." Mr. Basil moved to suspend the rules as provided in Section 220.03 of the Codified Ordinances to allow passage of Resolution No. 05-153. Dr. Williams seconded the motion. Roll Call: Aye: Mr. Roth, Dr. Williams, Ms. Burke, Mr. Daley, Mr. Hasbrouck, Mr. Basil, Mr. Jeffers. Nay: None. Motion carried. Mr. Basil moved to pass Resolution No. 05-153. Mr. Hasbrouck seconded the motion. Roll Call: Aye: Mr. Roth, Dr. Williams, Ms. Burke, Mr. Daley, Mr. Hasbrouck, Mr. Basil, Mr. Jeffers. Nay: None. Motion carried. Resolution No. 05-153 declared passed.

Mr. Roth offered and read Resolution No. 05-154 entitled "A RESOLUTION DESIGNATING THE VILLAGE SOUTH PROPERTY (PARCEL NO. 32-02042) AS PARK PROPERTY." Mr. Roth said this constitutes the first reading of Resolution No. 05-154. He said this will be discussed at the workshop meeting next Tuesday.


Dr. Williams moved to go into executive session to discuss an imminent court action. Ms. Burke seconded the motion. Roll Call: Aye: Mr. Roth, Dr. Williams, Ms. Burke, Mr. Daley, Mr. Hasbrouck, Mr. Basil, Mr. Jeffers. Nay: None. Motion carried.

Dr. Williams moved to go out of executive session and into the regular meeting. Ms. Burke seconded the motion. Roll Call: Aye: Mr. Roth, Dr. Williams, Ms. Burke, Mr. Daley, Mr. Hasbrouck, Mr. Basil, Mr. Jeffers. Nay: None. Motion carried.

There being no further business, Mr. Roth adjourned the meeting at 8:10 p.m.



George W. Roth, President of Council



Mary Ann George, Clerk of Council

11/8 workshop minutes

MINUTES  
COUNCIL WORKSHOP MEETING  
November 9, 2005

Mayor Currin called to order the workshop meeting of the Council of the City of Hudson at 7 p.m. in the Barlow Community Center.

Present: Mr. Basil, Mrs. Burke, Mr. Daley, Mr. Hasbrouck, Mr. Jeffers, Mr. Roth, Dr. Williams.

Officials Present: Mr. Elliott, City Manager; Mr. Bales, Deputy City Manager; Ms. Blanchard, Public Works Director; Mr. Comeriato, Public Works Superintendent, Public Properties Division; Mr. Hutchinson, Parks Superintendent; Mr. Knoblauch, Finance Director; Ms. Matava, Economic Development Director; Mr. McCallops, City Engineer; Ms. Roberts, Communications Manager.

Norma LaPierre, 7345 Arborwood Dr., spoke on behalf of the All Aboard Hudson Committee, regarding the members' desire to preserve the historic Hudson Train Station, located off State Route 303. (See related correspondence and meeting minutes attached to the record copy of these minutes.) She explained that the Committee only recently organized and does not have a detailed plan for accomplishing this goal; however their objectives are as follows: 1.) Obtain rights to purchase the train station from Norfolk Southern Corporation, 2.) Secure the train station and obtain insurance; and 3.) Move the train station currently located between two very active railroad tracks and restore it as a museum. The Committee is focused on historic preservation and is considering applying for a 501(c)(3) Non-Profit Corporation status. She reported that many area residents have offered historic memorabilia and photos from the train station's past. Mrs. LaPierre said the station would be ideally situated near the railroad tracks and mentioned possible locations including: Library property, Morse Road property, or property along Veterans Way. She asked that the City provide a letter in support of the Committee's efforts. Mr. Basil said he supports their efforts. Mr. Hasbrouck agreed that the train station is an important part of Hudson's history and worth preserving but said that he would not pledge financial support from the City for moving or restoring the station. Mr. Roth said he supports the organization and asked that the Committee use the City Manager as their primary contact. Mr. Jeffers, also in support, suggested the Committee members visit Cahoon Park in Bay Village, where a similar station and old cabooses have been restored, and contact the Bay Village Historical Society for advice on how to achieve their similar goal. Mrs. LaPierre thanked Council. She invited them and they were receptive to touring the station during an upcoming meeting with a Norfolk Southern representative.

Council members discussed options in follow-up to the first reading on November 2, 2005 of Resolution No. 05-154, A Resolution Designating the Village South Property as Park Property. Mr. Roth suggested that should Council decide to donate the property to the Park Board, a portion south of Veterans Way, approximately 6 acres, should be retained by the City for possible future uses, including: a new town hall, a recreation center, the restored train station, or a combination of these. Mr. Roth said retaining a portion of the property would facilitate proceeding with such project(s) and would not require voter approval, whereas a delay would occur if the City wanted to use park land for another use. Mr. Jeffers asked Dr. Williams if there

would be any problems in allowing the train station to be moved to Park land. Dr. Williams said he thought such a project would fit in nicely, but it would require Park Board approval. Mr. Hutchinson agreed that the Park Board would need to consider such a use. Mr. Daley suggested the entire 37 acres be donated to the Park Board, and if voters felt there was merit for a project(s), they would approve it. Mr. Jeffers agreed. Mr. Roth said voter approval may be difficult, because people would likely want to retain the entire property as Park land, and even more so if a levy were also on the ballot for a City building. Dr. Williams was also in favor of dedicating the entire property to the Parks and requiring voter approval for a different use in the future, but he would be in favor of another reading of the Resolution with an amendment regarding the City retaining the 6-acre portion discussed earlier. Mr. Hasbrouck said it would be a mistake to give all of this valuable property to the Park Board and said he would prefer a compromise. Furthermore, Mr. Hasbrouck said he would vote against the current proposed legislation, and Mrs. Burke agreed. Mr. Basil said he would be reluctant to act without giving the legislation three readings, so as to give the public ample opportunity to comment. Mr. Basil said thus far no public comments have been made, only speculation. Dr. Williams referenced public input during Village South Committee meetings in 2002, but Mr. Basil said Council should consider more recent comments, as well. Mr. Daley said the Village South Committee's primary recommendation was dedication of the entire property to the Parks, but Mayor Currin said the opinion was not unanimous. Dr. Williams said if the current Council is not willing to suspend the rules and vote at the next meeting, the legislation should go to the new Council in December. Mr. Roth said discussion would continue at the November 16, 2005 meeting.

Mr. Comeriato presented five bids for the landscape maintenance of various Right-of-Ways and smaller public properties throughout the City, including City guardrails. (See memo attached to the record copy of the minutes.) Mr. Comeriato recommended award of contract to J.F.D. Landscapes, which is the current contractor. Responding to Mr. Basil's question, Mr. Comeriato said the current company has proven themselves, and he is pleased with their work. Mr. Basil, Mr. Roth and others agreed with staff's recommendation.

Mr. Comeriato presented five bids for the landscape maintenance of the downtown greens and various public properties throughout the City, including public buildings. (See memo attached to the record copy of the minutes.) Mr. Comeriato recommended award of contract to J.F.D. Landscapes. He said the current contractor, Enviroscape, did not submit a bid, as the owner of the company is now employed by the City as the Park Maintenance Supervisor. Mr. Hasbrouck noted the large increase between the current contractor and J.F.D. Landscapes. Mr. Comeriato said the City went out to bid twice, and he feels confident in his recommendation for the lowest bidder, J.F.D. Landscapes.

Ms. Blanchard presented two bids for the Asphalt Street Patching Program. (See memo attached to the record copy of the minutes.) Ms. Blanchard recommended award of contract to United Paving Corporation. She said the current contractor, Cardinal Asphalt Company, was not the lowest bidder. Mr. Roth questioned the Public Works Department's supervision of the Asphalt Street Patching Program. Mr. McCallops explained that the Engineering Department supervises full-depth repairs on the City's main lines through the Annual Street Program, and the Public Works Department supervises full-depth repairs elsewhere in the City through the Asphalt Street Patching Program, which is contracted to a local asphalt company that uses smaller equipment, which causes less collateral damage in an effort to preserve the roads.

Ms. Blanchard recommended accepting the bid amount for road salt under the CUE program and entering into a contract with Cargill Deicing Technology Company, Inc. for the purchase of road salt dumped. She also recommended entering into a contract with Kolenz Transport, Inc. for the conveying of salt into the City's salt dome. (See memo attached to the record copy of the minutes.) Ms. Blanchard explained that Kolenz is a local vendor that the City has used during the last 15 years, and their bid was lower than CUE for the conveying of salt. Mr. Daley asked if there was any way to cut back on the amount of salt used, in an effort to reduce environmental and property damages. Mr. Elliott explained that this is a difficult issue, as the City receives many more calls regarding slippery roads and accidents than environmental and property damages, and he said residents expect the City to salt the roads. Ms. Blanchard said that upon review, the Public Works Department may consider using software to track salt in the future. Ms. Burke cautioned that residents would find fault with the City if roads are not salted to its current standards. Mr. Elliott said using sand is an option, but residents would need adequate notification of any changes. Mr. Roth said safety is the priority. Mr. Basil expressed concern regarding safety for school bus traffic. Ms. Blanchard said the roads are salted upon the direction of the Police Department, according to safety needs. Mr. Hasbrouck said the Public Works supervisor must ultimately make decisions on the amount of salt used in order to keep the roadways safe.

Ms. Blanchard recommended approval of a proposed Generic Agreement to a Master Service Agreement with AMP-Ohio and authorization of a Combustion Turbine Power Schedule to the Master Service Agreement for peak power coverage. (See memo attached to the record copy of the minutes.) She referenced a presentation made to City Council on April 26, 2005 and said Mr. Riehl has subsequently worked with AMP-Ohio on proposed legislation. Ms. Blanchard asked that Council pass the legislation on November 16, 2005. In response to Mr. Daley's inquiry, Ms. Blanchard explained that if the City does not act on this legislation by year's end, the City will not be eligible for reduced pricing on peak power capacity and will forfeit the opportunity, resulting in higher pricing on peak power. Mr. Elliott agreed to provide a strike-out copy of the revisions made to the proposed legislation. Ms. Blanchard said AMP-Ohio representatives will be in Hudson for the December 13, 2005 workshop meeting regarding another matter and can address questions regarding this issue, as well. Mr. Hasbrouck supported Mr. Elliott's recommendation, and he agreed that legal assistance would be helpful in review of this legislation. Mr. Daley asked if there were any options, and Mr. Elliott said he does not recommend going outside of AMP-Ohio for options. Mr. Elliott suggested an AMP-Ohio representative speak with Council regarding this matter on December 13, 2005.

Mr. McCallops presented twelve bids for College Street Sanitary Sewer Improvements. (See memo from Mr. Morell attached to the record copy of the minutes.) Mr. McCallops recommended award of contract to Vito Gironda Construction Co., Inc. Mr. Basil, Mr. Roth, and Dr. Williams agreed that this company's bid was the best. There were no questions.

Mr. Elliott reported that staff has negotiated with Fairmount Properties regarding a number of outstanding downtown private/public partnership cost issues. He recommended a settlement with Fairmount Properties. (See memo attached to the record copy of the minutes.) Mr. Roth said it was important that the current Council resolve this matter, since the current members have history on the Downtown Project. Dr. Williams and Mr. Hasbrouck agreed. Mr. Jeffers asked that Council members be provided copies of the Development Agreement, as well as references

for each item. Mr. Elliott noted that Fairmount has agreed to pay for construction of a brick wall behind the Heinen's loading dock (item #24) if other issues are resolved as proposed. The deadline for construction of the wall is spring 2006, and Mr. Roth noted the urgency of settlement, with inclement weather approaching. Mr. Daley questioned the City's responsibility for "unbuildable" soils (items 6 & 7), and Mr. McCallops explained that the City is legally responsible, based on the interpretation of City Solicitor Riehl, former City Manager Morton, and former Deputy City Manager Tait. Mr. Roth said it is a common practice for a property seller to warrant certain soil conditions. Mr. Knoblauch provided a revised Pro Forma Cash Flow Analysis for the Downtown Redevelopment Project, with figures based on the proposed settlement (attached to the record copy of the minutes). He said the figures are based on appraised values from the Summit County website and also noted that the Tax Increment Financing has been delayed, pending completion of Building 7 and the condominiums. Mr. Roth asked that the appraised values be verified directly with Summit County. Staff agreed to provide further details to support the settlement recommendation.

Mr. Roth said appointment of two new members to the Community Reinvestment Area Housing Council will be determined by the new City Council after December transitions. Dr. Williams agreed. Mayor Currin said Mr. Adam Ho has expressed interest in being a member of the CRA Housing Council.

Mr. Bales provided a revised plan for improvements behind the Main Street buildings, including sidewalks and areas for consolidated trash dumpsters. Mr. McCallops recommended completing the project in three phases and estimated the cost at \$215,000. He said if completed in one phase, the project would cost approximately \$190,000 but would inconvenience customers and tenants. Mr. McCallops noted that all property owners, except Mr. Pavlantos who already has an enclosed trash dumpster, have agreed to the plan. Mr. Elliott reported meeting with some of the Main Street property owners and merchants and said they are anxious to have this project done. Mr. Elliott agreed to schedule an additional meeting with all of the property owners to further discuss plans for the City's improvement project. Mrs. Burke and Mr. Roth questioned the plans of property owners for completion of rear façade improvements to the buildings, noting their understanding that the City's improvement project was contingent upon their rear façade improvements. Mr. Jeffers and Dr. Williams agreed, however Ms. Roberts said the two projects were separate and were never contingent, one upon the other. She said the City paid for an architectural plan of suggested improvements to the rear façades and had worked on behalf of the property owners with local banks to offer them low-interest loans. Mr. Elliott said the City had committed to the improvement project to respond to the needs of Main Street merchants, whose sales were impacted by First & Main's construction, and property owners, who had sold land to the City to enable construction of the parking terrace.

Mr. Elliott said Spencer Piszczak, of Duke Realty, has requested the name of "Hudson Crossing Parkway" for the road into Hudson Crossing Business Park, currently known as Terex Road Extension. (See related correspondence from Mr. King attached to the record copy of these minutes.) Ms. Matava spoke in favor of the new name, and Mr. Roth agreed. Dr. Williams said the road name should remain the same from S.R. 303 to Boston Mills Road. Mr. Roth and Mr. Basil felt it important that Perry Bourn agree to this name. Mr. Elliott agreed to contact Mr. Bourn regarding the matter and follow-up with Council. Mr. Elliott said the next step would be for Mr. Piszczak to submit a revised plat indicating the new road name, which would then become effective once the plat is recorded.

Mr. Elliott asked Council members for their preference to proceed with the upcoming Special Council Meetings for the 2006 Budget on November 17 and 21, 2005. Mr. Roth favored proceeding with the scheduled meetings and said the current members are responsible for preparing a proposed 2006 Budget for the new Council. Furthermore, Mr. Roth said it is important not to delay the Budget process, because the earlier it is approved, the sooner the City can proceed with requests for bids and will likely obtain better contract pricing for 2006 projects. Dr. Williams disagreed, saying he prefers that the new Council members should develop the 2006 Budget, because they made campaign promises to significantly change the Budget. Mr. Basil agreed with Mr. Roth, saying the new Council could easily modify a proposed 2006 Budget if they so choose. Mr. Jeffers agreed that the time-table is imperative, and the new members may attend these public meetings. Mrs. Burke also agreed but expressed concern that the new members (Elect) had not attended the Special Council Meetings for the Five-Year Financial Plan 2006-2010, and she said this will affect their understanding of the 2006 Budget. Mr. Hasbrouck was in favor of proceeding as scheduled, saying he doesn't foresee much change after Council's transition. Mr. Moran asked that all meeting notifications and materials be forwarded to the new members (Elect), and staff agreed. Mr. Daley questioned the need for approval of the Five-Year Financial Plan at the November 16<sup>th</sup> Council meeting, since the 2006 Budget will not have been reviewed and approved at that time. Mr. Roth explained that the Five-Year Financial Plan has historically been approved "in concept" as an overall forecasting plan prior to approval of the more detailed Budget for the following year. Mr. Elliot explained the Five Year Financial Plan is necessary in accordance with the Charter.

Mayor Currin reported that the 2006 Federal Appropriations Bill is expected to be signed in late November, and according to Congressman LaTourette's office, it is highly likely that the Cities of Hudson and Stow will be awarded a total of \$300,000 in Federal funding for the Seasons Road Pump Station Project, as currently designed and projected. He added that the Summit County Executive, Jim McCarthy, returned correspondence that indicated his willingness to support the County's participation in an equal share of the local commitment. Mr. Jeffers thanked the Mayor for his involvement in this important project. Federal and County funding would amount to a substantial savings for tax payers. Mr. McCallops estimated the total cost of the project at \$1.2 million. Mayor Currin said he expects the Federal funds could be available as early as January 2006 if the Bill passes as anticipated.

Mr. Knoblauch presented an amendment to the proposed Five-Year Financial Plan 2006-2010 for the Wastewater Fund, based on revised estimates of Northeast Ohio Regional Sewer District charges. (See summary page attached to the record copy of the minutes.) Mr. Daley inquired regarding the status of the metering issue for City facilities and asked if these figures would be in the 2006 Budget. Mr. Knoblauch indicated that calculations may be available with the 2006 Budget.

There being no further business, Mr. Roth adjourned the meeting at 9:25 p.m.




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George W. Roth, President of Council

CITY OF HUDSON  
COUNCIL MINUTES  
November 16, 2005

Mayor Currin called to order the regular meeting of the Council of the City of Hudson at 7:30 p.m. in the Meeting Room of the Town Hall.

Everyone joined in the pledge of allegiance.

Roll Call: Present: Mr. Roth, Dr. Williams, Mr. Hasbrouck, Mr. Daley, Mr. Basil, Ms. Burke, Mr. Jeffers.

Officials Present: Mrs. George, Clerk of Council; Mr. Elliott, City Manager; Mr. Riehl, Solicitor; Mr. Bales, Deputy City Manager; Mr. Knoblauch, Finance Director; Mr. McCallops, Engineer; Mr. King, Community Development Director; Ms. Blanchard, Public Works Director; Mr. Audet, EMS Director; Ms. Roberts, Communications Manager; Mr. Hutchinson, Parks Superintendent; Ms. Matava, Economic Development Director.

The minutes of the regular meeting of November 2, 2005, the Five-Year Financial workshop meeting of November 3, 2005, and the workshop meeting of November 9, 2005, were approved as written.

Mr. Steve Zubay, 550 West Streetsboro Street, read a statement regarding a sewer back-up at their home, and requested that Council reimburse them \$369 which was their cost in excess of their \$500 deductible. (A copy of Mr. Zubay's statement is attached to the record copy of the minutes.)

Mr. Mike Moran, 93 East Case Drive, thanked the members who are leaving Council for their service to the community. He said they spent many hours of service for Hudson.

Mrs. Carol Bellian, 84 South Main Street, read a statement asking Council not to give the land on Veterans Way referred to as Village South to the Park Board. (A copy of Mrs. Bellian's statement is attached to the record copy of the minutes.)

Ms. Joanne Moore, 92 South Main Street, read a statement asking Council to give the land on Veterans Way referred to as Village South to the Park Board. (Ms. Moore's statement is attached to the record copy of the minutes.)

Mayor Currin read Resolution No. 05-155, offered by the Mayor and Council, entitled "A RESOLUTION THANKING THE MEMBERS OF THE CHARTER REVIEW COMMISSION FOR THEIR SERVICE TO THE COMMUNITY." Mr. Roth moved to suspend the rules as provided in Section 220.03 of the Codified Ordinances to allow passage of Resolution No. 05-155. Mr. Jeffers seconded the motion. Roll Call: Aye: Mr. Roth, Ms. Burke, Mr. Daley, Mr. Jeffers, Mr. Basil, Dr. Williams, Mr. Hasbrouck. Nay: None. Motion carried. Mr. Roth moved to pass Resolution No. 05-155. Mr. Jeffers seconded the motion. Roll Call: Aye: Mr. Roth, Ms. Burke, Mr. Daley, Mr.



Jeffers, Mr. Basil, Dr. Williams, Mr. Hasbrouck. Nay: None. Motion carried. Resolution No. 05-155 declared passed. Mayor Currin presented the Resolution to Mr. King and Mrs. Hills, members of the Charter Review Committee who were in the audience, and thanked them for their work

Pursuant to Section 1203.13 of the Land Development Code, Mayor Currin called to order the public hearing on Ordinance No. 05-143 entitled "AN ORDINANCE AMENDING APPENDIX D 'ARCHITECTURAL AND DESIGN STANDARDS' OF THE LAND DEVELOPMENT CODE AT SECTIONS II AND III."

Mayor Currin said notice of the public hearing was published in the Hudson Hub-Times on October 12, 2005.

There being no questions or comments from anyone in the audience or anyone on Council, Mayor Currin adjourned the public hearing at 8 p.m.

Mr. Elliott said an amended agenda was prepared because he removed legislation regarding AMP-Ohio. He said representatives from AMP-Ohio will attend the workshop meeting on December 13, 2005, and discuss the proposed legislation and our contracts with AMP-Ohio. He said on the agenda tonight is Ordinance No. 05-158 which, if enacted, will authorize the execution of a Master Services Agreement with AMP-Ohio. He said also on the agenda is a Resolution to adopt "in concept" the Five-Year Financial Plan. He said the City Manager must submit a five-year capital improvement plan prior to January 1 of the next year. He said that Council will hold a workshop meeting tomorrow night to discuss the budget.

Mr. Roth moved to appoint Dr. Williams as the liaison to the Akron Secondary Bike Trail Corridor Initiative. Mr. Jeffers seconded the motion. Roll Call: Aye: Ms. Burke, Dr. Williams, Mr. Roth, Mr. Jeffers, Mr. Basil, Mr. Hasbrouck, Mr. Daley. Nay: None. Motion carried.

Mr. Roth moved to authorize finalization of outstanding contract issues with Fairmount Properties under the downtown redevelopment contract and to authorize the City Manager to pay \$87,396.31 to Fairmount Properties. Mr. Jeffers seconded the motion. Roll Call: Aye: Ms. Burke, Dr. Williams, Mr. Roth, Mr. Jeffers, Mr. Basil, Mr. Hasbrouck, Mr. Daley. Nay: None. Motion carried.

Council considered an Application for Public Event on Green from Ms. Dana Johnson, 1441 Middleton Road, for Christmas Caroling by Hudson Girl Scouts on December 10, 2005, from noon until 1 p.m. (The Application and a Certificate of Insurance including the City as an additional insured are attached to the record copy of the minutes.) Mr. Basil moved to approve the event as requested. Mr. Roth seconded the motion. Roll Call: Aye: Ms. Burke, Dr. Williams, Mr. Roth, Mr. Jeffers, Mr. Basil, Mr. Hasbrouck, Mr. Daley. Nay: None. Motion carried.

