

**No. 2015-0604**

---

**In the Supreme Court of Ohio**

---

**ORIGINAL ACTION FOR WRIT OF PROHIBITION**

---

**STATE ex rel. CHESTER TOWNSHIP, ET AL.,**

Relators,

v.

**THE HONORABLE TIMOTHY J. GRENDALL, JUDGE  
GEAUGA COUNTY COURT OF COMMON PLEAS, PROBATE DIVISION**

Respondent.

---

**JOINT SUBMISSION OF EVIDENCE  
(Volume 1 of 2)**

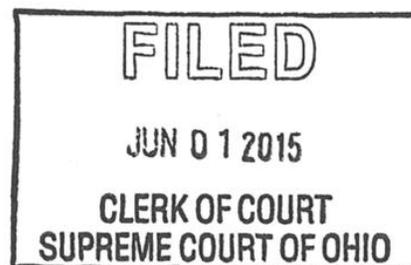
---

TODD M. RASKIN (0003625)  
FRANK H. SCIALDONE\* (0075179)  
*\*Counsel of Record*  
Mazanec, Raskin & Ryder Co., L.P.A.  
100 Franklin's Row  
34305 Solon Road  
Cleveland, Ohio 44139  
Telephone: 440.248.7906  
Facsimile: 440.248.8861  
E-Mail: traskin@mrrlaw.com  
fscialdone@mrrlaw.com

*Counsel for Relators Chester Township and  
the Chester Township Board of