Council considered an Application for Public Event on Green from Ms. Jan Gusich, Akhia Public Relations (Fairmount Properties) for the Q104 Holiday Mall Tour to be held on Friday, December 2, 2005, from 3 p.m. to 7 p.m. (The Application and a Certificate of Insurance including the City as an additional insured are attached to the record copy of the minutes.) Mr. Basil moved to approve the event as requested. Mr. Roth seconded the motion. Roll Call: Aye: Ms. Burke, Dr. Williams, Mr. Roth, Mr. Jeffers, Mr. Basil, Mr. Hasbrouck, Mr. Daley. Nay: None. Motion carried.

Council considered an Application for Public Event on Green from Ms. Jan Gusich, Akhia Public Relations (Fairmount Properties) for the First and Main Holiday Walk to be held on Sunday, December 4, 2005, from noon until 7 p.m. (A copy of the Application and a Certificate of Insurance including the City as an additional insured are attached to the record copy of the minutes.) Mr. Basil moved to approve the event as requested. Mr. Roth seconded the motion. Roll Call: Aye: Ms. Burke, Dr. Williams, Mr. Roth, Mr. Jeffers, Mr. Basil, Mr. Hasbrouck, Mr. Daley. Nay: None. Motion carried.

Mr. Elliott presented one bid for road salt through C.U.E. (Community, University and Education) from Cargill Deicing Technology. (A letter from Mr. Sean Riley, Cargill Deicing Technology, containing salt prices is attached to the record copy of the minutes.) Mr. Basil moved to award the contract for road salt for 2005-2006 snow season to Cargill Deicing Technology, 24950 Country Club Boulevard, Suite 450, North Olmsted, OH 44070, at a cost of \$31.88 per ton. Mr. Roth seconded the motion. Roll Call: Aye: Mr. Hasbrouck, Mr. Jeffers, Mr. Daley, Mr. Basil, Ms. Burke, Dr. Williams, Mr. Roth. Nay: None. Motion carried. Mr. Elliott said we received one bid for piling of salt that was lower than the price presented by Cargill. He said Kolenz Transport will pile the salt for \$3 per ton. (A copy of the letter from Kolenz Transport, Inc. is attached to the record copy of the minutes.) Mr. Basil moved to award the contract for piling of road salt to Kolenz Transport, Inc., 3093 Hillside Trail, Stow, OH 44224, at a cost of \$3 per ton as the lowest and best bidder. Mr. Roth seconded the motion. Roll Call: Aye: Mr. Hasbrouck, Mr. Jeffers, Mr. Daley, Mr. Basil, Ms. Burke, Dr. Williams, Mr. Roth. Nay: None. Motion carried.

Mr. Elliott presented five bids for landscape maintenance of public properties and rights-of-way. (A copy of the bid comparison sheet is attached to the record copy of the minutes.) Mr. Basil moved to award the contract for landscape maintenance of public properties and rights-of-way to J.F.D. Landscaping, P. O. Box 23007, Chagrin Falls, OH, as the lowest and best bidder, at the per visit bid price, per time and equipment amounts and the lump sum amounts detailed on the bid tabulation sheet for a period of two years (2006-2007), with the possibility of a two-year extension provided the rates are reasonable and approved by Council. Mr. Roth seconded the motion. Roll Call: Aye: Mr. Hasbrouck, Mr. Jeffers, Mr. Daley, Mr. Basil, Ms. Burke, Dr. Williams, Mr. Roth. Nay: None. Motion carried.

Mr. Elliott presented five bids for landscape maintenance of the Greens and public properties. (A copy of the bid comparison sheet is attached to the record copy of the

minutes.) Mr. Basil moved to award the contract for landscape maintenance of the Greens and public properties to J.F.D. Landscaping, P. O. Box 23007, Chagrin Falls, OH, at the per visit bid prices detailed on the bid comparison sheet for a two-year period (2006 – 2007), as the lowest and best bidder, with the opportunity to extend the contract for two years provided the rates are reasonable and approved by Council. Mr. Roth seconded the motion. Roll Call: Aye: Mr. Hasbrouck, Mr. Jeffers, Mr. Daley, Mr. Basil, Ms. Burke, Dr. Williams, Mr. Roth. Nay: None. Motion carried.

Mr. Elliott presented two bids for asphalt/concrete repair work. (A copy of the bid comparison sheet is attached to the record copy of the minutes.) Mr. Basil moved to award the contract for asphalt/concrete repair work to United Paving Corporation, 1911 Carter Road, Cleveland, OH 44113, for 2006 and 2007, as the lowest and best bidder, with a possible extension of the contract provided the maximum increase in labor/equipment costs in any calendar year shall be three percent or the most recent preceding increase in the Consumer Price Index (CPI), whichever is less, is approved by Council. Mr. Roth seconded the motion. Roll Call: Aye: Mr. Hasbrouck, Mr. Jeffers, Mr. Daley, Mr. Basil, Ms. Burke, Dr. Williams, Mr. Roth. Nay: None. Motion carried.

Mr. Elliott presented twelve bids for the College Street sanitary sewer improvements. (A copy of the bid comparison sheet is attached to the record copy of the minutes.) Mr. Basil moved to award the contract for the College Street sanitary sewer improvements to Vito Gironda Construction Co., Inc. 1130 Brittain Road, Akron, OH 44305 in the amount of \$127,955, which, together with a ten percent contingency for scope of work changes which may occur for a total of \$140,750, be, and the same hereby is, accepted as the lowest and best bid. Mr. Roth seconded the motion. Roll Call: Aye: Mr. Hasbrouck, Mr. Jeffers, Mr. Daley, Mr. Basil, Ms. Burke, Dr. Williams, Mr. Roth. Nay: None. Motion carried.

Mayor Currin read Ordinance No. 05-142 (as amended 11/16/05) entitled "AN ORDINANCE OF THE CITY OF HUDSON, OHIO CONDITIONALLY APPROVING THE REQUEST FOR AN ASSIGNMENT OF THE CABLE TELEVISION FRANCHISE FROM ADELPHIA TO TIME WARNER; AND DECLARING AN EMERGENCY." He said this Ordinance was read on October 5, 2005, on October 19, 2005, and on November 2, 2005. Mr. Roth moved to pass Ordinance No. 05-142. Mr. Basil seconded the motion. Mr. Roth asked if all of our conditions were met and anything changed. Mr. Riehl said all the issues were resolved. He said the reimbursement to the Hudson Adelphia customers will be made in December. Roll Call: Aye: Mr. Basil, Mr. Roth, Mr. Hasbrouck, Mr. Daley, Ms. Burke, Dr. Williams, Mr. Jeffers. Nay: None. Motion carried. Ordinance No. 05-142 declared passed. Mr. Basil thanked Mr. Hunt and Mr. Riehl for all of their work in resolving the issues.

Mayor Currin read Ordinance No. 05-143 entitled "AN ORDINANCE AMENDING APPENDIX D, 'ARCHITECTURAL AND DESIGN STANDARDS', OF THE LAND DEVELOPMENT CODE AT SECTION II AND III." He said this Ordinance was read on October 5, 2005, and October 19, 2005, and this constitutes the third reading. Mr.

Roth moved to pass Ordinance No. 05-143. Dr. Williams seconded the motion. Roll Call: Aye: Dr. Williams, Mr. Hasbrouck, Ms. Burke, Mr. Basil, Mr. Roth, Mr. Daley, Mr. Jeffers. Nay: None. Motion carried. Ordinance No. 05-143 declared passed.

Mayor Currin read Resolution No. 05-154 entitled "A RESOLUTION DESIGNATING THE VILLAGE SOUTH PROPERTY (PARCEL NO. 32-02042) AS PARK PROPERTY." He said this Resolution was read on November 2, 2005, and this constitutes the second reading.

Mayor Currin offered and read Resolution No. 05-156 entitled "A RESOLUTION TO APPROVE THEN AND NOW CERTIFICATES FOR PURCHASES AND DECLARING AN EMERGENCY." Mr. Roth moved to suspend the rules as provided in Section 220.03 of the Codified Ordinances to allow passage of Resolution No. 05-156. Mr. Basil seconded the motion. Roll Call: Aye: Mr. Hasbrouck, Mr. Roth, Mr. Daley, Mr. Basil, Ms. Burke, Mr. Jeffers, Dr. Williams. Nay: None. Motion carried. Mr. Basil moved to pass Resolution No. 05-156. Mr. Roth seconded the motion. Roll Call: Aye: Mr. Hasbrouck, Mr. Roth, Mr. Daley, Ms. Burke, Mr. Basil, Mr. Jeffers, Dr. Williams. Nay: None. Motion carried. Resolution No. 05-156 declared passed.

Mayor Currin offered and read Resolution No. 05-157 entitled "A RESOLUTION ADOPTING 'IN CONCEPT' THE CITY OF HUDSON FIVE-YEAR FINANCIAL PLAN 2006-2010." Mr. Roth moved to suspend the rules as provided in Section 220.03 of the Codified Ordinances to allow passage of Resolution No. 05-157. Mr. Basil seconded the motion. Roll Call: Aye: Mr. Hasbrouck, Mr. Roth, Mr. Daley, Mr. Basil, Ms. Burke, Mr. Jeffers, Dr. Williams. Nay: None. Motion carried. Mr. Basil moved to pass Resolution No. 05-157. Mr. Roth seconded the motion. Roll Call: Aye: Mr. Roth, Mr. Hasbrouck, Mr. Daley, Ms. Burke, Mr. Basil, Mr. Jeffers, Dr. Williams. Nay: None. Motion carried. Resolution No. 05-157 declared passed.

Mayor Currin offered and read Ordinance No. 05-158 entitled "AN ORDINANCE TO AUTHORIZE THE EXECUTION OF A MASTER SERVICES AGREEMENT WITH AMERICAN MUNICIPAL POWER-OHIO, INC." Mr. Roth moved to suspend the rules as provided in Section 220.03 of the Codified Ordinances to allow passage of Ordinance No. 05-158. Mr. Basil seconded the motion. Roll Call: Aye: Mr. Hasbrouck, Mr. Roth, Mr. Daley, Mr. Basil, Ms. Burke, Mr. Jeffers, Dr. Williams. Nay: None. Motion carried. Mr. Basil moved to pass Ordinance No. 05-158. Mr. Roth seconded the motion. Roll Call: Aye: Mr. Roth, Mr. Hasbrouck, Mr. Daley, Ms. Burke, Mr. Basil, Mr. Jeffers, Dr. Williams. Nay: None. Motion carried. Ordinance No. 05-158 declared passed.

Mayor Currin introduced and read Resolution No. 05-159 entitled "A RESOLUTION AUTHORIZING PAYMENT BY THE CITY TO HUDSON VILLAGE DEVELOPMENT COMPANY, LTD. AS A COMPLETE AND FINAL SATISFACTION OF ALL OF THE CITY'S OBLIGATIONS WITH RESPECT TO THE DEVELOPMENT OF THE PROPERTY WHICH IS THE SUBJECT OF A CERTAIN 'CONTRACT FOR SALE OF LAND FOR PRIVATE REDEVELOPMENT'

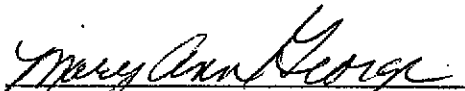
AND A CERTAIN 'DEVELOPMENT AGREEMENT'; AND DECLARING AN EMERGENCY." Mr. Jeffers moved to suspend the rules as provided in Section 220.03 of the Codified Ordinances to allow passage of Resolution No. 05-159. Mr. Daley seconded the motion. Roll Call: Aye: Mr. Daley, Mr. Jeffers. Nay: Mr. Roth, Mr. Basil, Ms. Burke, Dr. Williams, Mr. Hasbrouck. Motion did not carry. Mayor Currin said this constitutes the first reading of Resolution No. 05-159.

Mr. Roth said terms are expiring on the Cemetery Board, the Planning Commission, the Cable Advisory Committee and the Board of Zoning and Building Appeals. He said anyone interested in applying should submit an application to the Clerk of Council.

Mayor Currin read a proclamation and presented a plaque to Mr. Basil, Ms. Burke, Mr. Roth and Dr. Williams, thanking them for their service to the community.

There being no further business, Mayor Currin adjourned the meeting at 8:40 p.m.

  
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William A. Currin, Mayor

  
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Mary Ann George, Clerk of Council

CITY OF HUDSON  
COUNCIL MINUTES  
December 7, 2005

Mayor Currin called to order the regular meeting of the Council of the City of Hudson at 7:30 p.m. in the Meeting Room of the Town Hall.

Everyone joined in the pledge of allegiance.

Members Present: Mr. Hasbrouck, Mr. Jeffers, Mr. Daley, Mr. Moran, Mr. Elicson, Mrs. Roegner, Mr. Logan.

Officials Present: Mrs. George, Clerk of Council; Mr. Elliott, City Manager; Mr. Riehl, Solicitor; Mr. Bales, Deputy City Manager; Mr. Knoblauch, Finance Director; Mr. King, Community Development Director; Ms. Roberts, Communications Manager; Ms. Matava, Economic Development Director; Mr. Hutchinson, Parks Superintendent; Fire Chief Carter; Mr. McCallops, Engineer.

Mayor Currin administered the Oath of Office of Member of Council to Mr. Elicson, Mr. Logan, Mr. Moran and Mrs. Roegner.

The minutes of the regular meeting of November 16, 2005, the Five-Year Financial Workshop meetings of November 17, 2005 and November 21, 2005, and the Workshop meeting of November 22, 2005, were approved as written.

Pursuant to Section 3.03 of the Charter, Mr. Logan moved to elect Mr. Daley President of Council for a two-year term to expire December 5, 2007. Mr. Jeffers seconded the motion. Mr. Hasbrouck said it takes a lot of time and energy to be President of Council, working with the staff and the various boards and commissions. He said Mr. Daley has the energy and leadership ability to do the job. He said he supports Mr. Daley for President of Council. Mr. Jeffers moved that the nominations be closed. Mr. Moran seconded the motion. Roll Call: Aye: Mr. Jeffers, Mr. Hasbrouck, Mr. Moran, Mr. Elicson, Mr. Logan, Mr. Daley. Abstain: Mrs. Roegner. Nay: None. Motion carried.

Mr. Daley thanked Council for the honor. He said he is looking forward to working with the new Council, the Mayor and City staff to provide a fair and fiscally responsible government.

Each of the new members of Council thanked the voters for electing them and said they are looking forward to the challenge.

Mr. Daley read an e-mail from Ellen Ritter, one of the Chairs of the appointed Village South Committee. She listed the conclusions of the Committee. (A copy of Mrs. Ritter's e-mail is attached to the record copy of the minutes.) In her e-mail, Mrs. Ritter said she

Mr. Logan, Mr. Elicson, Mr. Hasbrouck, Mr. Jeffers, Mr. Daley, Mrs. Roegner. Nay: None. Motion carried. Resolution No. 05-161 declared passed.

Mayor Currin offered and read Ordinance No. 05-162 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 04-215, MAKING APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF HUDSON DURING THE FISCAL YEAR ENDING DECEMBER 31, 2005 BY MAKING ADDITIONAL AND/OR AMENDED APPROPRIATIONS RELATED TO THE FOURTH QUARTER OF 2005." Mr. Hasbrouck moved to suspend the rules as provided in Section 220.03 of the Codified Ordinances to allow passage of Ordinance No. 05-162. Mr. Daley seconded the motion. Roll Call: Aye: Mr. Moran, Mr. Logan, Mr. Elicson, Mr. Hasbrouck, Mr. Jeffers, Mr. Daley, Mrs. Roegner. Nay: None. Motion carried. Mr. Moran moved to pass Ordinance No. 05-162. Mr. Elicson seconded the motion. Roll Call: Aye: Mr. Moran, Mr. Logan, Mr. Elicson, Mr. Hasbrouck, Mr. Jeffers, Mr. Daley, Mrs. Roegner. Nay: None. Motion carried. Ordinance No. 05-162 declared passed.

Mayor Currin offered and read Ordinance No. 05-163 entitled "AN ORDINANCE TO MAKE APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF HUDSON, COUNTY OF SUMMIT, STATE OF OHIO, DURING THE FISCAL YEAR BEGINNING JANUARY 1, 2006 AND ENDING DECEMBER 31, 2006." Mr. Hasbrouck moved to suspend the rules as provided in Section 220.03 of the Codified Ordinances to allow passage of Ordinance No. 05-163. Mr. Daley seconded the motion. Roll Call: Aye: Mr. Moran, Mr. Logan, Mr. Elicson, Mr. Hasbrouck, Mr. Jeffers, Mr. Daley, Mrs. Roegner. Nay: None. Motion carried. Mr. Moran moved to pass Ordinance No. 05-163. Mr. Elicson seconded the motion. Roll Call: Aye: Mr. Moran, Mr. Logan, Mr. Elicson, Mr. Hasbrouck, Mr. Jeffers, Mr. Daley, Mrs. Roegner. Nay: None. Motion carried. Ordinance No. 05-163 declared passed.

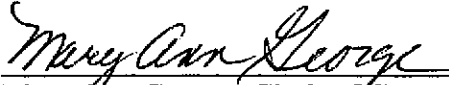
Mayor Currin read Ordinance No. 05-164, offered by Mr. Jeffers, entitled "AN ORDINANCE ELIMINATING THE MAYOR'S COURT OF THE CITY OF HUDSON AND REPEALING CHAPTER 296 PERTAINING TO THE AUTHORITY OF THE MAYOR'S COURT." He said this constitutes the first reading of Ordinance No. 05-164.

Mayor Currin offered and read Resolution No. 05-165 entitled "A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A JOB CREATING GRANT AGREEMENT WITH SOUTHSTAR FUNDING, LLC AND DECLARING AN EMERGENCY." He said this constitutes the first reading of Resolution No. 05-165. He said Council will hold a special meeting on Tuesday, December 13, 2005, to read this Resolution for a second time.

Mayor Currin offered and read Ordinance No. 05-166 entitled "AN ORDINANCE ACCEPTING DEDICATION OF VETERANS WAY." Mr. Jeffers moved to suspend the rules as provided in Section 220.03 of the Codified Ordinances to allow passage of Ordinance No. 05-166. Mr. Logan seconded the motion. Roll Call: Aye: Mr. Moran, Mr. Logan, Mr. Elicson, Mr. Hasbrouck, Mr. Jeffers, Mr. Daley, Mrs. Roegner. Nay: None. Motion carried. Mr. Jeffers moved to pass Ordinance No. 05-166. Mr. Logan seconded the motion. Roll Call: Aye: Mr. Moran, Mr. Logan, Mr. Elicson, Mr. Hasbrouck, Mr. Jeffers, Mr. Daley, Mrs. Roegner. Nay: None. Motion carried. Ordinance No. 05-166 declared passed.

There being no further business, Mayor Currin adjourned the meeting at 9:15 p.m.

  
\_\_\_\_\_  
William A. Currin, Mayor

  
\_\_\_\_\_  
Mary Ann George, Clerk of Council





330-650-0621  
330-656-1646 fax  
www.hudsoncoc.org

156 NORTH MAIN STREET • HUDSON, OH 44236

December 6, 2005

To: Hudson City Council

The Board of Directors of the Hudson Area Chamber of Commerce is strongly urging Hudson City Council not to vote in favor of designating the Village South property as park property as this time. When the voters agreed in 1999 to the levy to purchase this property, they did not vote for the entire property to be designated as park property.

We feel that Hudson City Council needs to take adequate time to determine the best use of this property. Because of the location, this property will have critical impact on the downtown retail and business community, potential city expenses and potential tax revenue. We feel that designating this as park property will be an irreversible decision. As such, it is imperative that the "highest and best use" of this property be determined.

During the recent election campaign, the new council members all talked about the need for open communication, public discussion and fiscal responsibility. If ever there was an issue that needed public discussion, clear communication and a fiscally responsible decision, it is the determination of the best use of the Village South property. Please take the time and the due diligence necessary to make a responsible decision that is in the best interest for the entire community.

The Board of Directors  
Hudson Area Chamber of Commerce

  
Carolyn H. Konefal  
Executive Director

December 5, 2005

Dear Esteemed Members of Council,

We are writing to you as a citizens and taxpayers of the City of Hudson. Most of you know that we reside at 5265 Sullivan Road. We have been residents of the city of Hudson for 4 ½ years.


In 1998 the citizens of Hudson voted to pass a 3.5 million, 20 year bond in order to purchase 18 acres of land south of Route 303 and on the west side of Route 91. This land is commonly referred to as "Village South" and was designated as open space. Subsequently, Council decided to purchase the southern 18 acres that were contiguous with the northern 18 acres with monies from the General Fund. Both parcels have been vacant since that time with the exception of the completion of the road known as Veteran's Way.

You have before you tonight Resolution 05-154 entitled "A RESOLUTION DESIGNATING THE VILLAGE SOUTH PROPERTY (PARCEL NO. 32-02042) AS PARK PROPERTY". While this resolution refers to the full 36 acres as "Village South", the ballot issue of 1998 was only for the northern 18-acre parcel. We are asking you as our representatives to vote NO on this resolution. I (Jill) have been a member of this Council for the past 15 months and I can tell you with certainty that there has been *no due diligence* done to decide on the best use of the southern 18 acres. Couple this with the fact that for 4 of you, this is your first City Council Meeting and quite possibly your first exposure to this Resolution, and you should feel strongly compelled to defeat this resolution as it is written and give it proper review. You owe at least that much to the citizens that recently elected you as their representatives.

Finally, we would respectfully request that Councilman Daley excuse himself from voting on Resolution 05-154 as he owns the property directly adjacent to the southern 18-acre parcel that is included in this resolution. Clearly, there could be the appearance of a conflict of interest or impropriety with regard to Councilman Daley's proximity to the parcel in question.

We thank you for your time and we ask you once again to defeat Resolution 05-154 as it is written and give this very important issue the scrutiny that it deserves.

Sincerely,



Mike and Jill Burke

12/05  
Dong/Tony,

I received a call today from Ray Lee who asked me to ask you to make sure that this letter is read at the Council meeting tonight. Mr. Lee is unable to attend tonight's Council meeting. Thank you.

Bernardine  
Metzger

To all Council Members:

I am a 24 year resident of Hudson and live on 128 Brandywine Drive. I am also a Trustee of the Hudson Economic Development Corporation. I have spoken to Council in the past about various economic development issues but this upcoming matter is the first I have ever written to Council about in my 24 years of residency.

The letter to the editor in this past Sunday's edition of December 4th provided the catalyst of how, I too agree that the proposed resolution of designating the entire 38 acre parcel of Village South as park land is a waste of Hudson City resources.

The land was purchased by the city from my understanding for over \$4.5 million. When the voters voted in 1999 to pass a bond levy to purchase the land to resolve the outstanding lawsuits at that time, they only authorized that 18 acres of the disputed property be purchased as park land. The city later borrowed money and purchased the surrounding 20 acres out of the general funds.

From my understanding the 18 acres can be used for public use such a new town hall or as a public recreation center. The 20 acres however, were never part of the requirement by the voters to convert to public park land. In addition, the city has put in the infrastructure, including a beautiful road and utilities that make this one of the most attractive and developable properties in Hudson. My guess is that between all of the above, the city probably has over \$6 million invested in this property.

My concern that while it is entering its third reading at the next council meeting, this resolution has gotten very little attention, if any until recently. I understand that the next meeting is the first meeting of new council. I implore the new council to take a step back and review the consequences of designating all of the property permanently as park land.

The new Council was elected on the basis of full public disclosure and fiscal responsibility. I believe it will be fiscally irresponsible to donate \$6 million worth of assets to become permanent park land, which I understand is an irreversible decision. Is the City of Hudson so wealthy, that it can afford to make a decision such as this. To the best of my knowledge, the City is still looking to consolidate all of the city offices which the library proved to be inadequate. Where does the city proposed to build this once it donates this valuable piece of property.

I think that if more attention was brought to light on this issue I believe most Hudson residents would agree with me that it would be a missed opportunity for the financial opportunity for the citizens of Hudson. I believe further public input is necessary for such a massive decision. We saw how the public felt on a much smaller issue with the economics of the library. I think the issues of Village South are too big to have this passed at the first meeting of the new Council.

Raymond Lee  
Country Pure Foods  
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Akron, Ohio 44314  
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Fax: 330-745-7838

12/7/2005

*Hudson Hub Times* articles pertaining to Village  
South Park Land designation - Bill Hammerstrom, editor  
330-688-0088

## **4 sitting Council members lose**

by Stephanie Fellenstein

Reporter

HUDSON - A group of political newcomers will help drive the city into the future after voters unseated four incumbent City Council members Tuesday night.

According to the final, but unofficial, results from the Summit County Board of Elections, Mike Moran, John Logan and Kristina Roegner were elected to the three open at-large positions, and Tom Elicson claimed the Ward 2 position.

They ousted incumbents George Roth, David Basil, Dan Williams and Jill Burke.

The newcomers officially will join Ward 1 Council member Brian Daley, Ward 3 representative Douglas Hasbrouck and Ward 4 Councilman John Jeffers on City Council at the first meeting in December.

At-large Council positions

Moran, Logan and Roegner received the highest numbers of votes - 3,291, 3,085 and 2,885, respectively - among the six at-large candidates Tuesday night.

At-large incumbents David Basil received 1,885 votes, Council president George Roth garnered 1,850 votes and Dan Williams collected 2,167 votes, according to the final, but unofficial results.

I feel honored to have the trust of so many Hudsonites, Moran said early Wednesday morning. I plan to listen carefully and work closely with the community.

Moran, a political newcomer, said he has three main goals in mind for when he joins Council in December - a comprehensive review of city spending, following through with the stormwater management plan and fixing the economic development strategic plan.

Moran, of East Case Drive, has lived in Hudson for four years, and is employed with a legal publishing company.

Logan, who retired earlier this year as vice president for an international chemical company, agreed that the budget and reviewing the city's economic development plan are priorities.

He added that while the Economic Development Strategic Plan from AngelouEconomics was adopted by Council in concept, it still needs work.

Logan, of Manor Drive, has lived in Hudson since 1950.

A resident of Hudson for three years, Roegner was elected to City Council and gave birth to a new daughter all on the same day.

Its too much good news in one day, she said from her hospital room.

Daughter Kristine Evelyn Roegner arrived at 2 a.m. Nov. 8.

Roegner, of East Streetsboro Road, said she was delighted with the outcome of the election and named two immediate goals for her new position.

We need to take a good hard look at the finances, and I would like to see the Village South property dedicated as park land, she said.

Ward 2

For the Ward 2 position, Elicson defeated incumbent Jill Burke, 591 to 579, according to the Summit County Board of Elections.

An election official said the narrow margin would not necessitate a recount.

Elicson, a 10-year resident of Hudson, said he plans to look at the citys spending.

We need to get control of the budget, he said, adding he was happy to see so many of the challengers won.

The reason people challenge is to affect change, he said. That is more likely to happen now.

Elicson, of Chadbourne Drive, has a masters degree in nuclear engineering from the University of Cincinnati and is employed as a senior nuclear engineer.

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## **New Council members to be sworn in at today's meeting – Dec 7, 2005**

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by Stephanie Fellenstein

Reporter

HUDSON - Four newly elected City Council members will have a full agenda for their first meeting tonight.

Mayor Bill Currin will administer the oath of office to new at-large Council members Mike Moran, John Logan and Kristina Roegner, and new Ward 2 representative Tom Elicson at the 7:30 p.m. meeting.

Moran, Logan and Roegner received the highest numbers of votes - 3,291, 3,085 and 2,885, respectively - among the six at-large candidates, according to the final, official results from the Summit County Board of Elections.

They beat incumbents George Roth, David Basil and Dan Williams, who had 1,850, 1,885 and 2,163 votes, respectively.

The new members join Ward 1 Councilman Brian Daley, Ward 3 Councilman Douglas Hasbrouck and Ward 4 Councilman John Jeffers.

Once the Council members are sworn in, they will elect a new Council president. George Roth served as Council president for four of his eight years on Council.

#### Agenda items

Changing the boundary between Districts 8 and 9, introduced in September and then forwarded to the planning commission, is back before Council.

In November, planning commission members recommended Council amend the Land Development Code to allow District 9 to expand into District 8.

City staff members say the change would help introduce amenities to the southern end of town which in turn would attract businesses. Also residential development, not allowed in District 8, would be an option if a portion of the area changes to District 9.

The change would involve adding a 68-acre portion of District 8 - bounded by District 9, the Hudson Gate Drive development, Hudson Drive, the Summit County Metroparks Bike and Hike Trail and Norton Road - to District 9.

District 8, zoned industrial/business park, currently covers 2,052 acres, while District 9, the Darrowville commercial corridor that includes the city's historic southern gateway, comprises 66 acres of land. Both are at the southern end of town.

Council is expected to schedule a public hearing for Jan. 4.

#### Village South Property

Council members also will discuss plans to dedicate 38 acres of the city-owned Village South property as park land.

Roth previously said if Village South - which is west of Route 91, south of Route 303 and

bisected by the new Veterans Way - is designated as park land then it will be controlled by the park board. If future members of Council ever wanted a portion of that land to build a city hall, the proposal would have to go before voters.

The legislation was introduced Nov. 2 and discussed again Nov. 16.

#### Mayor's Court

Also on the agenda tonight is legislation that would eliminate the city's mayor's court.

At a November budget meeting, Council members discussed whether it is feasible to keep the mayor's court operational.

Jeffers said he believes that removing the mayor's court could save taxpayers about \$35,000 per year by reassigning Russ McCormick, the mayor's court clerk, to a permanent position with the Hudson Police Department.

Mayor's court currently handles most speeding tickets, stop sign and other moving violations, and traffic accidents.

Jeffers said cities that do not have a mayor's court send their cases to the municipal courts. Money from fines is then remitted back to the city.

#### Grant agreement

The final agenda item involves discussion of a job creation grant agreement with SouthStar Funding, a national mortgage lender, hoping to establish a regional office in town.

SouthStar Funding applied for a Job Creation Tax Credit with the state, which would provide approximately \$212,000 in credit for state income tax. The city had to provide a letter to the state stating it would supply 25 percent of the state's credit, or \$53,000, which can be paid back to the company over a five-year period, according to Bernardine Matava-van Kessel, city economic director.

At a Council workshop, Council members modified a letter to the state saying they agree in principle to continue the process with SouthStar Funding to relocate to Hudson.

The letter supports the incentive proposal in concept and states the city will continue to consider the tax abatement while fully investigating the proposal.

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## **Village South may be designated park land**

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by Ronnica Dull

Reporter

HUDSON - City Council plans to introduce legislation at its next meeting which, if approved, would dedicate all 38 acres of the city-owned Village South property as park land.

Council president George Roth said if Village South - which is west of Route 91, south of Route 303 and bisected by the new Veterans Way - is designated as park land then it will be controlled by the park board. If future members of Council ever wanted a portion of that land to build a city hall, the proposal would have to go before voters.

Because of the city's growing staff, Council discussed in May 2003 the possibility of building a new multi-million dollar government center. One potential location was on the Village South property.

According to city records, residents voted in a special election on Feb. 3, 1998, for the city to purchase the northern 18-acre parcel of Village South for \$3.5 million.

The city later purchased the southern 19 acres for \$1.3 million.

After the addition of Veterans Way this year, the city's engineering department estimated that there are now about 14.4 acres of land remaining on the north side and about 18.6 acres remaining on the south side of the property.

Councilman Doug Hasbrouck said he would like the northern parcel to be open space.

Put a pond and plant some trees over by the railroad tracks because, right now, it's ugly, he said, adding that he would like to designate a portion of the south side of Village South as the site of a future city hall.

Councilman Brian Daley said he wanted to designate the northern parcel as park land because he believed that's what residents voted on.

If it's designated as park land ... citizens can use it because they can't use it now, he said.

According to the ballot language submitted to the Summit County Board of Elections for the February 1998 special election, voters were asked to acquire real estate for city recreation and open space purposes.

Councilman Dan Williams recommended turning all 38 acres into park land or open space.

Williams, who is Council's liaison to the park board, said if all of Village South is used as



park land, then voters would be able to decide if a new city hall should be built on the property.

It would be the citizens choice, he added.

According to city communications manager Jody Roberts, Council did not designate the 18-acre parcel as park land prior to the completion of Veterans Way because members did not know which parcel the road was going to be built on.

In related matters, Council also discussed and voted unanimously at its Oct. 19 meeting to reword the citys strategic plan pertaining to the Village South area.

The new wording identifies Village South as land west of Route 91, south of Route 303 and bisected by Veterans Way.

The citys strategic plan outlines city officials major goals and objectives for the year.

A definition of Village South was not included in this years draft.

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## **Village South property designated as park land – Dec 12, 2005**

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by Laura Freeman

Reporter

Hudson - City Council voted 5-1 Wednesday to approve a resolution designating the Village South property as park property.

Ward 3 Council member Douglas Hasbrouck voted against the proposal and Council President Brian Daley abstained.

The 38 acres of Village South property is located west of Route 91, south of Route 303 and is bisected by the new Veterans Way, which was dedicated at the Council meeting. The park land will be controlled by the park board. If Council eventually wants to build a new city hall on the land, it would have to go before the voters for approval, according to City Communications Manager Jody Roberts.

“We are not taking land out of existence,” Daley said. “If there is a need for other use than open space, the citizens can take it back at the ballot box.”

Joanne Moore of South Main Street was in favor of the ordinance.

"Park property isn't blank space," Moore said. "It adds value to the city as a whole."

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phone: 330-688-0088 ext. 3150

## CITY OF HUDSON PROPOSED LEGISLATION

**DATE:** October 21, 2005

**TO:** Honorable Mayor and Members of City Council

**FROM:** Douglas R. Elliott, Jr., City Manager  
Anthony J. Bales, Deputy City Manager

**LEGISLATION:** Village South

**MEETING:** City Council Workshop Meeting - October 25, 2005

**I. Legislative History**

Resolution 97-169 (attached) submitted to the electors the question of issuing \$3,500,000 of general obligation bonds for the purchase of real estate for "City recreation and open space purposes". The Bonds were to be repaid through the levy of a tax over a maximum 20-year period. The Resolution did not state a specific acreage to be purchased.

Resolution 97-173 (attached) determined to proceed with the issue described in Resolution 97-169 and included the Summit County Auditor's estimated average annual property tax levy of 0.42 mill for each \$1.00 of tax valuation (or 4.2 cents for each \$100 of tax valuation). Once again, this Resolution did not state a specific acreage to be purchased.

Resolution 99-125 (attached without attachments) authorized the purchase of real estate and settlement agreements and dismissal of several court cases.

**II. Purpose and Explanation**

The issue presented in Resolutions 97-169 and 97-173 was submitted to the electors at a special election on February 3, 1998. The issue was approved with 69% in favor of the issue and 31% opposed (see attached "Certificate of Result of Election on Question or Issue").

37.33891 acres was purchased for \$4,525,000 as a result of Resolution 99-125. The purchase agreement stated that the purchase consisted of "approximately 18.0951 acres of land located on State Route 91 in Hudson, Ohio ("Commercial Property")" and "approximately 19.24381 acres of land located on State Route 91 in Hudson, Ohio ("Residential Property)". The commercial property (18.0951 acres) was purchased for \$3,150,000 and the residential property (19.24381 acres) was purchased for \$1,375,000.

On March 1, 2000 City Council appointed the Village South Property Advisory Committee (Committee member list attached). The Committee met 14 times

A RESOLUTION DETERMINING TO SUBMIT TO THE ELECTORS THE QUESTION OF ISSUING \$3,500,000 OF BONDS FOR THE PURPOSE OF PAYING COSTS OF ACQUIRING REAL ESTATE FOR CITY RECREATION AND OPEN SPACE PURPOSES, AND DECLARING AN EMERGENCY.

BE IT RESOLVED by the Council of the City of Hudson, Summit County, State of Ohio, that:

Section 1: It is declared necessary to issue general obligation bonds of this City in the principal amount of \$3,500,000 for the purpose of paying costs of acquiring real estate for City recreation and open space purposes (the Bonds), and to levy a tax outside of the limitation imposed by Section 2 of Article XII of the Ohio Constitution to pay the debt charges on the Bonds and on any notes issued in anticipation of the Bonds. Pursuant to Section 133.18 of the Revised Code, the question of the issuance of the Bonds and the levy of the tax shall be submitted to the electors of this City at a special election to be held on February 3, 1998. The approximate date of the Bonds will be March 1, 1998. The principal of the Bonds will be paid over a maximum of twenty years, and will bear interest at a rate now estimated at 5½% per year, payable semiannually.

Section 2: The Clerk of Council is directed to certify a copy of this resolution to the County Auditor of Summit County for the calculation by the County Auditor of the estimated average annual property tax levy, expressed in dollars and cents for each \$100 of tax valuation and in mills for each \$1.00 of tax valuation, required throughout the maturity of the Bonds to pay the principal of and interest on the Bonds, assuming that they are all issued in one series and that the tax valuation of the City for the current year remains the same throughout the maturity of the Bonds (or, if that amount is not determined, the estimated amount of that tax valuation submitted by the County Auditor to the County Budget Commission).

Section 3: It is found and determined that all formal actions of this Council and of any of its committees concerning and relating to the adoption of this resolution were taken in open meetings of this Council or of any of its committees, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

Section 4: This resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this resolution must be immediately effective so that it can be timely filed with the County Auditor in order to submit the bond issue to the voters on February 3, 1998; wherefore,

this resolution shall be in full force and effect immediately upon its adoption, provided it receives the affirmative vote of five members of Council elected thereto or six affirmative votes if all members of Council are present at the meeting at which it is adopted; otherwise, it shall be in full force and effect from and after the earliest period allowed by law.

ADOPTED: November 5, 1997

Harold L. Bayless  
Harold L. Bayless, Mayor

ATTEST:

Mary Ann George  
Mary Ann George, Clerk of Council

I certify that the foregoing Resolution was duly adopted by the Council of said City on November 5, 1997.

Mary Ann George  
Mary Ann George, Clerk of Council

A RESOLUTION DETERMINING TO PROCEED WITH THE SUBMISSION TO THE ELECTORS OF THE QUESTION OF ISSUING BONDS FOR THE PURPOSE OF PAYING COSTS OF ACQUIRING REAL ESTATE FOR CITY RECREATION AND OPEN SPACE PURPOSES, AND DECLARING AN EMERGENCY.

WHEREAS, on November 5, 1997, this Council adopted Resolution No. 97-169 determining to submit to the electors of this City the question of the issuance of bonds in the principal amount of \$3,500,000 (the Bonds) for the purpose of paying costs of acquiring real estate for City recreation and open space purposes and to levy a tax to pay debt charges, a copy of which resolution was certified to the Summit County Auditor; and

WHEREAS, the Summit County Auditor has certified to this Council that the estimated average annual property tax levy throughout the maturity of the Bonds that would be required to pay the principal of and interest on (debt charges) the Bonds, calculated in the manner provided in Section 133.18(C) of the Revised Code, is .42 mill for each \$1.00 of tax valuation, which amounts to 4.2 cents for each \$100 of tax valuation;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hudson, Summit County, Ohio, that:

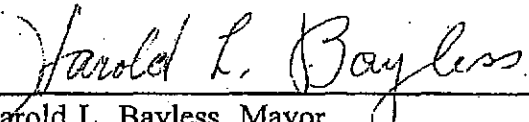
Section 1: This Council determines to proceed with submitting the question of the issuance of the Bonds to the electors pursuant to Section 133.18 of the Revised Code, at a special election to be held on February 3, 1998, of the question of issuing the Bonds in the amount of \$3,500,000 for the purpose of paying costs of acquiring real estate for City recreation and open space purposes and levying a tax to pay the debt charges on the Bonds and on any notes issued in anticipation of the Bonds. The average annual property tax levy required to pay principal of and interest on the Bonds has been estimated by the Summit County Auditor to be .42 mill for each \$1.00 of valuation, which amounts to 4.2 cents for each \$100 of valuation.

Section 2: The Clerk of Council is directed to certify to the Summit County Board of Elections not later than November 20, 1997: (i) a copy of Resolution No. 97-169 declaring the necessity of the bond issue and providing for the principal of the Bonds to be paid over a maximum of twenty years, and which number of years is certified to the Summit County Board of Elections; (ii) the certification by the Summit County Auditor as to the estimated average annual property tax levy; and (iii) a copy of this resolution. This Council requests that the Summit County Board of Elections give notice of the election and prepare the necessary ballots and supplies for the election in accordance with law.

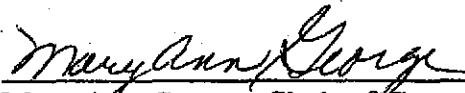
Section 3: It is found and determined that all formal actions of this Council and of any of its committees concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council or any of its committees, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

Section 4: This resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this resolution must be immediately effective so that it can be timely filed with the Board of Elections in order to submit the tax levy to the voters on February 3, 1998; wherefore, this resolution shall be in full force and effect immediately upon its adoption, provided it receives the affirmative vote of five members of Council elected thereto or six affirmative votes if all members of Council are present at the meeting at which it is adopted; otherwise, it shall be in full force and effect from and after the earliest period allowed by law.


ADOPTED: November 19, 1997

  
\_\_\_\_\_  
Harold L. Bayless, Mayor

ATTEST:

  
\_\_\_\_\_  
Mary Ann George, Clerk of Council

I certify that the foregoing Resolution was duly adopted by the Council of said City on November 19, 1997.

  
\_\_\_\_\_  
Mary Ann George, Clerk of Council

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR THE PURCHASE AND SALE OF REAL ESTATE WITH BEVEL ASSOCIATES, AN OHIO GENERAL PARTNERSHIP

BE IT RESOLVED by the Council of Hudson, Summit County, State of Ohio:

SECTION 1. That the City Manager be, and he hereby is, authorized and directed to enter into an Agreement for the Purchase and Sale of Real Estate with Bevel Associates, an Ohio General Partnership, a copy of which Agreement is attached hereto as Exhibit "A" and incorporated herein fully as if by reference.

SECTION 2. That the Law Director be, and he hereby is, authorized and directed to enter into settlement agreements and dismissal entries in the following cases: *First Hudson Development Associates, et al. v. Village of Hudson*, being Case No. C90-07-2453 in the Summit County Common Pleas Court; *City of Hudson v. Bevel Associates, et al.*, being Case No. CJ98-02-01 in the Probate Division of the Summit County Common Pleas Court; and *Bevel Associates, et al. v. City of Hudson*, being Case No. \_\_\_\_\_ in the United States District Court for the Northern District of Ohio, Eastern Division.

SECTION 3. This Resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED: September 1, 1999

Harold L. Bayless  
Harold L. Bayless, Mayor

ATTEST:

Mary Ann George  
Mary Ann George, Clerk of Council

I certify that the foregoing Resolution was duly passed by the Council of said Municipality on September 1, 1999.

Mary Ann George  
Mary Ann George, Clerk of Council



# CERTIFICATE OF RESULT OF ELECTION ON QUESTION OR ISSUE.

Revised Code, Section 3601.11

State of Ohio

County of SUMMIT

The Board of Elections of SUMMIT County hereby

certifies that at the election held in CITY OF HUDSON  
(Subdivision)

in said county on FEBRUARY 3, 1998 the  
(Date of election)

vote cast on the following issue was as follows: **PROPOSED BOND ISSUE**

Issue 1 - Shall bonds be issued by the City of Hudson for the purpose of paying costs of acquiring real estate for City recreation and open space purposes in the principal amount of \$3,500,000, to be repaid annually over a maximum period of twenty years, and an annual levy of property taxes be made outside the ten-mill limitation, estimated by the county auditor to average over the repayment period of the bond issue 0.42 mill for each one dollar of tax valuation, which amounts to 4.2 cents for each one hundred dollars of tax valuation, to pay the annual debt charges on the bonds, and to pay debt charges on any notes issued in anticipation of those bonds?  
(Tax levy, bond issue, local option, etc. - describe fully)

Votes FOR THE BOND ISSUE 2,681  
(For, yes, etc. - as on ballot) (Number)

Votes AGAINST THE BOND ISSUE 1,204  
(No, against, etc. - as on ballot) (Number)

Total vote cast on issue: 3,885  
(Number)

Witness our official signatures at AKRON, Ohio in  
said county, this 24TH day of FEBRUARY, 19 98

[Signature] Chair

[Signature]

[Signature]

[Signature]

Attest: [Signature]  
DIRECTOR

BOARD OF ELECTIONS

March 1, 2000

VILLAGE SOUTH PROPERTY ADVISORY COMMITTEE

<u>NAME</u>	<u>ADDRESS</u>	<u>TELEPHONE</u> <u>HOME/BUSINESS</u>
Mr. Robert Krampf	94 Fox Trace Lane	650-1440 - 672-2170
Mr. Thomas Kreeger	143 South Main Street	656-2315 - 216-491-1478
Ms. Diane Rafferty	95 West Case Drive	656-1188 - 655-2565
Ms. Ellen Ritter	2801 Hudson-Aurora Road	653-8542
Ms. Gail Royster	18 Lennox Road	656-9720 - 656-0400
Mr. Jack St. Clair	76 Parmelee Drive	655-5006 - 656-5969
Mr. Christopher Soukup	2705 Easthaven Drive	656-9017 - 216-360-9000
Mr. Art Stokes	Stokes Lane	653-5868
Dr. J. Dan Williams, Park Board		650-0974
Mr. William Currin, Council Liaison		653-9364 Voice Mail 655-4448

**VILLAGE SOUTH COMMITTEE**  
**RECOMMENDATIONS**  
**OCTOBER 9, 2000**

**I. Introduction**

**A. Purpose**

1. It was the City's request that the Committee make a recommendation to City Council on the appropriate disposition of the 20 acre south parcel that would recoup the City's acquisition costs for such parcel.
2. The Committee has refined that purpose slightly by recommending the most appropriate and fiscally responsible disposition of the entire 38 acre Village South Property.

**B. Recommendations Cover Entire 38 acre Parcel**

1. The committee deems it appropriate to consider the disposition of the entire 38 acre Village South Property rather than just the 20 acre south parcel subject to cost recoupment. There is no reason to limit the range of possibilities to just the 20 acre south parcel. There are no legal constraints, zoning or otherwise, to restrict the committee's recommendations (or the City's actions) to anything other than the entire 38 acre parcel.
2. Considering the disposition of the entire 38 acre parcel as a whole provides greater flexibility in locating possible uses within areas best suited for them. For example, a connector roadway does not have to be located wholly within the north parcel or the south parcel, but can be located wherever topography, cost considerations, design preferences, etc. may dictate.
3. The physical characteristics of the property simply make some portions of the property better suited for certain uses than others. Some of the characteristics that should be taken into consideration in locating different uses are the following:
  - a. location and proximity of railroad tracks,
  - b. the existing detention pond and gas well,
  - c. the already disrupted areas,
  - d. the location of the wooded and higher ecological value areas,
  - e. compatibility and proximity concerns with neighboring properties,
  - f. higher ecological value areas.

**C. Fiscally Responsible**

1. Fiscal responsibility was a critical factor in the Committee's deliberations. The Committee recognizes the fact that the 20 acre south parcel's purchase price of \$1,375,000 was funded by a short term loan taken out by the City maturing in March 2001. The need to account for this debt was the key consideration in evaluating all use possibilities.
2. Nonetheless, the Committee did not consider the recoupment of the purchase price the overriding priority. Repaying the loan was certainly important, but not at the expense of undesirable uses.
3. The Committee came to realize that some of the more preferred uses might not entail complete recoupment and that alternative funding sources would be necessary to cover any shortage in loan repayment.
4. Furthermore, repayment of some portions of the borrowed monies might have to be considered foregone to correspond with the acquisition costs that might be the inevitable consequence of the City's use of the land for roadways or other municipal purposes. For example, if 2-3 acres are used for a connector road and 2 more are reserved for a future municipal building, the City would be using approximately 5 acres of the land. The price for the remaining portion should be adjusted accordingly. The City paid about \$68,750 per acre for the 20 acres ( $\$1,375,000 \div 20$ ). Thus, the City should absorb \$343,750 leaving a balance of \$1,031,250.

**D. Appropriate Disposition**

1. Determining the most appropriate uses while remaining fiscally responsible was the ultimate challenge.
2. The Committee considered a multitude of possible uses including residential, commercial, nonprofit, municipal, open space and park and mixed uses.
3. There are many competing and sometimes conflicting factors to be considered in evaluating possible uses such as:
  - a. location at the center of the City
  - b. the prospects for a connector road
  - c. perceived community needs
  - d. market realities
  - e. neighborhood compatibility
  - f. traffic considerations

## **E. Prioritized Preferences**

1. The Committee would have preferred to recommend just one "best" use as a final solution to provide Council with a simple straightforward directive. However, it soon became clear to the Committee that this 38 acre parcel could not be considered as an island unto itself. A final recommendation that did not take into account other developments in the downtown area runs the risk of being useless. It did not seem to make much sense to recommend a use that would be utilized or planned for use elsewhere nearby. For example, while a new town hall or major municipal center might make sense on the site to modernize and consolidate municipal offices and facilities, the Committee learned that, at least for the near future term, existing arrangements involving the present library property are deemed sufficient.
2. There are other decisions yet to be made by the City which could preempt a proposed usage of the Village South Property. For example, the connector road being contemplated may ultimately be ruled out as cost prohibitive if the benefits of reduced congestion are disproportionate. The reduction in congestion may not be worth the cost of construction of a connector road when acquisition cost, construction costs, railroad tunneling, etc., are fully considered. Could other traffic congestion alleviation measures yet to be taken in other areas of the City further mitigate against the value of this particular connector road?
3. The uses ultimately determined for Morse Control property could have a significant impact on decisions made about the use of the Village South Property.
4. The general consensus of the Committee was that the only recommendations worth making were those that accommodated the different realities of the various possibilities and, accordingly, have decided to prioritize the preferred alternatives for the disposition of the Village South Property.

## **II. The Committee's First Preference**

### **A. Retain Village South Property as park/open space**

1. The Committee prefers making every effort to keep the entire 38 acre Village South Property as park land or open space (subject to whatever connector road might be mandated and perhaps a small 2-5 acre parcel for future municipal purposes).

2. The Committee also recommends that the 18 acre portion of the Village South Property be officially designated as Park Land under the jurisdiction of the Park Board (as opposed to City owned green space) and that no less than 15 acres of the 20 acre parcel also be so designated as Park Land - more if the remaining 5 acres are not used for the proposed 3 acre connector road or possible 2 acre municipal building.
3. All park/open space usage is favored for several reasons:
  - a. 18 acres is already mandated, for all practical intents and purposes, to remain as park land or for civic uses. To maintain the rest of the Village South Property as park land/open space would be a natural extension of the adjoining 18 acre parcel's usage.
  - b. There is a promising possibility of connecting the Village South Property with other properties and existing park lands to the south as part of the Park Board's comprehensive hike and bike trail plans. Usage of the entire parcel as park land would be consistent with the Park's new master plan. The property owners south of the Property should be contacted about the donation of a portion of their lands to expand the proposed park/open space south along the railroad tracks.
  - c. Retaining Village South Property as park land/open space avoids more intensive uses that could cause traffic congestion and over burden the City's infrastructure.
  - d. It is generally consistent with the Comprehensive Plan's New England town pattern with a central green. The Committee is not in favor of the long term proposal of the Comprehensive Plan for office use.
  - e. Open space usage is certainly the most acceptable alternative to abutting property owners.

#### **B. Funding**

- a. Plans should be made to extend the short term loan for as long as 3 years to assure the proper disposition of the Village South Property. Because of all of its unique features, the committee feels that the Property is too important to be disposed of hastily. Taking the time to see that the Property is properly utilized is worth the additional carrying costs for that extended time period.
- b. Interest costs are reportedly approximately \$50,000 per year. That much money should be set aside within the City budget to give this option and the Committee's second preference every opportunity to be fulfilled.

- c. Funding opportunities such as grants and gifts should be pursued immediately to fund the repayment of the acquisition cost. Possible sources of such funds are Federal and State grants, the Summit County "Cares" Program and local foundations and benefactors.
- d. Funding by adding millage to an upcoming Park levy or as a separate future ballot issue should also be given serious consideration. If the community agrees with the Committee's preference, the community should be given the opportunity to back up that preference by voting for additional real property taxes sufficient to fund the loan's repayment.

### **III. The Committee's Second Preference**

#### **A. Residential Uses and Park Land.**

1. If all possibilities for preserving the entire Village South Property as park/open space fail, then the Committee's next preference would be for the sale of the Property to an approved developer of approximately 15 acres for residential housing devoted exclusively to ownership by senior citizens (55-62 years and older) and developed in the new urban design approach. This would be accomplished by appropriate City conditional development approvals and/or deed restrictions.
2. No less than 18 acres of the Property would be maintained as park land/open space as aforesaid.
3. The restriction that the Property be limited to senior housing is a critical component of this alternative as the Committee has no desire to sanction any usage of the Village South Property which would unduly burden the City's infrastructure or the school system.

#### **B. New Urbanism**

1. The new urbanism concept involves somewhat higher density, older style architectural design and traditional small town neighborhood layout. It is also characterized by smaller lots, pedestrian friendly layout with assorted housing types and emphasis on high quality and affordability.
2. This type of residential development could be facilitated under the Land Development Code. There are approximately 100 residential building permits that may be permitted each year as defined by the Land Development Code (which definition includes affordable housing and housing for the elderly). In addition, the City is authorized to award up to 30 allotments for projects of special merit including those with 25% of the units dedicated to persons 62 years of age or older. The Planning Commissioner and the

City Manager must recommend projects of special merit to the City Council. Allowing a project of special merit would provide comfort to developers who might be concerned about getting enough building permits soon enough to make the project feasible.

3. Although the Zoning Code might permit approximately 50 units, which might improve the prospects for full recoupment of the acquisition costs, the Committee generally was in favor of a more modest number of housing units to avoid excessive density and congestion.

#### **C. Location of Development.**

- 1.
2. There may be certain relocation expenses involved with this placement due to existing utility easements and the gas well. However, these should not stand in the way of the more important objective of properly locating the development.
3. Section III C3. An artist's schematic drawing is included to provide a visual aid of the site with existing conditions noted; however, the ultimate configuration of the land use elements will be determined by City Council, the Municipal Planning Commission, the staff and developer.

#### **IV. Connector Roadway.**

##### **A. No Endorsement**

1. The Committee's reservation of portions of the Village South Property for a connector roadway between 91 and Milford Drive is not necessarily to be considered a recommendation or endorsement of the installation of such a road. The Committee has merely taken into account in its deliberations the possibility that a road may be mandated.
2. The Committee has considered numerous comments from the community, neighbors, the City Manager, the City Engineer and others concerning the rationale, mechanics, logistics, location, costs, etc., of such a roadway but feel that there are many factors yet to be fully accounted for, explained and justified before the roadway becomes a reality.
3. Based on current information, the Committee is willing to assert that if a roadway is to be constructed upon the Property, the Committee recommends that it be designed with curves or in a neighborhood layout to discourage any usage as a "highway bypass" with a heavy volume of trucks and other vehicles at inappropriate speeds. The Committee



WALTER & HAVERFIELD LLP  
ATTORNEYS AT LAW

Charles T. Riehl, Esq.  
E-Mail: [criehl@walterhav.com](mailto:criehl@walterhav.com)  
Direct Dial: (216) 928-2895

May 28, 2004

City Manager Michael E. Morton  
and Members of Council  
City of Hudson  
27 East Main Street  
Hudson, OH 44236

Re: Request of Brian Daley for Opinion Concerning Use  
of Proceeds for Recreation and Park Open Space  
Bond Issue Approved at February 3, 1998 Election

Dear Mr. Morton and Members of Council:

I have previously furnished to you the minutes of the meetings of the Village South Advisory Committee at which opinions were furnished that the proceeds of the levy did not restrict the precise location of the 18 acres of park land to the northern portion of the Village South property. Further, I am enclosing a copy of the Certificate of Result of the question or election together with a copy of Resolution No. 97-173 determining to proceed with the submission to the electors the question of issuing bonds for the purpose of paying the cost for acquiring real estate for the City for recreation and open space purposes.

Specifically, the purpose of the levy was to "issue bonds in the amount of \$3,500,000 for the purpose of paying costs of acquiring real estate for City recreation and open space purposes . . . ." There was no geographical restriction as to the area within the City in which the real estate should be acquired. While at the time of the passage of the levy, there was some discussion as to the initial site location for the use of the proceeds, it is clear that it was not the intent of Council in passing this ordinance nor was the purpose of the ballot language to restrict the funds to be site specific. If the immediate purpose of acquiring property at the Village South location had failed, the funds could have been used at other locations throughout the City.

Specifically, with respect to the Village South property, while the purchase of the northernmost 18 acres was successful, through settlement of the eminent domain proceeding, the Village was also able to acquire the entire parcel as part of the same settlement. I do not believe that there is a legal impediment as a result of the bond issue towards the location of park and open space

RESOLUTION NO. 05- 154

OFFERED BY: Mr. Roth

**A RESOLUTION DESIGNATING THE VILLAGE SOUTH PROPERTY (PARCEL NO. 32-02042) AS PARK PROPERTY**

WHEREAS, the City acquired a 37.33891 acre parcel of land in 1999 as a result of Resolution No. 99-125; and

WHEREAS, this property has been designated as the "Village South" property and is listed as Parcel No. 32-02042 on the Summit County list of parcel numbers; and

WHEREAS, this Council has reviewed a number of issues in connection with the Village South property including the manner in which the Resolution submitting to the electors the question of issuing bonds to pay, in part, for the Village South property; the factors leading up to the passage of Resolution No. 99-125 on September 1, 1999 authorizing the purchase of the Village South property; and the considerations and recommendations of the Village South Advisory Committee; and

WHEREAS, this Council, after considering all factors, has determined pursuant to Hudson Charter Section 8.05 to declare and designate the Village South property as public park land.

NOW, THEREFORE, BE IT RESOLVED by the Council of Hudson, Summit County, State of Ohio:

Section 1. That this Council does hereby designate the "Village South" property, being a parcel of 37.33891 acres and designated as Permanent Parcel No. 32-02042 as public park property pursuant to Hudson Charter Section 8.05

Section 2. This Resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
William A. Currin, Mayor

ATTEST:

\_\_\_\_\_  
Mary Ann George, Clerk of Council

I certify that the foregoing Resolution was duly passed by the Council of said Municipality on \_\_\_\_\_, 2005.

First Reading: 11-2-05  
Second Reading: 11-16-05

\_\_\_\_\_  
Mary Ann George, Clerk of Council

My name is Carol Bellian and I reside at 84 S. Main St...the old white house across from Brickers Ice Cream Store. I have resided in Hudson for over 31 years and I come to you as a concerned and very, very upset resident. I am opposed to Resolution No. 05-154, the resolution designating the Village South land as park property. As you know, in 1998 the residents of Hudson passed a 3.5 million dollar levy to purchase the northern 18 acres of real estate for city recreation and open space purposes. This levy specifically said city recreation and open space purposes, not park property or park land. I have a copy of the ballot if anyone would like to see it. Turning this parcel into park property is gifting the park board 3.5 million dollars for the northern land portion and another 1.3 million for the southern portion. ...is the city so wealthy that it can afford a gift of this magnitude...I don't think so. There are so many options for this property as open space that council can consider right now, such as an ice skating rink or other forms of recreation for the kids, that new city administration center, possibly a location for the "saving of the railroad station" the possibilities are endless. The land is a valuable asset for the city and could eventually bring in much needed monies through some economic development. Therefore passage of this resolution would limit any further possibility of tax revenue from the property or from the people who may eventually work there. Since 1999 its been and should continue to be city recreation and open space .Why would you even consider changing this now..you can do what you want with it as City recreation & open space...why is it imperative to change?? The city should not limit themselves and continue to keep their options open as they are now. By the way, whatever happened to recouping that 1.3 million the city paid for the southern portion of Village South...monies taken from the general fund...monies that could pay for trash and leaf pickup for the residents..monies that council stated would be recouped by residential senior development..if that's not feasible, what is??

In July of 2000, the Hudson Hub wrote an article in which included a conversation from City Solicitor Charles Riehl. The article relates that Mr. Riehl was asked by the Village South Property Advisory Committee what the legal restrictions were for the placement of the 20 acres to be used for development and 18 acres to be reserved for recreation and open space. Mr. Riehl explained that the city is not legally subject to its own zoning and that the committee is not restricted to specific parcels for development or for recreation and open space use. Mr. Riehl said "you can deal with the property in any way City Council deemed fit regardless of the the zoning, but the city has a moral commitment to honor the bond issue." I believe the northern 18 acres, commercial acreage, was what the bond issue was about.

As a citizen of Hudson who voted for the bond issue and entrusted & gave to you, members of council, the power to act in my behalf, to prove your obligation to the people still remains, I trust that you will do the right thing and honor the bond issue, the wishes of the people and vote no on this resolution. Thank you...

**PROPOSED BOND ISSUE  
CITY OF HUDSON**

**1** A majority affirmative vote is necessary for passage.

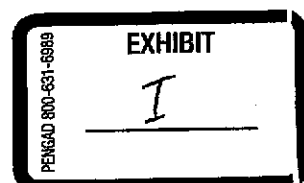
Shall bonds be issued by the City of Hudson for the purpose of paying costs of acquiring real estate for City recreation and open space purposes in the principal amount of \$3,500,000, to be repaid annually over a maximum period of twenty years, and an annual levy of property taxes be made outside the ten-mill limitation, estimated by the county auditor to average over the repayment period of the bond issue 0.42 mill for each one dollar of tax valuation, which amounts to 4.2 cents for each one hundred dollars of tax valuation, to pay the annual debt charges on the bonds, and to pay debt charges on any notes issued in anticipation of those bonds?

FOR THE BOND ISSUE	<input type="checkbox"/>
AGAINST THE BOND ISSUE	<input type="checkbox"/>

### Affidavit of James J. Hardy

I, James J. Hardy, being over the age of eighteen and under no legal disability, testify from personal knowledge as follows:

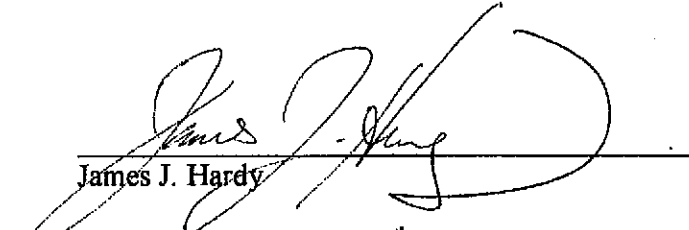
1. I am an employee of the Ohio Secretary of State's office.
2. I have worked at the Ohio Secretary of State's office since January 8, 2007.
3. I work as a Regional Liaison.
4. I am responsible for interacting with the Summit, Stark, Portage, Medina, and Geagua County Boards of Elections.
5. In this role, I serve as the Secretary's representative to those boards of elections.
6. It is my job to provide information to my assigned boards of elections from the Secretary of State's office. I am also responsible to pass information to the Secretary of State's office about the boards of elections for which I am responsible.
7. In my role as Regional Liaison, I regularly attend meetings of my assigned boards of elections.
8. I have been doing this since I started with the Secretary's office in January of 2007.
9. I have had the opportunity of personally witnessing the manner in which the Summit County Board of Elections functions.
10. I have also seen Mr. Alex Arshinkoff in his role as a former member of the Summit County Board of Elections.
11. At one board meeting, I witnessed board members Alex Arshinkoff and Wayne Jones engage in a heated argument.
12. Board members Arshinkoff, Jones, and Jack Morrisson asked me a question about how the Secretary of State's office interprets a particular provision of Ohio election law.
13. As is my practice when a question arises from a board of elections about the interpretation of elections law, I left the room the board was meeting in to place a call to the Secretary of State's office.
14. I called Gretchen Quinn, a staff lawyer at the Secretary of State's office, who is assigned to answer legal questions that arise from the Summit County Board of Elections.



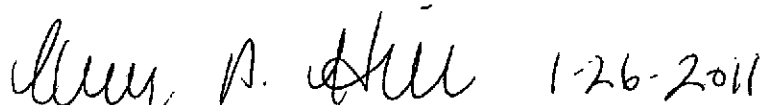
15. As I was standing in the hallway speaking to Ms. Quinn over the telephone, I observed Mr. Arshinkoff walking down the hall.
16. Mr. Arshinkoff appeared to be very agitated and he screamed my name.
17. Mr. Arshinkoff explained to me that he wanted to speak to Ms. Quinn directly because he did not trust a democrat's interpretation of election law.
18. After I looked at Mr. Arshinkoff, he stopped and turned around and returned to the board of elections meeting room.
19. While I continued speaking with Ms. Quinn on the telephone, Mr. Steve Kotsados arrived in the hallway and stood next to me.
20. Mr. Kotsados is the assistant to then Elections Director Brian Williams.
21. I asked Mr. Kotsados why he was standing next to me and I understood that he was doing so because he was instructed to do so and to watch me.
22. I then went back into the board room and relayed the answer of Ms. Quinn as best I could.
23. The board itself ended up reaching a tie-vote on the question before them.
24. There have been other meetings during which Mr. Arshinkoff made very hostile comments to me. He engaged in this same pattern of trying to observe me during a conversation with staff attorney Brian Green.
25. Mr. Arshinkoff has acted in a very agitated and hostile way toward me during multiple Summit County Board of Elections meetings.
26. I have also personally observed the working environment at the Summit County Board of Elections.
27. The working environment at that board of elections is dysfunctional. None of my other assigned boards of elections offices have any problem with the way in which all of their employees work together.
28. Around December of 2007, the Secretary of State released an ethics policy for all boards of elections to follow. One of the provisions of this policy was that board employees were not allowed to call on behalf of people running for a precinct committee person slot for either political party.
29. After the policy was released, I received complaints from both Republican and Democratic employees of the Summit County Board of Elections that some employees were still making these phone calls.

30. As we approached the March 2008 Presidential Primary election, I noticed that the work environment of the Summit County Board of Elections deteriorated. The work environment became even more tense and hostile.
31. A civil rights complaint has also been filed by some Summit County Board of Elections employees against their fellow employees.
32. The tension that had been readily apparent at the Summit County Board of Elections does not exist at any of my other county boards of elections.
33. Such an environment is not contusive to a well run board of elections.
34. If a board of elections is not functioning properly, it becomes very difficult for that board of elections to conduct an efficient or well run election.

Further Affiant Sayeth Naught.

  
James J. Hardy

Sworn to and subscribed before me, a Notary Public, on this 14<sup>th</sup> day of March, 2008.

 1-26-2011  
Notary Public



# In The Supreme Court Of Ohio

State ex rel. Summit County Republican Party :  
Executive Committee, :  
Relator, : Case No. 08-0478  
vs. : Original Action in Mandamus  
Secretary of State Jennifer Brunner :  
Respondent. :

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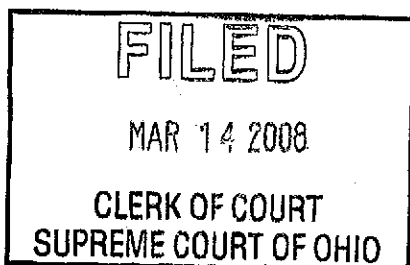
## RESPONDENT'S EVIDENCE – VOLUME X Exhibits A, B, and C

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Exhibit A Deposition of Andrew R. Duff - Transcript  
Exhibit B Deposition of Thomas M. Cousineau - Transcript  
Exhibit C Deposition of James J. Hardy – Transcript and Exhibits 1 through 4

MARC DANN (0039425)  
Ohio Attorney General

Richard N. Coglianesse (0066830)  
rcoglianesse@ag.state.oh.us  
*Counsel of Record*  
William C. Becker (0013476)  
Damian W. Sikora (0075224)  
Pearl M. Chin (0078810)  
Assistant Attorneys General  
30 East Broad Street, 16th Floor  
Columbus, Ohio 43215  
614-466-2872  
614-728-7592 fax



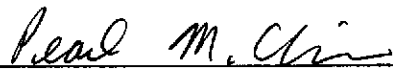
*Attorneys for Respondent*  
Ohio Secretary of State Jennifer Brunner

**Certificate of Service**

This is to certify that a copy of the foregoing *Respondent's Evidence, Vol. X* was served upon the following, on this 14th day of March 2008, by US Mail, postage prepaid:

Timothy J. Grendell  
Grendell & Simon Co., LPA  
Broadview Heights, Ohio 44147  
440-746-9604 (Fax)

*Attorney for Relator*

  
\_\_\_\_\_  
Pearl M. Chin

DuffDeposition.txt

IN THE SUPREME COURT OF OHIO

~~~~~

THE STATE OF OHIO EX. REL. SUMMIT COUNTY  
REPUBLICAN PARTY EXECUTIVE COMMITTEE,

Relator,

vs. Case No. 08-0478

JENNIFER BRUNNER OHIO SECRETARY OF STATE,

Respondent.

~~~~~

Deposition of

ANDREW R. DUFF

March 14th, 2008  
8:20 a.m.

Taken at:  
Rennillo Court Reporting, Records & Media  
3737 Embassy Parkway, Suite 250  
Akron, Ohio

Kelly A. Hill, Notary Public

□

2

1. APPEARANCES:

2

Page 1



3 On behalf of the Relator:  
4 Grendell & Simon Co., L.P.A., by  
5 TIMOTHY J. GRENDELL, ESQ.  
6 (Via telephone)  
7 GEORGE T. SIMON, ESQ.  
8 6640 Harris Road  
9 Broadview Heights, Ohio 44147  
10 (440) 746-9600  
11 grendellandsimon@yahoo.com  
12

13 on behalf of the Respondent:  
14 Attorney General State of Ohio, by  
15 AARON D. EPSTEIN, ESQ.  
16 RICHARD N. COGLIANESE, ESQ.  
17 30 E. Broad Street, 16th Floor  
18 Columbus, Ohio 43215  
19 (614) 466-0350  
20 aepstein@ag.state.oh.us  
21 rcoglianesese@ag.state.oh.us  
22  
23  
24  
25

0

3

1 APPEARANCES, Continued:

2

3 On behalf of Ohio Secretary of State:

4 BRIAN P. GREEN, ESQ.  
5 180 East Broad Street

DuffDeposition.txt

6 15th Floor  
7 Columbus, Ohio 43215  
8 (614) 995-4541  
9 bgreen@sos.state.oh.us  
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1	I N D E X		
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3	EXAMINATION OF	5	6
4	ANDREW R. DUFF		
5	BY MR. EPSTEIN		
6	EXAMINATION OF	11	16
7	ANDREW R. DUFF		
8	BY MR. GRENDALL		

DuffDeposition.txt

9 EXAMINATION OF 13 1  
10 ANDREW R. DUFF  
11 BY MR. EPSTEIN  
12 FURTHER EXAMINATION OF 13 18  
13 ANDREW R. DUFF  
14 BY MR. GRENDALL  
15 FURTHER EXAMINATION OF 14 3  
16 ANDREW R. DUFF  
17 BY MR. EPSTEIN  
18 EXAMINATION OF ANDREW DUFF 15 4  
19 BY MR. GRENDALL  
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1 ANDREW R. DUFF, of lawful age,  
2 called for examination, as provided by the Ohio  
3 Rules of Civil Procedure, being by me first  
4 duly sworn, as hereinafter certified, deposed  
5 and said as follows:

6 EXAMINATION OF ANDREW R. DUFF

7 BY MR. EPSTEIN:

8 Q. would you state your full name and  
9 address for the record, please?

10 A. Andrew Robert Duff, 34 Church  
11 Street, Hudson, Ohio.

08:20:06

12 MR. GRENDALL: At this time I'd  
13 like to enter an objection to the deposition in  
14 total for the record.

15 Q. Mr. Duff, my name is Aaron Epstein, 08:20:18  
16 and I'm here from the office of the Ohio  
17 Attorney General.

18 Are you represented by counsel this  
19 morning?

20 A. No, I'm not. 08:20:28

21 Q. Are you familiar with the  
22 deposition process?

23 A. Yes, I am.

24 Q. I'll just ask you to keep a couple  
25 things in mind. Of primary importance is you 08:20:34

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1 need to let me finish my question before you  
2 begin to answer, even though you know where I'm  
3 going, just so we don't talk over each other  
4 and the court reporter can have a clean record.

5 Can you try to be mindful of that? 08:20:50

6 A. Yes.

7 Q. You are, yourself an attorney; is  
8 that correct?

9 A. I am.

10 Q. Now, Mr. Duff, you are also a 08:20:56  
11 member of the Summit County Republican Party  
12 Executive Committee; is that correct?

13 A. Correct.

14 Q. How long have you been a member?

15           A.     Probably about four years.                   08:21:11  
16           Q.     And during your tenure, I take it  
17 you've had occasion to attend executive  
18 committee meetings; is that correct?  
19           A.     I have periodically.  
20           Q.     I'd like to discuss with you,               08:21:22  
21 specifically, an executive committee meeting  
22 that took place on February 26th, 2008.  
23                    Did you attend that meeting?  
24           MR. GRENDELL:  Objection.  
25                    Go ahead and answer.                   08:21:33

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1           A.     I believe so.  If you could expound  
2 on what went on with that meeting.  
3                    There were, like, three or four  
4 meetings in a row within a couple weeks, and  
5 I'm not sure I can specifically say based only           08:21:48  
6 on the date.  But I believe I was at all those  
7 meetings.  
8           Q.     Does it refresh your recollection  
9 if I tell you that this was the meeting at  
10 which the executive committee considered               08:22:03  
11 recommending Brian Daley as a member of the  
12 Summit County Board of Elections?  
13           A.     Correct.  Yes, I was there.  
14           Q.     At what time did you arrive at that  
15 meeting?   08:22:23  
16                    MR. GRENDELL:  Objection.  
17           A.     I believe the meeting was at 6:00



DuffDeposition.txt

18 and I arrived just a couple minutes before 6.

19 Q. where was the meeting?

20 A. It was at the Summit County 08:22:34

21 Republican headquarters in the old Goodrich  
22 complex.

23 Q. Give me a sense of the room that

24 this was being held in. Is this a seated

25 auditorium? Is this an open area? what kind 08:22:53

□

8

1 of place is this?

2 A. It's a meeting room in the Summit

3 County Republican Party's headquarters.

4 It's -- they have a table set up for the

5 officers that's along the front wall, and then 08:23:08

6 there's probably ten to 15 round tables with

7 eight to ten seats at each for the members of

8 the committee to sit at.

9 Q. Did you arrive with anyone?

10 A. No. 08:23:29

11 Q. What did you do when you arrived?

12 MR. GRENDALL: Objection.

13 A. I probably said -- or I said hello

14 to a few people as I walked in and grabbed a

15 seat. 08:23:47

16 Q. Was any part of the meeting in

17 progress at the time you arrived?

18 A. No.

19 Q. Was dinner served as part of this

20 meeting? 08:23:58

21 MR. GRENDELL: Objection.

22 A. Yes.

23 Q. At what point in the evening was  
24 dinner served?

25 MR. GRENDELL: Objection. 08:24:04

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1 A. Shortly after the beginning of the  
2 meeting.

3 Q. How does the meeting begin?

4 A. It's called --

5 MR. GRENDELL: Objection. 08:24:13

6 A. It's called to order by -- and I  
7 can't remember if it was called to order by  
8 Alex or by Jack Morrison.

9 Q. And once the meeting is called to  
10 order, what proceedings took place at that 08:24:26  
11 specific meeting?

12 MR. GRENDELL: Objection.

13 A. At this specific meeting, I believe  
14 after it was called to order the -- everybody  
15 was invited to have dinner and go get in the 08:24:39  
16 line kind of in the back and pick it up, buffet  
17 style.

18 Q. I believe you testified a moment  
19 ago that the meeting started at approximately  
20 6:00? 08:24:56

21 A. It may have been a few minutes  
22 late. I think it was scheduled for 6:00, and I  
23 know I arrived right -- just before that.

24 Q. When did official business of the  
25 meeting begin? 08:25:09

10

1 MR. GRENDELL: Objection.

2 A. Well, they called the meeting to  
3 order and I left shortly thereafter. I did not  
4 eat dinner.

5 Q. Were you present when the roll call  
6 was taken? 08:25:24

7 A. For the vote for Mr. Daley?

8 Q. The initial roll call to establish  
9 a quorum at the meeting, were you present for  
10 that? 08:25:36

11 MR. GRENDELL: Objection.

12 A. I don't recall. I don't think so.

13 Q. Were you present when a vote was  
14 taken with respect to Mr. Daley?

15 A. No. 08:25:47

16 Q. What time did you leave the  
17 meeting?

18 A. I didn't look at my watch, so I  
19 can't tell you. It probably was pushing 6:30.

20 Q. At the time that you left the  
21 meeting that evening, were the other  
22 participants still eating dinner? 08:26:28

23 MR. GRENDELL: Objection.

24 A. Yes.

25 Q. Were there people still lined up at 08:26:38

1 the buffet table?

2 A. The line had primarily wound down,  
3 but there were still a few lined up.

4 Q. And just so the record is clear, do  
5 you have any recollection of being present at 08:26:58  
6 the meeting when the first roll call was  
7 called?

8 MR. GRENDALL: Objection.

9 A. I don't -- I don't recall. I don't  
10 believe I was there. 08:27:17

11 MR. EPSTEIN: Thank you. That's  
12 all my questions.

13 MR. GRENDALL: Mr. Duff, I have a  
14 couple questions.

15 THE WITNESS: Sure. 08:27:27

16 EXAMINATION OF ANDREW R. DUFF

17 BY MR. GRENDALL:

18 Q. First of all, the meeting is called  
19 to order and then people get up and get food;  
20 is that right? 08:27:35

21 A. That's correct.

22 Q. Number two, some people can be --  
23 and then some business is conducted while  
24 people are eating; is that correct?

25 A. Yes. 08:27:47

1 Q. And you mentioned you don't recall  
2 being at that meeting of February 26th, but if  
3 the official record of the secretary indicated  
4 that you were present for the roll call for  
5 attendance, do you have any reason to believe 08:28:02  
6 that evidence is inaccurate?

7 MR. EPSTEIN: Objection. Misstates  
8 his testimony.

9 A. I don't have any reason to believe  
10 it's inaccurate. 08:28:13

11 Q. And on February 26th, 2008, did you  
12 agree with the executive decision to recommend  
13 that Brian Daley be appointed to the Summit  
14 County Board of Elections?

15 MR. EPSTEIN: Objection. 08:28:23

16 A. Yes.

17 Q. And, finally, you've been on the  
18 executive committee for a while. Have you  
19 found the official record dealing with  
20 attendance to be in error in the past? 08:28:31

21 MR. EPSTEIN: Objection.

22 A. No.

23 MR. GRENDALL: I have no other  
24 questions. Thank you.

25 MR. EPSTEIN: Just one follow up. 08:28:39

13

1 FURTHER EXAMINATION OF ANDREW R. DUFF  
2 BY MR. EPSTEIN:

3 Q. Are you certain that you were not

4 present for the vote on Mr. Daley's  
5 appointment? 08:28:52

6 MR. GRENDALL: Objection. The  
7 witness never said that. It misstates his  
8 testimony.

9 MR. EPSTEIN: That's why I'm asking  
10 the question. 08:29:00

11 A. I was not present at the time of  
12 the vote for Mr. Daley.

13 Q. You are certain of that?

14 A. Yes.

15 MR. EPSTEIN: That's all my  
16 questions. 08:29:06

17 MR. GRENDALL: I have a question.

18 FURTHER EXAMINATION OF ANDREW R. DUFF

19 BY MR. GRENDALL:

20 Q. But you have no reason to contend 08:29:11  
21 that the official record that said you were  
22 present for the attendance roll call is  
23 inaccurate; is that correct?

24 A. That's correct.

25 MR. GRENDALL: Thank you very much. 08:29:23

□

14

1 MR. EPSTEIN: I have one more  
2 question.

3 FURTHER EXAMINATION OF ANDREW R. DUFF

4 BY MR. EPSTEIN:

5 Q. Did you have any role in preparing 08:29:31  
6 the minutes from that meeting?

7           A.     No.

8           Q.     Have you reviewed those minutes?

9           A.     No. Well --

10           MR. GRENDALL: Are you done?                   08:29:46

11           THE WITNESS: I'm trying to think

12 through that question.

13           A.     There was a subsequent meeting, and

14 I cannot recall whether or not at that

15 subsequent meeting we approved the minutes of           08:30:00

16 this prior meeting. That would have been the

17 only occasion where I might be on record having

18 approved it, but I do not recall whether or not

19 that occurred.

20           Q.     So sitting here today, you have no       08:30:14

21 personal knowledge as to what the minutes

22 reflect?

23           A.     That's correct.

24           Q.     And sitting here today, you have no

25 personal knowledge as to whether the minutes           08:30:22

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1 are accurate or not?

2           A.     That's correct.

3           MR. EPSTEIN: That's all.

4           FURTHER EXAMINATION OF ANDREW DUFF

5 BY MR. GRENDALL:                                       08:30:29

6           Q.     Sitting here today, you have no

7 reason to say that the minutes from the

8 February 26th meeting isn't true, that the

9 March 3rd meeting were inaccurate; is that

10 correct? 08:30:38  
11 A. That's correct.  
12 Q. And you don't have any  
13 responsibility or duties to prepare the minutes  
14 for the Summit County Republican Party  
15 Executive Committee meeting, do you? 08:30:49  
16 A. No, I do not.  
17 MR. GRENDALL: Thank you.  
18 MR. EPSTEIN: We're done.  
19 MR. GRENDALL: Mr. Duff, I think  
20 the court reporter has to advise you on your 08:31:08  
21 right to review this transcript. You can't  
22 make any changes, but you have a right to  
23 review it, or you can waive that right.  
24 I think she has to tell that to you  
25 before you leave. 08:31:17

16

1 THE WITNESS: I guess I'd like to  
2 see it.  
3 MR. GRENDALL: So you do not waive?  
4 THE WITNESS: Correct.  
5 MR. GRENDALL: Thank you. 08:31:26  
6

7 (Deposition concluded at 8:31 a.m.)  
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1 CERTIFICATE  
2 The State of Ohio, )  
3 SS:  
4 County of Cuyahoga. )  
5  
6 I, Kelly A. Hill, a Notary Public  
7 within and for the State of Ohio, duly  
8 commissioned and qualified, do hereby certify  
9 that the within named witness, ANDREW R. DUFF,  
10 was by me first duly sworn to testify the  
11 truth, the whole truth and nothing but the  
12 truth in the cause aforesaid; that the  
13 testimony then given by the above-referenced  
14 witness was by me reduced to stenotypy in the  
15 presence of said witness; afterwards

16 transcribed, and that the foregoing is a true  
17 and correct transcription of the testimony so  
18 given by the above-referenced witness.

19 I do further certify that this  
20 deposition was taken at the time and place in  
21 the foregoing caption specified and was  
22 completed without adjournment.

23  
24  
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18

1 I do further certify that I am not  
2 a relative, counsel or attorney for either  
3 party, or otherwise interested in the event of  
4 this action.

5 IN WITNESS WHEREOF, I have hereunto  
6 set my hand and affixed my seal of office at  
7 Cleveland, Ohio, on this \_\_\_\_\_ day of  
8 \_\_\_\_\_, 2008.

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\_\_\_\_\_  
Kelly A. Hill, Notary Public  
within and for the State of Ohio

My commission expires January 26th, 2011.

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19

1 SIGNATURE OF WITNESS

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5

6 The deposition of ANDREW R. DUFF,  
7 taken in the matter, on the date, and at the  
8 time and place set out on the title page  
9 hereof.

10 It was requested that the  
11 deposition be taken by the reporter and that  
12 same be reduced to typewritten form.

13 It was agreed by and between  
14 counsel and the parties that the Deponent will  
15 read and sign the transcript of said  
16 deposition.

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1                                   AFFIDAVIT  
2 The State of Ohio,    )  
3                                   ) SS:  
4 County of Cuyahoga    )

5  
6  
7

8               Before me, a Notary Public in and for  
9 said County and State, personally appeared  
10 ANDREW R. DUFF, who acknowledged that he/she  
11 did read his/her transcript in the  
12 above-captioned matter, listed any necessary  
13 corrections on the accompanying errata sheet,  
14 and did sign the foregoing sworn statement and  
15 that the same is his/her free act and deed.

16               In the TESTIMONY WHEREOF, I have hereunto  
17 affixed my name and official seal at this \_\_\_\_\_  
18 day of \_\_\_\_\_ A.D. 2008.

19  
20  
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\_\_\_\_\_  
Notary Public

1 DEPOSITION ERRATA SHEET

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3 RE: THE STATE OF OHIO EX. REL. SUMMIT  
4 COUNTY REPUBLICAN PARTY EXECUTIVE  
5 COMMITTEE vs. JENNIFER BRUNNER OHIO  
6 SECRETARY OF STATE

7

8 Job No.: 13542 KAH

9 Deponent: ANDREW R. DUFF

10 Deposition Date: MARCH 14, 2008

11

12 To the Reporter:

13 I have read the entire transcript of my  
14 Deposition taken in the captioned matter or the  
15 same has been read to me. I request that the  
16 following changes be entered upon the record  
17 for the reasons indicated. I have signed my  
18 name to the Errata Sheet and the appropriate  
19 certificate and authorize you to attach both to  
20 the original transcript.

21

22

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25 \_\_\_\_\_  
ANDREW R. DUFF

IN THE SUPREME COURT OF OHIO

~~~~~

THE STATE OF OHIO EX. REL. SUMMIT COUNTY  
REPUBLICAN PARTY EXECUTIVE COMMITTEE,

Relator,

vs. Case No. 08-0478

JENNIFER BRUNNER OHIO SECRETARY OF STATE,

Respondent.

~~~~~

Deposition of  
THOMAS M. COUSINEAU

March 14th, 2008  
8:32 a.m.

Taken at:  
Rennillo Court Reporting, Records & Media  
3737 Embassy Parkway, Suite 250  
Akron, Ohio

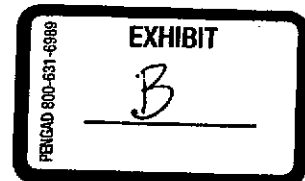
Kelly A. Hill, Notary Public

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1 APPEARANCES:

2



3 On behalf of the Relator:  
4 Grendell & Simon Co., L.P.A., by  
5 TIMOTHY J. GRENDELL, ESQ.  
6 (Via telephone)  
7 GEORGE T. SIMON, ESQ.  
8 6640 Harris Road  
9 Broadview Heights, Ohio 44147  
10 (440) 746-9600  
11 grendellandsimon@yahoo.com

12  
13 on behalf of the Respondent:  
14 Attorney General State of Ohio, by  
15 AARON D. EPSTEIN, ESQ.  
16 RICHARD N. COGLIANESE, ESQ.  
17 30 E. Broad Street, 16th Floor  
18 Columbus, Ohio 43215  
19 (614) 466-0350  
20 aepstein@ag.state.oh.us  
21 rcoglianesese@ag.state.oh.us

22  
23  
24  
25

3

1 APPEARANCES, Continued:

2

3 On behalf of Ohio Secretary of State:

4 BRIAN P. GREEN, ESQ.  
5 180 East Broad Street  
Page 2

CousineauDeposition.txt

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7 Columbus, Ohio 43215  
8 (614) 995-4541  
9 bgreen@sos.state.oh.us  
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I N D E X

EXAMINATION OF 5 6  
THOMAS M. COUSINEAU  
BY MR. EPSTEIN  
EXAMINATION OF 11 23  
THOMAS M. COUSINEAU  
BY MR. GRENDELL



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1                   THOMAS M. COUSINEAU, of lawful age,  
2 called for examination, as provided by the Ohio  
3 Rules of Civil Procedure, being by me first  
4 duly sworn, as hereinafter certified, deposed  
5 and said as follows:

6                   EXAMINATION OF THOMAS M. COUSINEAU

7 BY MR. EPSTEIN:

8                   Q.     would you state your full name and  
9 address for the record, please?

10                  A.     Thomas Michael Cousineau, 910 Eaton     08:33:10  
11 Avenue, Akron 44303.

CousineauDeposition.txt

12 Q. Mr. Cousineau, my name is Aaron  
13 Epstein, and I'm with the office of the  
14 Attorney General.

15 As you can tell, we have 08:33:26  
16 participants by speakerphone, so if you could,  
17 I'm going to ask you to keep your voice up so  
18 everybody can hear.

19 Are you familiar with the  
20 deposition process? 08:33:36

21 A. No.

22 Q. All right. It's a very simple  
23 process. Let me give you some quick ground  
24 rules so it'll go smoothly.

25 I'm going to be asking you some 08:33:48

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1 questions, and Mr. Grendell may have some  
2 questions for you as well.

3 Since we have a court reporter  
4 taking things down, I'm going to ask that you  
5 wait until I complete my question before you 08:34:00  
6 begin to answer, even if you know where I'm  
7 going with it.

8 A. Okay.

9 Q. Secondly, try to give verbal  
10 answers so that the transcript will reflect 08:34:09  
11 that.

12 And, thirdly, if I ask you a  
13 question that is confusing, if you don't  
14 understand, please ask me, I'll be happy to

15 clarify. 08:34:22  
16 A. Sure.  
17 Q. Mr. Cousineau, are you a member of  
18 the Summit County Republican Party Executive  
19 Committee?  
20 A. I am. 08:34:30  
21 Q. How long have you been a member of  
22 the Republican Party Executive Committee?  
23 MR. GRENDALL: I can't hear his  
24 answers.  
25 MR. SIMON: He didn't answer yet. 08:34:41

□

7

1 MR. GRENDALL: I'd like to enter an  
2 objection to this deposition in total as well.  
3 A. 06. The month I couldn't tell you,  
4 to be honest with you. It was during the  
5 election cycle. 08:35:00  
6 Q. Okay. But sometime in --  
7 A. Yeah.  
8 Q. -- 2006?  
9 A. I could certainly discover that for  
10 you, if that was important. 08:35:11  
11 Q. I want to ask you some questions  
12 about a meeting of the Summit County executive  
13 committee that took place on February 26th of  
14 2008.  
15 Do you recall that meeting? 08:35:25  
16 A. Yes. Specifically -- I was at two.  
17 Q. Okay.

CousineauDeposition.txt

18           A.     Two meetings, so I guess we'd have  
19 to -- and maybe Tim could help clarify which  
20 meeting you're talking about.                               08:35:41

21           Q.     Well, let me ask you: You said you  
22 were at two meetings. Do you remember which  
23 business was transpired at which meeting?

24           A.     This was all regarding the election  
25 board.   08:36:00

□

8

1           Q.     If I represent to you that February  
2 26th, 2008, at that meeting, that was when the  
3 vote was held regarding the recommendation of  
4 Brian Daley to serve on --

5           A.     That was the second one, yes.             08:36:17

6           Q.     That was the second meeting?

7           A.     Yes.

8           Q.     Okay. And if I tell you that that  
9 took place on February 26th, 2008, you wouldn't  
10 have any reason to disagree with that, would         08:36:26  
11 you?

12          A.     I would not.

13          Q.     So let's talk about that meeting.  
14                 Were you in attendance at that  
15 meeting?    08:36:33

16          A.     Yes.

17          Q.     When did you arrive at that  
18 meeting?

19          A.     I was a little late. Exact time, I  
20 couldn't tell you.                                       08:36:42

CousineauDeposition.txt

21 Q. What was taking place at the time  
22 you walked in the door?

23 A. Chairman Arshinkoff was talking  
24 about the mechanics of what he felt was going  
25 on regarding his rejection and where he felt

08:37:04

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1 this was heading.

2 Q. Once Mr. Arshinkoff finished  
3 speaking, what happened next?

4 A. Asked for a vote.

5 Q. A vote with regard to what?

08:37:31

6 A. To Mr. Daley. Talked a little bit  
7 about Mr. Daley. This was -- I walked in  
8 during this narrative about what was happening,  
9 where -- prognostications about where this  
10 might go and then a little bit of an  
11 introduction of Mr. Daley.

08:37:59

12 Q. While you were there, did you hear  
13 anybody voice an objection to Mr. Daley?

14 A. I did.

15 Q. Who was that?

08:38:19

16 A. I don't know.

17 Q. Were you able to see the person who  
18 made the objection?

19 A. No. It was all voice, yea or nay.

20 Q. Were you present for any discussion  
21 of the treasurer's report?

08:38:40

22 A. I was not.

23 Q. I take it, though, that it's your

24 testimony you were present for the vote on Mr.  
25 Daley? 08:39:01

0 10

1 A. Yes.

2 Q. And did you cast a vote?

3 A. Yes.

4 Q. Was there then some mention made of  
5 the fact that you had arrived late? 08:39:18

6 A. Yes.

7 Q. Tell me about that.

8 A. I don't -- because I was sitting at  
9 the back, I don't recall who brought it up, but  
10 asked that my attendance be reflected in the 08:39:32  
11 record.

12 Q. Once that individual --

13 MR. GRENDALL: He broke up. Could  
14 you read that answer back, please?

15 (Record read.) 08:39:54

16 MR. GRENDALL: Thank you.

17 Q. Once that gentleman asked that your  
18 attendance be reflected in the record, what, if  
19 anything, happened in response to that request?

20 A. My recollection, so noted. 08:40:17

21 Q. Who said so noted?

22 A. I couldn't tell you.

23 Q. But it's your recollection that  
24 somebody said so noted?

25 A. Yeah. That room is -- is long and 08:40:30

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1 narrow and -- so I was sitting at the very,  
2 very back, and so I couldn't see who brought it  
3 up. You know, it was -- it seemed pretty  
4 procedural to me.

5 Q. Did it result in any vote with 08:40:53  
6 respect to your attendance?

7 A. No.

8 Q. At other meetings that you've  
9 attended, there's typically a roll call vote at  
10 the start; is that correct? 08:41:13

11 MR. GRENDALL: Objection.

12 A. That's correct.

13 Q. Were you present for a roll call  
14 vote at the February 26th, 2008 meeting?

15 MR. GRENDALL: Objection. 08:41:23

16 A. This same meeting we're talking  
17 about?

18 Q. Correct.

19 A. I was not present for the roll  
20 call. 08:41:32

21 MR. EPSTEIN: Thank you, sir.  
22 That's all the questions I have.

23 EXAMINATION OF THOMAS M. COUSINEAU

24 BY MR. GRENDALL:

25 Q. Tom, how are you? 08:41:43

1 A. Good. How about you? 08:41:57  
2 Q. Couple things. One, at other  
3 meetings you've been at, have people come in  
4 late and been noted for the record in the same  
5 manner as you just described?  
6 A. I have -- I don't -- I don't know  
7 that I can recall that.  
8 Q. But in this case, your -- you came  
9 in after the meeting started, but your presence  
10 was recognized openly at the meeting; is that 08:42:25  
11 correct?  
12 A. That is correct.  
13 Q. And it was noted for the record; is  
14 that correct?  
15 A. Yeah, that was specifically asked 08:42:33  
16 for as a matter of record.  
17 Q. And it was --  
18 A. That was a request.  
19 Q. And someone said so noted for  
20 purposes of the record? 08:42:46  
21 A. That's my recollection, yes.  
22 Q. And did you vote for Brian Daley  
23 that night?  
24 A. I'm going to just ask a question,  
25 if I can, Tim, back. I'm not sure how that's 08:43:01

1 germane --  
2 Q. I'll withdraw the question, Tom.  
3 A. -- based on us not casting



4 individual votes by roll.

5 Q. I'll withdraw the question. I 08:43:22

6 don't want to invade the privacy of your vote.

7 MR. GRENDALL: I have no other

8 questions.

9 MR. EPSTEIN: Thank you, sir. I

10 think we're done. 08:43:36

11 You have the right to review this  
12 transcript once the court reporter prepares it.

13 THE WITNESS: Okay. Great.

14 MR. EPSTEIN: He'd like to read.

15

16 (Deposition concluded at 8:43 a.m.)

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1 CERTIFICATE

2 The State of Ohio, )

3 SS:

4 County of Cuyahoga. )

5

6 I, Kelly A. Hill, a Notary Public

7 within and for the State of Ohio, duly  
8 commissioned and qualified, do hereby certify  
9 that the within named witness, THOMAS M.  
10 COUSINEAU, was by me first duly sworn to  
11 testify the truth, the whole truth and nothing  
12 but the truth in the cause aforesaid; that the  
13 testimony then given by the above-referenced  
14 witness was by me reduced to stenotypy in the  
15 presence of said witness; afterwards  
16 transcribed, and that the foregoing is a true  
17 and correct transcription of the testimony so  
18 given by the above-referenced witness.

19 I do further certify that this  
20 deposition was taken at the time and place in  
21 the foregoing caption specified and was  
22 completed without adjournment.

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1 I do further certify that I am not  
2 a relative, counsel or attorney for either  
3 party, or otherwise interested in the event of  
4 this action.

5 IN WITNESS WHEREOF, I have hereunto  
6 set my hand and affixed my seal of office at  
7 Cleveland, Ohio, on this \_\_\_\_\_ day of  
8 \_\_\_\_\_, 2008.

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Kelly A. Hill, Notary Public  
within and for the State of Ohio

My commission expires January 26th, 2011.

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SIGNATURE OF WITNESS

The deposition of THOMAS M.  
COUSINEAU, taken in the matter, on the date,  
and at the time and place set out on the title  
page hereof.

It was requested that the  
deposition be taken by the reporter and that  
same be reduced to typewritten form.

CousineauDeposition.txt  
It was agreed by and between

13  
14 counsel and the parties that the Deponent will  
15 read and sign the transcript of said  
16 deposition.

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1 AFFIDAVIT

2 The State of Ohio, )

3 ) SS:

4 County of Cuyahoga )

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8 Before me, a Notary Public in and for  
9 said County and State, personally appeared  
10 THOMAS M. COUSINEAU, who acknowledged that  
11 he/she did read his/her transcript in the  
12 above-captioned matter, listed any necessary  
13 corrections on the accompanying errata sheet,  
14 and did sign the foregoing sworn statement and  
15 that the same is his/her free act and deed.

16 In the TESTIMONY WHEREOF, I have hereunto  
17 affixed my name and official seal at this \_\_\_\_\_  
18 day of \_\_\_\_\_ A.D. 2007.

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\_\_\_\_\_  
Notary Public

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\_\_\_\_\_  
My Commission Expires:

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DEPOSITION ERRATA SHEET

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RE: THE STATE OF OHIO EX. REL. SUMMIT  
4 COUNTY REPUBLICAN PARTY EXECUTIVE  
5 COMMITTEE vs. JENNIFER BRUNNER OHIO  
6 SECRETARY OF STATE

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8

Job No.: 13542 KAH

9

Deponent: THOMAS M. COUSINEAU

10

Deposition Date: March 14th, 2008

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12

To the Reporter:

13

I have read the entire transcript of my

14

Deposition taken in the captioned matter or the

15

same has been read to me. I request that the

16

following changes be entered upon the record

17

for the reasons indicated. I have signed my

18

name to the Errata Sheet and the appropriate

19 Certificate and authorize you to attach both to  
20 the original transcript.

21

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25 THOMAS M. COUSINEAU

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IN THE SUPREME COURT OF OHIO

~~~~~

THE STATE OF OHIO EX. REL. SUMMIT COUNTY  
REPUBLICAN PARTY EXECUTIVE COMMITTEE,

Relator,

vs. Case No. 08-0478

JENNIFER BRUNNER OHIO SECRETARY OF STATE,

Respondent.

~~~~~

Deposition of

JAMES J. HARDY

March 14th, 2008  
8:57 a.m.

Taken at:  
Rennillo Court Reporting, Records & Media  
3737 Embassy Parkway, Suite 250  
Akron, Ohio

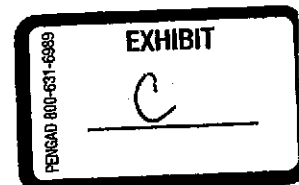
Kelly A. Hill, Notary Public

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1 APPEARANCES:

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On behalf of the Relator:  
Grendell & Simon Co., L.P.A., by  
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(Via telephone)  
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On behalf of the Respondent:  
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APPEARANCES, Continued:  
On behalf of Ohio Secretary of State:  
BRIAN P. GREEN, ESQ.  
180 East Broad Street  
Page 2



6           15th Floor  
7           Columbus, Ohio 43215  
8           (614) 995-4541  
9           bgreen@sos.state.oh.us  
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I N D E X

EXAMINATION OF                   5           6  
JAMES J. HARDY  
BY MR. GRENDELL  
Exhibit 1 was marked           16           6  
Exhibits 2 and 3 were           19           17

9 marked  
10 Exhibit 4 was marked 34 7  
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1 JAMES J. HARDY, of lawful age,  
2 called for examination, as provided by the Ohio  
3 Rules of Civil Procedure, being by me first  
4 duly sworn, as hereinafter certified, deposed  
5 and said as follows:

6 EXAMINATION OF JAMES J. HARDY  
7 BY MR. GRENDALL:

8 Q. Mr. Hardy, would you please state  
9 your name and spell your name for the record?

10 A. James Joseph Hardy, J A M E S, J O 08:58:41  
11 S E P H, H A R D Y.

12 Q. Are you currently employed by the  
13 Ohio Secretary of State?  
14 A. Yes.  
15 Q. And what is your position? 08:59:06  
16 A. Regional liaison.  
17 Q. And who is your immediate  
18 supervisor?  
19 A. David Farrell.  
20 Q. And what is his position? 08:59:19  
21 A. He is Deputy Assistant Secretary of  
22 State and director of elections.  
23 Q. And in your position, how often do  
24 you have conversations with Secretary of State  
25 Brunner? 08:59:40

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1 A. Rarely.  
2 Q. Are you familiar with the Board of  
3 Elections appointee process involving Summit  
4 County?  
5 A. Yes. 08:59:49  
6 Q. And are you familiar with the  
7 process that was undertaken in January and  
8 February of 2008?  
9 A. Yes.  
10 Q. And were you asked by Secretary of 09:00:00  
11 State Brunner or Mr. Farrell or anyone else in  
12 the Secretary of State's office to obtain or  
13 solicit information, letters or newspaper  
14 articles concerning or related to Mr. Brian

15 Daley? 09:00:18  
16 MR. COGLIANESE: Objection.  
17 Compound question.  
18 I mean, to the extent that you can  
19 answer the question, go ahead.  
20 Q. Let me put it this way: Did the 09:00:24  
21 Secretary of State Brunner ask you to obtain  
22 any such information concerning Mr. Daley?  
23 MR. COGLIANESE: Objection to the  
24 form of the question. I'm not sure what any  
25 such information. 09:00:32

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1 MR. GRENDALL: Such refers to  
2 letters or newspaper articles or other  
3 information concerning or relating to Mr. Brian  
4 Daley.  
5 Q. Do you understand the question, Mr. 09:00:41  
6 Hardy?  
7 A. Yes, I do.  
8 Q. Can you answer the question, Mr.  
9 Hardy?  
10 A. I can. 09:00:47  
11 Q. What is your answer?  
12 A. No.  
13 Q. Were you asked by Mr. Farrell to  
14 solicit or obtain any information, letters and  
15 newspaper articles concerning or related to Mr. 09:00:59  
16 Brian Daley?  
17 A. No.

18 Q. Were you asked by anybody in the  
19 Secretary of State's office to obtain that  
20 information? 09:01:09

21 A. No.

22 Q. Did you obtain from anybody any  
23 letters concerning the potential appointment of  
24 Mr. Brian Daley to the Summit County Board of  
25 Elections? 09:01:23

8

1 A. I'm sorry; can you repeat that? I  
2 missed the first part.

3 Q. Did you obtain any letters from  
4 anybody concerning Mr. Daley during the period  
5 January 1st, 2008 to February 28th, 2008? 09:01:34

6 A. Yes.

7 Q. And who did you receive information  
8 from?

9 MR. COGLIANESE: Objection to the  
10 form of the question. Are we talking about 09:01:47  
11 information or are we talking about letters?

12 Q. Let's start with information.  
13 Did you receive any information  
14 from anybody?

15 A. With regards to Mr. Daley's -- 09:01:56

16 Q. Yeah. All these questions are  
17 going to be regarding Brian Daley.

18 A. Okay.

19 Q. Did you receive information from  
20 January 1 -- and it'll be the period January 09:02:09

21 1st, 2008 to February 29th, 2008.

22 First, did you receive any  
23 information about Mr. Daley during that period?

24 A. Yes.

25 Q. And what information -- what type 09:02:20

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9

1 of information did you receive?

2 A. I received a letter and some  
3 newspaper articles and possibly an e-mail or  
4 two.

5 Q. And who did you receive the letters 09:02:44  
6 from?

7 A. Bill and Debbie Vagas.

8 Q. Did you solicit that letter from  
9 them or did they send it to you?

10 A. I solicited it. 09:03:00

11 Q. And did someone ask you to solicit  
12 that letter from Mr. and Mrs. Vagas?

13 A. No.

14 Q. How did you know that Mr. and Mrs.  
15 Vagas had information about Mr. Daley that you 09:03:15  
16 could ask for a letter?

17 A. I know Mr. and Mrs. Vagas.

18 Q. And how do you know -- what did you  
19 ask them to produce for you with respect to Mr.  
20 Daley? 09:03:31

21 A. I asked if they would write me a  
22 letter concerning their interactions with Mr.  
23 Daley.

24 Q. Did you ask anybody to produce a  
25 letter concerning their interactions with Mr. 09:03:49

10

1 Donald Varian, V A R I A N?

2 MR. COGLIANESE: Could you read the  
3 question back because I've lost it?

4 (Record read.)

5 MR. COGLIANESE: Objection. 09:04:16  
6 Go ahead, if you can.

7 A. No.

8 Q. You know who Mr. Varian is, right?

9 A. Yes.

10 Q. Did you solicit any information 09:04:23  
11 from third parties concerning Mr. Varian's  
12 potential appointment to the Summit County  
13 Board of Elections?

14 MR. COGLIANESE: You have to answer  
15 him verbally. 09:04:39

16 A. No.

17 Q. Now, you said -- you mentioned  
18 newspaper articles.

19 what newspaper articles were you  
20 referring to when you mentioned that you had 09:04:45  
21 received some newspaper articles concerning Mr.  
22 Daley?

23 A. Well, some of the news articles I  
24 found myself. The ones I received, I received  
25 from Bill and Debbie Vagas. 09:04:59

1 Q. Did you receive newspaper articles  
2 from anybody else --

3 A. No.

4 Q. -- with regards to Mr. Daley?

5 A. No.

09:05:08

6 Q. How about the e-mail -- you  
7 mentioned an e-mail. From whom did you receive  
8 an e-mail?

9 A. I received e-mails from four  
10 individuals that I can remember. Those  
11 individuals' names are Mike Moran, Pete  
12 Kostoff, Kevin Coughlin. And there is a fourth  
13 person, and I cannot remember his name at this  
14 point.

09:05:25

15 Q. And what did you do with the e-mail  
16 you received from Mr. Coughlin?

09:05:52

17 A. I forwarded it on.

18 Q. To whom?

19 A. To Erin Duffy.

20 MR. GRENDALL: For the record,  
21 Counsel -- Attorney -- I'm sorry; is it  
22 Epstein?

09:06:15

23 MR. COGLIANESE: No, actually, Mr.  
24 Grendall, Mr. Coglianesse. I am defending the  
25 depo.

09:06:24



1 MR. GRENDELL: Oh, okay. That  
2 would have been nice if somebody would have  
3 told me that.  
4 You know, I would like to point out  
5 for the record that there was no e-mails from 09:06:30  
6 Mr. Coughlin to Mr. Farrell in the Secretary of  
7 State's file in response to our discovery  
8 request. So I just wanted to add that to the  
9 record.  
10 Q. Mr. Hardy, what did you do with the 09:06:43  
11 e-mail you received from Pete Kostoff?  
12 A. I forwarded it on.  
13 Q. Who did you forward it on to?  
14 A. I forwarded it to Erin Duffy.  
15 Q. And she's in the Secretary of 09:06:57  
16 State's office?  
17 A. Yes.  
18 MR. GRENDELL: Again, for the  
19 record, Mr. Coglianese, that was not in the  
20 file that was given to us to review per our 09:07:06  
21 discovery request.  
22 MR. COGLIANESE: Actually, Mr.  
23 Grendell, I disagree with that, but --  
24 MR. GRENDELL: The one that was in  
25 there is the next one, Mr. Moran. 09:07:17

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1 Q. What did you do with the e-mail  
2 from Mr. Moran?  
3 A. I forwarded it on.

4 Q. To whom?  
5 A. To Erin Duffy. 09:07:28  
6 Q. What did Mr. Coughlin's e-mail say,  
7 if you could summarize it?  
8 A. You know, I don't recall.  
9 Q. How about Mr. Kostoff's e-mail, do  
10 you recall the general nature of that e-mail? 09:08:00  
11 MR. COGLIANESE: Mr. Grendell, I'm  
12 having trouble hearing you, too. Did you say  
13 Mr. Kostoff?  
14 MR. GRENDALL: Mr. Kostoff, yes.  
15 A. You know, I do not recall. 09:08:14  
16 Q. Those were received before February  
17 29th, 2008, received by you?  
18 A. Yes.  
19 Q. How about Mr. Moran, do you recall  
20 what his e-mail said? 09:08:35  
21 A. I do not recall.  
22 Q. Let me ask you a question: If you  
23 worked for Mr. Farrell, why were you forwarding  
24 the e-mails to Erin Duffy?  
25 A. Given the time constraints in the 09:08:58

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1 sense that I knew March 1st was approaching,  
2 and it was my understanding that all board  
3 members had to be appointed by March 1st, I  
4 decided that I would forward them to Erin so  
5 that they could get to the secretary in the 09:09:27  
6 quickest possible fashion.

7 Q. What is Erin Duffy's position with  
8 the Secretary of State, please?  
9 A. I'm not sure of her specific title,  
10 but she's an assistant to the secretary. 09:09:45  
11 Q. Did you obtain any information from  
12 Mr. Daley himself, Brian Daley?  
13 A. No.  
14 Q. Did you forward any of these  
15 e-mails, letters or newspaper articles to Mr. Daley and give him an opportunity to respond to  
16 them? 09:10:00  
17  
18 A. No.  
19 Q. Did you ask Mr. Moran to send you  
20 the e-mail that you referenced in the prior  
21 answer? 09:10:14  
22 MR. COGLIANESE: Mr. Grendell,  
23 could you repeat that? That really was quiet.  
24 Q. Did you ask Mr. Moran to send you  
25 the e-mail that you referenced in your prior 09:10:25

15

1 answer?  
2 A. No.  
3 Q. Well, how did Mr. Moran know to  
4 send you an e-mail about the Brian Daley  
5 appointment? 09:10:41  
6 MR. COGLIANESE: Objection to the  
7 form of the question.  
8 If you can answer that, go ahead.  
9 A. Can you repeat the question?

10 Q. How did Mr. Moran know to e-mail to 09:10:49  
11 you an e-mail concerning Mr. Moran -- Mr.  
12 Daley?  
13 A. I'm not -- I don't know.  
14 Q. How did Mr. Moran get your e-mail?  
15 MR. COGLIANESE: Objection. 09:11:06  
16 If you know, go ahead and answer.  
17 A. Well, my e-mail is public record.  
18 Q. And where is the public record  
19 located at?  
20 A. On the Akron Public Schools 09:11:18  
21 website.  
22 Q. And how -- did you ever tell Mr.  
23 Moran you're on the Akron public school board?  
24 A. I don't recall ever telling him,  
25 no. 09:11:41

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1 MR. GRENDALL: At this time I'd ask  
2 that Exhibit 1, for purposes of this  
3 deposition, be handed to Mr. Hardy, please.  
4 - - - - -  
5 (Thereupon, Relator's Deposition  
6 Exhibit 1 was marked for purposes of  
7 identification.)  
8 - - - - -  
9 MR. COGLIANESE: You're allowed to  
10 take your time reviewing this, if you want. 09:12:16  
11 Q. Absolutely.  
12 A. Okay. I've reviewed it.

13 Q. Is this an accurate copy of the  
14 e-mail that you referenced in your prior answer  
15 with respect to Mr. Moran? 09:13:03  
16 And I will represent to you we got  
17 a copy of this e-mail from the Secretary of  
18 State's file during her deposition on  
19 Wednesday.  
20 A. Yes, it looks -- looks good. 09:13:16  
21 Q. And did you receive this on or  
22 about February 28th, 2008 at 1:45 p.m.?  
23 A. Yes.  
24 Q. And how did you receive it?  
25 A. In the form of an e-mail. 09:13:33

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1 Q. All right. And when you received  
2 it, did you do anything to verify any of the  
3 information about Mr. Daley that's included in  
4 this Exhibit 1?  
5 A. No. 09:13:51  
6 Q. And after you received this e-mail  
7 at 1:45 -- and if I understand this correctly,  
8 you forwarded it to Ms. Duffy at 3:57; is that  
9 correct?  
10 A. I don't -- okay. Yes. 09:14:26  
11 Q. Do you carry a laptop computer?  
12 A. No.  
13 Q. Did you contact anybody from the  
14 Summit County Republican Party to discuss the  
15 contents of this e-mail when you received it? 09:14:45

16 A. No.

17 Q. If I could direct your attention to  
18 page 1 of Exhibit 1, the upper half of the  
19 page, there's a reference under original  
20 message from James Hardy to Erin Duffy, 28,  
21 February 2008, 15:57:50, and it reads, Erin,  
22 here's another one for JLB. Thanks! James.

09:15:03

23 Is that a message you sent to Erin  
24 Duffy when you forwarded on Exhibit 1?

25 A. Yes.

18

1 Q. And I assume JLB is Secretary of  
2 State Jennifer Brunner?

3 A. Yes.

4 Q. The reference to here's another  
5 one, what does that refer to?

09:15:42

6 A. I received multiple e-mails, which  
7 I forwarded on to Erin, and this was one of  
8 those e-mails.

9 Q. Well, you said you received a total  
10 of four e-mails.

09:16:04

11 So are you testifying that that was  
12 the other -- the reference to another one was a  
13 reference to those other three e-mails that you  
14 testified to previously?

15 A. Yes.

09:16:14

16 Q. Does it refer to anything else that  
17 you forwarded on to either Erin Duffy or  
18 Secretary of State Brunner with respect to

19 Brian Daley?

20 MR. COGLIANESE: Objection. I 09:16:28

21 don't believe there was testimony that he  
22 forwarded anything directly to the Secretary of  
23 State, but --

24 MR. GRENDELL: That's why I used  
25 the more. 09:16:37

19

1 Q. Is there anything else that you  
2 forwarded on to either Erin Duffy or Secretary  
3 of State Brunner other than the four e-mails  
4 you referenced, a letter from the Vagas' and  
5 from newspaper articles? 09:16:48

6 A. No.

7 Q. And with respect to all of those  
8 items, did you ever send any of those articles,  
9 a letter or e-mails to Brian Daley or any  
10 representative of the Summit County Republican 09:17:16  
11 Party Executive Committee?

12 A. No.

13 MR. GRENDELL: At this time, can we  
14 show Mr. Hardy Exhibits 2 and 3, please?

15 - - - - -  
16 (Thereupon, Relator's Deposition  
17 Exhibits 2 and 3 were marked for  
18 purposes of identification.)

19 - - - - -

20 A. I've reviewed them. 09:18:44

21 Q. Let's start with Exhibit 2.

22 Have you seen Exhibit 2 before?  
23 MR. COGLIANESE: I'm just going to  
24 enter an objection for the record on Exhibit 2.  
25 It looks like there should be a second page to 09:18:56

20

1 the exhibit.  
2 MR. GRENDALL: You don't have the  
3 second page?  
4 MR. COGLIANESE: No. There's only  
5 one page on Exhibit 2. 09:19:05  
6 MR. GRENDALL: Something happened  
7 this morning. Give me the fax and I'll fax the  
8 second page.  
9 MR. COGLIANESE: Do you mind if we  
10 go off the record, then? 09:20:28  
11 MR. GRENDALL: Yes.  
12 (Discussion had off the record.)  
13 MR. GRENDALL: Just for the record,  
14 do we have both pages of Exhibit 2.  
15 MR. COGLIANESE: Yes, we do. 09:29:52  
16 Q. Now, Mr. Hardy, have you had a  
17 chance to look at both pages of Exhibit 2?  
18 A. Yes.  
19 Q. Have you seen this before?  
20 A. Yes. 09:30:03  
21 Q. How did you come to first see this  
22 -- this editorial in this format? I'm not  
23 asking if you ever saw the paper, just this  
24 format.



25 A. Which editorial? The Akron Beacon 09:30:20

21

1 Journal or --

2 Q. Yeah, Akron Beacon. We're on

3 Exhibit 2 for now.

4 A. Could you repeat the question?

5 Q. How did you come to first see 09:30:30

6 Exhibit 2 in its actual format?

7 A. When I downloaded it from the Akron

8 Beacon Journal's on-line archives.

9 Q. And when did you do that?

10 A. I do not recall a specific date. 09:30:49

11 Q. Why did you do it?

12 A. I had remembered that there had

13 been an editorial in the Beacon Journal

14 regarding Mr. Daley.

15 Q. Did you download any newspaper 09:31:24

16 articles that spoke of Mr. Daley in a positive

17 light?

18 MR. COGLIANESE: Objection.

19 Answer, if you can.

20 A. I was unaware that there -- if 09:31:40

21 there was any.

22 Q. Did you look for any articles of

23 Mr. Daley in a positive light?

24 A. I searched for articles on Mr.

25 Daley in a general sense. 09:32:08

22

1 Q. And you submitted to the Secretary  
2 of State the two before you as Exhibits 2 and  
3 3; is that correct?

4 A. Yes.

5 Q. Did you -- strike that. 09:32:25

6 Did you -- let's look at Exhibit 3.

7 Have you seen -- take a look at

8 Exhibit 3.

9 Have you seen that exhibit before?

10 A. Yes. 09:32:46

11 Q. How did you come to first see

12 Exhibit 3 in the format that it is marked

13 Exhibit 3?

14 A. When Debbie Vagas gave it to me.

15 Q. So you received that from Mrs. 09:33:20

16 Vagas?

17 A. Yes.

18 Q. Did you discuss Mr. Daley or his --

19 did you discuss Mr. Daley between January 1st,

20 2008 and February 29th, 2008 with Mr. Wayne 09:33:39

21 Jones?

22 A. Yes.

23 Q. And when did you do that?

24 A. I'm sorry; what was the question?

25 Q. When did you do that? 09:34:00

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23

1 A. I don't recall a specific date.

2 Q. Well, is Mr. Jones a member of the  
Page 20

3 Summit County Board of Elections?  
4 A. Yes.  
5 Q. And is he one of the two appointees 09:34:24  
6 to the Summit County Board of Elections  
7 recommended by the Summit County Democratic  
8 Party Executive Committee?  
9 A. Yes.  
10 Q. And is Mr. Jones also the treasurer 09:34:42  
11 of the Summit County Democratic Party?  
12 A. No, he is not.  
13 Q. Does he have any position with the  
14 Summit County Democratic Party?  
15 A. Are we speaking about Mr. Jones? 09:34:58  
16 Q. Yes.  
17 A. I believe he is finance chair of  
18 the Summit County Democratic Party.  
19 Q. Thank you.  
20 How many conversations did you have 09:35:13  
21 with Mr. Jones about Brian Daley's appointment?  
22 A. I don't recall a specific number of  
23 conversations. It was more than one.  
24 Q. And why were you discussing Mr.  
25 Daley's appointment with Mr. Wayne Jones? 09:35:36

24

1 A. I wouldn't say I was discussing  
2 anything regarding the appointment. It was  
3 more Mr. Jones voicing his concerns to me.  
4 Q. What was his concerns?  
5 MR. COGLIANESE: Objection for the 09:36:04  
Page 21

6 record.

7 But go ahead.

8 A. He felt that Mr. Daley would not be  
9 a suitable member of the Summit County Board of  
10 Elections. 09:36:25

11 Q. Did he say why?

12 A. He expressed several concerns that  
13 he had regarding Mr. Daley's prior conduct as  
14 an elected official and as a member of the  
15 community in Summit County. 09:36:56

16 Q. Is that reference to Mr. Daley  
17 being a councilman in Hudson?

18 MR. COGLIANESE: Could you repeat  
19 that?

20 Q. Is that reference to Mr. Daley's 09:37:06  
21 being an elected official a reference to his  
22 having served as a council member of the City  
23 of Hudson?

24 A. Yes.

25 Q. Has Mr. Jones ever served as a city 09:37:17

□

25

1 council member for the City of Hudson, to your  
2 knowledge?

3 A. To my knowledge, no.

4 Q. Did you have a conversation with  
5 Mr. Jones about Mr. Donald Varian and the 09:37:28  
6 appointment to the Summit County Board of  
7 Elections?

8 A. I don't know.

9 Q. Now, did you have any conversations  
10 with Mr. Mike Moran concerning Mr. Daley 09:37:50  
11 between January 1 and February 29, 2008? And  
12 by Moran, I mean Mike Moran.  
13 A. Yes.  
14 Q. And how many conversations did you  
15 have with him during that period? 09:38:07  
16 A. One.  
17 Q. By the way, with respect to Mr.  
18 Jones, who initiated those conversations? Did  
19 he call you or did you call Wayne Jones to talk  
20 about Mr. Daley? 09:38:24  
21 A. To the extent that I can remember,  
22 he initiated those conversations.  
23 Q. And where did he call you at? Was  
24 it your cell phone, your work phone, your home  
25 phone? 09:38:50

26

1 A. That would be my cell phone.  
2 Q. Do you pay for the cell phone  
3 personally? Is that a personal phone?  
4 A. Yes, it is.  
5 Q. Now, with Mr. Moran you had one 09:39:04  
6 conversation.  
7 Do you remember when that was,  
8 about Mr. Daley?  
9 A. I do not recall a specific date.  
10 Q. Did he contact you or did you 09:39:21  
11 contact him?

12 A. He contacted me.  
13 Q. And why did he do that?  
14 MR. COGLIANESE: Objection.  
15 If you can answer, go ahead. 09:39:31  
16 A. He had read in the newspaper that  
17 Mr. Daley was the nominee to replace Mr.  
18 Arshinkoff, and he had some concerns about that  
19 appointment.  
20 Q. Prior to that phone call, had you 09:39:54  
21 ever told Mr. Moran about your position with  
22 the Secretary of State's office?  
23 A. Yes.  
24 Q. Did you have any telephone  
25 conversations with Mr. Pete Kostoff between 09:40:17

27

1 January 1 and February 28th, 2008 concerning  
2 Mr. Brian Daley?  
3 A. Your question's regarding phone  
4 conversations?  
5 Q. Right. 09:40:28  
6 A. Yes.  
7 Q. And how many of those did you have?  
8 A. I don't recall a specific number,  
9 but it was -- I would use the term several.  
10 Q. And who initiated those 09:40:52  
11 conversations?  
12 A. Mr. Kostoff.  
13 Q. And is Mr. Kostoff a law partner of  
14 Mr. Wayne Jones?

15 A. I believe he is, yes. 09:41:07  
16 Q. And why was Mr. Kostoff calling you  
17 about Mr. Daley?  
18 MR. COGLIANESE: Objection.  
19 To the extent you know, you can  
20 answer. 09:41:17  
21 Q. Well, scratch that.  
22 What was the nature of his call --  
23 calls?  
24 A. He had some concerns about Mr.  
25 Daley's possible appointment to the Summit 09:41:30

28

1 County Board of Elections.  
2 Q. Do you know if Mr. Kostoff is a  
3 member of the Summit County Republican Party  
4 Executive Committee?  
5 A. I do not know. 09:41:42  
6 Q. Do you know if Mr. Wayne Jones is a  
7 member of the Summit County Republican Party  
8 Executive Committee?  
9 A. I don't believe Wayne Jones is a  
10 member of the Summit County Republican Party, 09:42:00  
11 no.  
12 Q. How about Mike Moran, is he a  
13 member of the Summit County Republican Party?  
14 A. No. I do not believe Mr. Mike  
15 Moran is a member of the Summit County 09:42:17  
16 Republican Party.  
17 Q. With regard to Mr. Kostoff, did you

18 have any in-person conversations with him about  
19 Mr. Daley?  
20 A. Yes. 09:42:25  
21 Q. And how many of those?  
22 A. One.  
23 Q. When was that?  
24 A. I don't recall a specific date.  
25 Q. Who initiated the meeting? 09:42:48

□  
29

1 A. Mr. Kostoff, yes.  
2 Q. Did you go to his office or did he  
3 come to yours?  
4 A. Neither.  
5 Q. Where'd you meet? 09:43:02  
6 A. At a restaurant in downtown Akron.  
7 Q. And what was the nature and purpose  
8 of that meeting?  
9 A. I was there having dinner.  
10 Q. And he happened to just come in and 09:43:26  
11 see you or were you having dinner with Mr.  
12 Kostoff?  
13 A. I was having dinner with a large  
14 group of people and Mr. Kostoff was one of  
15 those people. 09:43:36  
16 Q. Does that group also include Mr.  
17 Wayne Jones?  
18 A. Yes.  
19 Q. Does that group also include Mr.  
20 Kevin Coughlin? 09:43:48



21 A. No.  
22 Q. Does that group include Mr. Mike  
23 Moran?  
24 A. Yes.  
25 Q. would it be -- was that group a 09:43:57

□ 30

1 group of Summit County democrats?  
2 A. No.  
3 Q. was that group meeting for social  
4 purposes or was it part of an identified  
5 organization? 09:44:14

6 A. Social purposes.  
7 Q. Were you ever asked by Secretary of  
8 State Brunner to collect any background  
9 information on Mr. Daley? I'm sorry; scratch  
10 that. 09:44:33

11 were you ever asked by Secretary  
12 Brunner to collect similar background  
13 information as you did on Brian Daley for Mr.  
14 Donald Varian?

15 A. No. 09:44:44

16 Q. Were you asked by Secretary of  
17 State Brunner to collect similar background  
18 information as you did on Brian Daley for Tim  
19 Gorbach in his appointment to the Summit County  
20 Board of Elections? 09:45:05

21 A. No.

22 Q. Were you asked by Secretary of  
23 State Brunner to collect similar background

24 information as you did on Brian Daley for Alex  
25 Arshinkoff? 09:45:16

D 31

1 A. No.

2 Q. Did anybody, Mr. Farrell or anybody  
3 else from the Secretary of State's office, ask  
4 you to collect similar background information  
5 as you did on Brian Daley for Mr. Donald  
6 Varian? 09:45:28

7 A. No.

8 Q. How about the same question for Mr.  
9 Tim Gorbach?

10 A. No. 09:45:41

11 MR. GRENDALL: And that's G E R B A  
12 C H {sic}, I believe, for the court reporter.

13 Q. The same question for Mr. Alex  
14 Arshinkoff?

15 A. No. 09:45:58

16 Q. Did you collect similar background  
17 information for Mr. Varian, Mr. Gorbach or Mr.  
18 Arshinkoff?

19 A. Yes.

20 Q. who did you collect it for? 09:46:15

21 A. I'm sorry; what was the question?

22 Q. who did you collect it for?

23 A. who was I collecting it to give it  
24 to or who did I collect it on?

25 Q. which one of these -- did you 09:46:30

1 collect it for Mr. Varian?

2 MR. COGLIANESE: I think -- I think  
3 you and the witness might be on a different  
4 page on the use of the word for.

5 Q. Let me start here -- I'll withdraw 09:46:40  
6 the last question.

7 Did you collect similar background  
8 information as you had for Mr. Daley for Mr.  
9 Donald Varian?

10 A. No. 09:46:49

11 Q. Did you collect similar background  
12 information as you did on Brian Daley for Mr.  
13 Gorbach?

14 A. No.

15 Q. Did you collect similar background 09:47:01  
16 information as for Mr. Daley for Alex  
17 Arshinkoff?

18 A. Yes.

19 Q. And who asked you to collect that  
20 information, if anybody? 09:47:12

21 A. No one.

22 Q. So you did it on your own accord?

23 A. Yes.

24 Q. Did you discuss the collection of  
25 that information with Mr. Wayne Jones? 09:47:28

1 A. Yes.

2 Q. And what was the nature of your  
3 discussion with Mr. Jones about Mr. Arshinkoff?

4 A. Mr. Jones called me and asked if I  
5 could come down to his law office. I did. And 09:47:55  
6 he gave me a packet of information and asked  
7 that I forward it on.

8 Q. Was there an unsigned cover letter  
9 on the top of that information addressed to  
10 Secretary Brunner? 09:48:23

11 A. I don't recall. I don't know.

12 Q. Did that package include a number  
13 of exhibits, approximately 22 of them, of  
14 letters of various people concerning Mr.  
15 Arshinkoff and newspaper articles concerning 09:48:40  
16 Mr. Arshinkoff?

17 A. I don't recall the exact number of  
18 exhibits, but, yes, it was broken down into  
19 exhibits.

20 Q. And how did you deliver that to the 09:48:57  
21 Secretary of State's office?

22 A. I mailed it.

23 MR. GRENDALL: We need to just go  
24 off the record for two minutes. I've got to  
25 plug this thing in. I'm going to hang up, go 09:49:14

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1 out to my car. Could you give me three minutes  
2 to get there and call me back?

3 MR. COGLIANESE: Sure.

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- - - - -  
(Thereupon, Relator's Deposition  
Exhibit 4 was marked for purposes of  
identification.)  
- - - - -

10 Q. Do you have what's been marked 10:04:32  
11 Exhibit 4?

12 A. Yes.

13 Q. Can you hand it to the witness and  
14 let him look at it, please?

15 A. I've reviewed it. 10:04:52

16 Q. I will represent to you, Mr. Hardy,  
17 that this is the cover page and the first two  
18 exhibits -- three exhibits from a larger  
19 document we received from the Secretary of  
20 State, and it's marked as Exhibit B in her 10:05:08  
21 deposition, but Exhibit 4 for purposes of  
22 today's deposition.

23 Is this the document you received  
24 from Mr. Wayne Jones that you referred to in  
25 your prior testimony, but, of course, with the 10:05:22

35

1 other exhibits, which because of distance and  
2 time we had it faxed to you? Is this the cover  
3 page?

4 A. Yes.

5 Q. So you've seen this document before 10:05:37  
6 because you received it from Mr. Wayne Jones at

7 his offices of Roetzel & Andress before  
8 February 1, 2008?

9 A. I'm not sure on the specific date,  
10 but, yes, this looks like it is the same thing 10:06:02  
11 that I received.

12 Q. All right. It says in the upper  
13 right -- that may not come through -- received  
14 Secretary of State elections walk-in.

15 Did you put that stamp on there? 10:06:11

16 A. No.

17 Q. Would that be -- would that be put  
18 in -- do you know, would that be put in the  
19 Columbus office of the Secretary of State? Is  
20 that where the walk-in office is located? 10:06:25

21 A. I don't know their procedure for  
22 time stamps.

23 Q. To which political party are you  
24 registered?

25 A. I'm a registered Democrat. 10:06:40

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36

1 Q. How did you transmit Exhibit 4 to  
2 the Secretary of State's office in Columbus?

3 A. I mailed it.

4 Q. And to whom did you mail it to?

5 A. David Farrell. 10:06:56

6 MR. GRENDALL: I have no other  
7 questions. I thank you for your time.

8 MR. COGLIANESE: He'll read.

9 MR. GRENDALL: Thank you. We're

10 done?

11 MR. COGLIANESE: Yep.

12

13 (Deposition concluded at 10:07 a.m.)

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1 CERTIFICATE

2 The State of Ohio, )

3 SS:

4 County of Cuyahoga. )

5

6 I, Kelly A. Hill, a Notary Public

7 within and for the State of Ohio, duly

8 commissioned and qualified, do hereby certify

9 that the within named witness, JAMES J. HARDY,

10 was by me first duly sworn to testify the

11 truth, the whole truth and nothing but the

12 truth in the cause aforesaid; that the

13 testimony then given by the above-referenced  
14 witness was by me reduced to stenotypy in the  
15 presence of said witness; afterwards  
16 transcribed, and that the foregoing is a true  
17 and correct transcription of the testimony so  
18 given by the above-referenced witness.

19 I do further certify that this  
20 deposition was taken at the time and place in  
21 the foregoing caption specified and was  
22 completed without adjournment.

23  
24  
25

□

1 I do further certify that I am not  
2 a relative, counsel or attorney for either  
3 party, or otherwise interested in the event of  
4 this action.

5 IN WITNESS WHEREOF, I have hereunto  
6 set my hand and affixed my seal of office at  
7 Cleveland, Ohio, on this \_\_\_\_\_ day of  
8 \_\_\_\_\_, 2008.

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\_\_\_\_\_  
Kelly A. Hill, Notary Public  
within and for the State of Ohio



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My commission expires January 26th, 2011.

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SIGNATURE OF WITNESS

The deposition of JAMES HARDY,  
taken in the matter, on the date, and at the  
time and place set out on the title page  
hereof.

It was requested that the  
deposition be taken by the reporter and that  
same be reduced to typewritten form.

It was agreed by and between  
counsel and the parties that the Deponent will  
read and sign the transcript of said  
deposition.



13542hardy080314.txt  
Notary Public

22  
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My Commission Expires:

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DEPOSITION ERRATA SHEET

RE: THE STATE OF OHIO EX. REL. SUMMIT  
COUNTY REPUBLICAN PARTY EXECUTIVE  
COMMITTEE VS. JENNIFER BRUNNER OHIO  
SECRETARY OF STATE

Job No.: 13542 KAH  
Deponent: JAMES J. HARDY  
Deposition Date: March 14th, 2008

To the Reporter:

I have read the entire transcript of my  
Deposition taken in the captioned matter or the  
same has been read to me. I request that the  
following changes be entered upon the record  
for the reasons indicated. I have signed my  
name to the Errata Sheet and the appropriate  
Certificate and authorize you to attach both to  
the original transcript.

25 JAMES J. HARDY

13542hardy080314.txt

□

To: duffyed4@yahoo.com  
Subject: Fw: Fwd: Who is Brian Daley?  
From: "Erin Duffy" <erin@jenniferbrunner.com>  
Date: Fri, 29 Feb 2008 14:24:52 +0000



Erin Duffy  
(614) 205-2613  
erin@jenniferbrunner.com

-----Original Message-----

From: "James Hardy" <james.j.hardy@gmail.com>

Date: Thu, 28 Feb 2008 15:57:50  
To: "Erin Duffy" <erin@jenniferbrunner.com>  
Subject: Fwd: Who is Brian Daley?

Erin: Here's another one for JLB. Thanks! James

----- Forwarded message -----

From: <mike.moran@thomson.com <mailto:mike.moran@thomson.com> >  
Date: Thu, Feb 28, 2008 at 1:45 PM  
Subject: Who is Brian Daley?  
To: james.j.hardy@gmail.com <mailto:james.j.hardy@gmail.com>

Hi James,

Here are a few notes on Brian Daley. I served with him on Hudson City Council for a couple years, and continue to serve with his daughter.

Brian Daley lives at 132 S. Main Street in Hudson with his wife, Raija. They have lived there for approximately 17 years. Prior to that, they lived in Kentucky and in New York.

Brian is originally from the Boston area and he still has a Boston accent. His wife, Raija (pronounced RYE-uh), is from Finland, and she has a Finnish accent.

They have three children, all grown. Only one - Kristina Roegner - lives in Hudson. Kristina and her husband moved to Hudson around 2003.

Brian and Raija are controversial people in Hudson. Raija, especially, has voiced somewhat extreme viewpoints, including via letters to the editor. For example, Raija protested one of the early Harry Potter events by holding a sign. I believe Brian and Raija now attend a new Episcopal church on Atterbury Blvd. in Hudson, but Brian is not too religious.

Raija Daley is as hardcore Republican as Brian, but until 2006 had

worked under the radar as a Democratic election judge. Her voting record may have indicated an independent status, but when local people realized that she was supposedly serving in the Democratic seat, she was asked to be removed from the Democratic list.

Brian is controversial for both policy and personality issues:

**Personality:** Brian (and his wife and daughter, for that matter) is very outspoken, never concedes mistakes, and he tries to intimidate others with a loud voice, and sometimes threats. For example, Brian was on a mission to remove a City of Hudson staff member. The authority to remove employees rests with the city manager, so Brian went in more than once and told the city manager he needed to fire the employee (just because Brian didn't like her). The city manager refused, so Brian threatened that the city manager would lose his job. Brian - on a number of occasions - said that "council" wanted certain things, when in reality he was acting on his own or with the acknowledgement of his daughter and one or two of the others on council under his thumb.

Brian actively tried to exclude the mayor of Hudson from any communications.

There are many other instances of Brian's overbearing personality being used by him in lieu of reasoned discussion to try to get his way.

One ongoing example is Brian's current dispute with his neighbor over a shared water line. Brian - through his personality - caused the City of Hudson to sue his neighbor. The magistrate later told the city that the city must sue Brian, too, because the water line is shared. Brian and his wife, Raija, verbally accosted their neighbors (Bill and Debbie Vagas) on multiple instances. They have an ongoing lawsuit to settle the issue of who owns the water line they share.

Brian is thought of as a bully by many.

**Policy:** Brian is monomaniacal about cutting government spending. He was a minority of one in his viewpoints in his first two years, 2003-2005, of his four-year term on council, but then recruited others supportive of him to run (his daughter, Kristina Roegner; John Logan, Tom Elicson). He gained a majority on council for 2005-2007, but he and two others running with him in 2007 (Tom Elicson and Nancy Dotson) in 2007 lost their bids.

Brian is not a supporter of public schools. In 2005 and 2006, he tried to get the construction of a new elementary school in Hudson stopped. Brian tried to convince people with whom he talked that the funding of the school was brought forward illegally. Brian strongly challenged school officials when they came to council to explain a PIF levy in 2006 or 2007. Brian has never reached out to the schools. His daughter attended private schools in the East, and she sends her kids to private school.

Two of Brian's supporters are creationist proponents in Hudson: Bob Lattimer (a state-wide proponent) and Ken Claypoole.

Brian not only thought that city officials should not work with the schools, he also demanded that the city administration not meet with the Chamber of Commerce or the Hudson Economic Development Corporation. He called them "special interests" and "ankle-biters."

Daley and Arshinkoff

Brian Daley became close to Alex Arshinkoff in 2006 when Brian got city council to drop an appeal to the Ohio Supreme Court of the city's lawsuit against Arshinkoff for his over-sized (32 square foot) Bush-Cheney sign which exceeded the city's size restrictions. In 2007, Brian tried to quickly get a Hudson park named in honor of one of the leading Republican campaign contributors (John Ong), and he was supported by his daughter and the rest of his supporters on council, but two on council brought this to public view and Brian faced enough heat on it that Mr. Ong finally asked that his name be removed. It was clear that this was just a political favor and not in the community interest.

Brian was not very politically engaged with the local Republican party before 2006. But, he became quickly and deeply involved with Arshinkoff that year. Arshinkoff put him on Mike DeWine's bus to campaign with him in area in 2006. Brian also had an over-sized DeWine sign in his yard for a day or two; probably something Arshinkoff arranged, but Daley probably got it taken down knowing Hudson is sensitive to signs.

Brian's daughter, Kristina, gushed about Arshinkoff's comments about Brian at the 2007 Republican dinner. She said that Arshinkoff went on for almost a half hour about how wonderful he thought Brian and his council supporters are. There were rumors that Arshinkoff was trying to line up Brian to run for County Executive, and to line up Brian's daughter, Kristina, to be appointed to John Widowfield's state representative seat, but then Widowfield lost his Clerk of Courts race, and Brian lost his council race, and the plans seemed to have to be re-arranged.

Though Hudson has nonpartisan council elections, and though political parties had not previously been directly involved in those elections, Alex Arshinkoff contributed money to certain chosen Republicans (running against other Republicans) in the 2007 Hudson city council elections. Brian accepted money from Arshinkoff and from the Summit County Republican Party, and he also had "independent" mailings sent by the Republican party in support of his campaign. A number of people in Hudson were opposed to this.

###

## Akron Beacon Journal

Akron Beacon Journal (OH)

October 29, 2007

### HARMFUL FOR HUDSON BRIAN DALEY HAS BROUGHT AN AGGRESSIVELY IDEOLOGICAL APPROACH. THE CITY CAN DO MUCH BETTER FOR LEADERSHIP ON ITS COUNCIL

Edition: 1 STAR

Section: A

Page: A10

Index Terms:

ELECTION PROCEDURE

Estimated printed pages: 2

#### Article Text:

A year ago, an ill-advised charter change found its way onto the November ballot in Hudson. Issue 38 was billed as an anti-nepotism measure. In reality, it had nothing to do with hiring at city hall. The aim was to prevent candidates from running for the City Council if a family member already held a local elected office. The targets were Brian Daley, the council president, and his daughter, Councilwoman Kristina Roegner. The concern was the direction the city was taking under Daley's leadership. This editorial page urged a vote against Issue 38, which narrowly failed, as a restriction on citizens' access to the ballot, a basic tenet of democracy. At the same time, we urged those who recognized the damage being done by Daley and his allies to pursue their goal the old-fashioned way: Find a candidate to run against the council president. Daley's opponents have done so, rallying around George Roth, a construction company executive and a former at-large council member, plus a former council president. He is capable, knowledgeable and experienced. Daley, a retired financial executive, says this November's contest in Hudson's Ward 1 is beginning to feel like a U.S. Senate race. The comment is more telling than Daley perhaps intended. The race does have intensity. The trouble is Daley's approach, in style and substance, is not suited to the political realities of Hudson. It would fit a highly partisan, high-profile Senate contest. A fiscal conservative, Daley acts as if Hudson (where voters in 2004 approved a tax increase to improve the growing city) faces a budget crisis. An increase in city employees, from 126 to 166 in five years, triggered his ire. Daley campaigns touting staff reductions of 10 percent and \$2 million in cuts in annual operating costs, translating into a projected surplus of \$10.9 million by 2010 instead of \$1.8 million. In Washington, awash in red ink, that kind of work (adjusted into the billions, even trillions) would be an accomplishment. In Hudson, such arbitrary reductions wildly miss the point. The city is not in a fiscal emergency. Meanwhile, the projects and services citizens expect are suffering. Daley plays the arch ideologue in a city better served by practical problem-solvers. His way clashes sharply with the nonpartisan tradition





of governing. It is no secret that Daley has been supported financially by the Summit County Republican Party, chaired by Alex Arshinkoff, a Hudson resident and most partisan of pols. As the council president, Daley has operated like a bully. Staff resignations have become commonplace, among them city engineers. In a recent dispute between Daley and his neighbors over a waterline they share, the city spent \$8,000 suing William and Debra Vargas to get them off the line. Daley denies siccing the city on the Vargases. A court order recently added the Daleys to the suit as defendants. The episode reveals how Daley has poisoned the political climate in Hudson, proving a harmful distraction, diverting the city from addressing key priorities. On Nov. 6, voters in Ward 1 can change all that. They should elect George Roth and put the interests of the city first.

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III



# THE PLAIN DEALER

## Editorial: Hudson councilman is out of line in feud with neighbor over water

Monday, October 29, 2007

In Hudson, politics has muddied an already bitter fight over a waterline. For many years, two homes - one owned by City Council President Brian Daley and his wife, Rajja, and another owned by their neighbors William and Debra Vagas - have shared the line. That violates a city ordinance.

But they never knew until 2004, when the city shut off the line for repairs on one home and both lost service. They've battled over ownership of the line ever since.

The city sued, too, but it sued only the Vagases. The case, which has cost Hudson \$8,000 to litigate so far, is scheduled for trial in January.

Two questions: Why didn't the city sue the council president, too, if it's so intent on enforcing its ordinance? And why is this case headed to court at all?

Mayor Bill Currin has the authority to introduce legislation that creates an exemption in the law that forbids shared waterlines, and that's just what he should do. Each house has its own meter and could be fitted with its own shut-off valve.

Meanwhile, the appearance that Daley has used his position on council to escalate a tiff with a neighbor and is using taxpayers' money to push it in court is alarming. The city of Hudson should not be footing the bill for a neighborhood feud.

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Secretary Brunner,

SECRET  
ELECTIONS

2008 FEB -1 AM 11:45

I am writing to you because I believe Alex Arshinkoff is incompetent to serve as Board Member on the Summit County Board of Elections. I believe Mr. Arshinkoff has abused his position of trust. Mr. Arshinkoff has developed a pattern of intimidation from common pleas judges to clerks at the Summit County Board of Elections. There are many issues that I am going to bring to your attention but I will divide it between the Board of Elections and other issues of moral turpitude.

**Board Of Elections**

**Issue # 1 -** Recently the Summit County Republican Party was referred to the Ohio Elections Commission for failure to file an accurate and auditable report. This was the dual recommendation of the Democrat, Rose Debord and the Republican, Scott Sigel. Since the meeting when Scott recommended that Summit GOP be referred, Scott has been moved out of the campaign finance area and put in ballot layout. The move was made because he was told by Director Bryan Williams that he "was no longer a good republican." Due to the fact that it is so close to the election that moving inexperienced people into new very important positions has caused a undue burden on the BOE staff as they try to prepare for an election. Alex Arshinkoff ordered the move. (see exhibits #1, #2 & #3)

**Issue # 2 -** This the second time a Republican Campaign finance person has been summarily removed by Alex Arshinkoff for "doing their job". Lynn Hamilton was not rehired after she refused to alter her story regarding Mr. Arshinkoff's order to have her tell the State Auditor what reports to look at. (see exhibits #4 & #5)

**Issue # 3 -** Heather Nagel, Republican board employee, quit recently (9/06/07) because she was required to circulate petitions and sell tickets for Alex Arshinkoff or lose her job. (see exhibits # 6 & # 7)

**Issue # 4 -** Vondelise Jones and Bonnie Henderson, Republican part time board employees, filed Civil Rights Commission complaints (1-17-08) against Mr. Arshinkoff and Mr. Williams. (see exhibits # 8, # 9 & # 10)

**Issue # 5 -** Contrary to the SOS ethics policy, Mr. Arshinkoff had two republican board employees making calls from the board during work hours to promote his election to the chairmanship of the Summit County Republican party.

**Issue # 6 -** The arrogance of Mr. Arshinkoff is further exemplified by the fact that he requires a Republican board employee to stand outside regardless of the weather to protect his parking space on board meeting days. This is done despite the fact that there are always more than enough spaces. Mr. Arshinkoff has the employee hold an umbrella for him when it is raining. In addition, Mr. Arshinkoff prohibits the republican board employees from talking or socializing with any democrats. In fact, he even prohibited them since 2005 from participating in the annual Christmas luncheon at the board because the democrats would be there.

PLAINTIFF'S EXHIBIT  
4 Hardy  
3/1/08

**EXHIBIT**

B

Issue # 7 – Statement of Donald Longshore current Republican employee of the board.  
(see exhibit # 11)

Issue # 8 – On January 10<sup>th</sup>, 2008 there was a board meeting. Mr. Arshinkoff went into a rage and falsely accused fellow board member Wayne Jones of being behind a conspiracy to oust him as party chairman. This attack was started because Mr. Jones stated in the board meeting that all nominating positions needed to be treated the same. Mr. Arshinkoff admitted that the petitions of pc's the New Republican Party were scrutinized at a much higher level than those petitions filed by the current leadership of the Summit GOP where Mr. Arshinkoff is the party chairman.  
(see exhibit # 12 ----a 9-minute tape of meeting)

**Alex Arshinkoff does not stop with his bully tactics at the Summit County Board of Elections. Below are more examples of intimidation and issues of moral turpitude.**

**OTHER ISSUES O/S the Board of Elections**

Issue # 1 - Intimidation of three Common Pleas Judges (2 Republicans and 1 Democrat).  
(see exhibits # 13 , #14 and #15-- affidavits from the Judges and exhibit # 16 - ABJ editorial)

Issue # 2 – Threats and intimidation of a member of Hudson City Council  
(see exhibit # 17 ---two channel 23 news stories)

Issue # 3 – Summit County Engineer quits because of Arshinkoff (see exhibits #18 & # 19)

Issue # 4 – Arshinkoff attacks the Summit County United Way and the Akron Zoo  
(see exhibits #20 and #21)

Issue # 5 – Police Report of Arshinkoff picking up a college student (see exhibit #22)

Issue # 6 - Scene Magazine article "Godfather in the closet" (see exhibit #23)

Issue # 7 – Plain Dealer article "Summit County's Godfather of GOP" (see exhibit #24)

These are not isolated incidents. This is a pattern of behavior by an individual who doesn't care about the community. He lives by intimidation and retaliation. You are welcome to call any of these individuals including the Judges to verify their statements.

I ask that you send a strong message to all that serve the public that this type of behavior cannot be tolerated. Please deny Alex Arshinkoff's appointment to the Summit County Board of Elections. Thank you for your time and consideration.

Sincerely,

# Ohio.com



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**Mistakes fill GOP finance reports**

**Summit Republican books called 'impossible to audit'**

By Stephanie Warsmith  
 Beacon Journal staff writer

Published on Thursday, Dec 27, 2007

With a battle raging for control of the Summit County Republican Party, the party's finances came under increasing scrutiny Wednesday with books that were said to be "impossible to audit."

Supplemental filings reviewed by the county Board of Elections were missing required information, staff members said during a Wednesday board meeting.

"Until these items are resolved, they will not be in compliance," said Scott Sigel, the board's Republican administrative assistant for campaign finance.

Rose DeBord, Sigel's Democratic counterpart with the board, termed the party's finance reports "impossible to audit."

The supplemental information the party provided was supposed to clear up questions that resulted in the board filing a complaint with the Ohio Elections Commission this month.

Instead, Sigel and DeBord gave board members a packet Wednesday with pages of errors and questions on the party's finance reports. These included missing receipts, incorrect dollar amounts, omitted addresses and discrepancies between different documents.

Questions on the party's finances come as state Sen. Kevin Coughlin, R-Cuyahoga Falls, mounts a campaign to unseat Alex Arshinkoff as chairman of the county Republican Party.

Arshinkoff — who is also a member of the election board — has basically remained silent during discussions of the party's finances at board meetings.

Coughlin, meanwhile, is trying to recruit enough candidates for the party's central committee in the March primary to install a new, as-yet-unnamed chairman, and has been critical of the way the party's finances have been handled.

This backdrop has made the probe into the party's filings particularly ugly, with Arshinkoff supporters claiming Sigel is in league with Coughlin. (Sigel denies this and says he's just doing his job.)

At the board's Dec. 7 meeting, Arshinkoff abstained from voting on the election commission complaint against the party.

Filings defended.

Jack Morrison Jr., the other Republican member of the election board — who is also secretary of the party's executive committee, Arshinkoff's lawyer, and a member of the party's finance committee — came to the defense of the filings during the finance discussions. But, he sided with the two Democratic board members in the vote on the election commission referral.

That complaint claims the party failed, after being given a final, 21-day notice, to file the required campaign finance documentation for several elections in 2005 and 2006. Political parties, like candidates, are required under state law to file campaign finance reports.

The commission likely will address the complaint at its March meeting, said Philip Richter, executive director of the election commission.

Richter said it is common for the election commission to decide complaints involving candidates failing to file — or submitting incomplete or late — campaign finance reports. He said referrals against county political parties are made less often "but it does happen."

The commission could find there is no violation, Richter said. If a violation is found, the commission could impose a fine, refer the matter for prosecution — a step seldom taken — or decide no action is warranted, he said.

The election board will forward the additional — and apparently incomplete — campaign finance information provided by the party to the election commission. A letter also will be sent to the party, asking that the missing documentation be submitted to the board.

Questions still remain about whether the party properly reported in its finance reports loans from Arshinkoff to the party and if it was proper for the party to pay Arshinkoff interest on the loans.

Nothing illegal

Assistant Summit County Prosecutor John Manley, who reviews legal matters for the board, told board members Wednesday there was nothing

legal about the interest Arshinkoff received. But Manley said he wants to look over documents pertaining to the loans and report back to the board at its next meeting on Jan. 8.

Morrison stressed after the meeting that Manley found "no wrongdoing" on the party's part pertaining to the loans.

In terms of the other information missing from the party's campaign finance reports, he called it "administrative" and said the party will "find the receipts and produce them.

"I can assure that the (party's) central committee will produce the copies for whatever is needed here," he said.

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Find this article at:

[http://www.ohio.com/news/top\\_stories/12843697.html?page=all&c=y](http://www.ohio.com/news/top_stories/12843697.html?page=all&c=y)

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# SCENE

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## Something's amiss with the Summit Republican Party's finances

Wed Jan 23, 2008 at 05:44:19 AM

When Scott Sigel made his presentation before the Summit County Board of Elections, he thought he was just doing his job.

For five years, Sigel, a Republican-appointed board employee, had been in charge of filing and auditing campaign finance reports. But in December, he found discrepancies with his own party's finances.



Alex Arshinkoff claims he loaned his party \$75,000, but there's no record of it.

He told the Board that the Summit County GOP had failed to submit receipts for numerous expenditures.

"The numbers just didn't add up," he says. "The records were inauditable."

But that was the least of his concerns...

Sigel also said that Republican Chairman Alex Arshinkoff claimed that he personally loaned the party \$75,000, and was now being repaid with interest. "Usually people don't charge interest on a loan like that," Sigel says. "But in this instance, [Arshinkoff] was claiming he wanted interest. It sent up a red flag."

Even more alarming: The loan had supposedly been deposited into a bank account that hadn't been previously reported by the party. "We had no proof that the loan was even made," Sigel says.



MLK Day, Bill Clinton  
01/23  
The Summit Republican  
01/23

- X's National Pie Day. That Means Free Pie. 5:30 AM, 01/23
- Suit Against American Apparel's Chief Exec Goes to Trial 3:05 PM, 01/23
- Hollywood celebs: Please don't encourage Kevins 2:51 PM, 01/23
- Get genetically engineered milk? The Reason Journal believes you should 2:13 PM, 01/23

But when he suggested the party resubmit its filings, Arshinkoff threw a fit. He accused Sigel of being on a personal and political crusade against him. "I was just doing my job," Sigel says. "I always thought my role was to be impartial and fair. Sure, I'm a political appointee, but while doing my job, there are no politics involved."

Arshinkoff, a man known for his vendettas ["The Godfather in the Closet," June 11, 2003], wasn't seeing it that way. He had Sigel reassigned to the ballot layout department last week. "I have no training in this type of work," Sigel says. "I don't really think that's in the public's best interest. It's less than 60 days

before a major presidential primary."

Perhaps more alarming, Arshinkoff replaced him with Gary Hagen, who has no training auditing campaign finance records. "My view is that this is purely political retaliation," Sigel says. You could also call it a cover-up.

Though Sigel says he's always been an Arshinkoff supporter, he's now joining a Republican insurrection to oust the chairman. "Most of the people in the party have been afraid of speaking out against Alex," says Kevin Coughlin, who's leading the rebellion. "They are afraid of his revenge. I don't give a shit. I decided I've had enough of this nonsense." -- Denise Grolmus

Category: News



Scott W. Sigel  
1007 Bunker Drive  
Fairlawn, Ohio 44333  
330-414-7729

January 22, 2008

**TO WHOM IT MAY CONCERN:**

I am writing you to relay information concerning my experiences at the Summit County Board of Elections. I have been an employee since September, 2002.

The Summit County Board of Elections, I believe, is the most negative, back-biting, unprofessional, juvenile, and hypocritical atmosphere I have ever worked in my seventeen- year work career. The prime management tool is to threaten an employee at every instance that they will lose their job if they do not carry out the whims of the Republican management.

The Republican administration of the Board, led by Alex Arshinkoff, sets the tone for the office. Some of the issues that I want to bring to light include the following:

I was transferred as retaliation for carrying out my duties by Director Williams for presenting to the Board damaging information about the Summit County Republican Party's finance reports. Also, I allege that this transfer was because I testified on behalf of a fellow employee at an Unemployment Compensation hearing, divulging negative information about Board activities and the Republican Party operation, under oath. I also am running against Mr. Williams for Republican State Committeeman in March, 2008.

On more than one occasion I was required to clock out at lunch to circulate petitions. I was forced to take additional time in order to take a lunch period during those instances. I felt if I did not do this my job would have been jeopardized.

Alex Arshinkoff, in December 2005, called a special meeting at Republican HQ where he berated the staff and ordered them not to socialize or befriend any Democrat at the Summit County BOE. He had threatened to fire one employee at the Winter Conference that year, who happened to drive down with a Democratic co-worker. Republican staff had also been cautioned not visit the Bricco restaurant in downtown Akron—this restaurant is supposedly partially owned by Democratic Board member Wayne Jones.



I have been required to attend numerous meetings at the Summit County Republican HQ. Republican staff members including Steve Kotsatos, Gary Hagen, Peggy Steen, Maria Kotsatos, and Amanda Hagen, and maybe once *me*, have gone around on county time to inform Republican staff to attend these meetings. Often, we were informed that Alex Arshinkoff had ordered us to do so.

I have witnessed Maria Kotsatos and Patrice Kormushoff in Alex Arshinkoff's board office making calls for recruiting PCs for the Arshinkoff reelection in December 2007 and January 2008. I asked their Democratic counterparts a couple of times where they were. They indicated in the Board office calling people to recruit for PC. Also, after there was public criticism of this, these ladies returned to their posts and continued to make calls at their respective desks.

I am also aware of certain instances where Maria Kotsatos fired booth workers who had expressed criticism of Alex Arshinkoff. This is unfortunate since we suffer an acute lack of Republican workers.

In the summer of 2006, I witnessed workers being told they could not work overtime hours while others employees could because certain Republican staff had not reached their quota of 1000 signatures for two initiative petitions being circulated by the party.

Also in December 2005/January 2006 I recruited and circulated two petitions for PC in northern Summit County. One was for John Bolek, the other for Mike King. After completing their petitions, I was told they were unacceptable candidates. I was forced to find replacements and to circulate their petitions also. I am unaware as to what happened to these petitions. I am aware that the original gentlemen did not appear on the ballot.

I am also aware of the tactic used by Mr. Arshinkoff to harass and intimidate employees who are out of favor. He has repeatedly transferred employees from one position to another as a means to drive them out or as a means to ensure that they failed. Persons that are transferred never received any training upon being moved. Also, many times individuals with no experience or background in the position replaced someone with more seniority or expertise.

I attended two meetings in the summer of 2006 at Republican HQ. At one meeting, Maria Kotsatos indicated that if we didn't meet our quota we would be fired. She later tried to backtrack by saying she was merely joking. At another meeting, Pat Boyle, Heather Nagel, and Don Longshore were denounced by Bryan Williams as being lazy before fellow Republican staff members, since they were not meeting their signature goals for the petition drive that year. We were reminded that the Board members could use any criteria they wanted to determine who was rehired every two years.

In October 2007, I was called in Director William's office and told by Alex Arshinkoff not to associate with "that dog woman" [Heather Nagel]. He did so in front of other staff. I was embarrassed and found it very unprofessional.

Later in October 2007, I again was berated by Alex Arshinkoff for questioning the right of Director Bryan Williams to rummage through our financial report cabinets after hours. Mr. Williams had left two cabinets unlocked. I had not initiated the complaint but agreed with it, since up to that point only my Democratic co-worker and I had access to the reports. He also tried to intimate that I had not been doing my job.

Lastly, I met the Summit County Republican Party executive director on December 31, 2007 in my office to discuss problems with the Republican Party's finance reports. At the conclusion of that meeting, Mrs. McMillen indicated that I should work to placate Mr. Arshinkoff and that if I "played ball", I might keep my job. I was incensed.

Please feel free to contact me to discuss these items.

Sincerely yours,

*Scott W. Sigel*  
 Scott W. Sigel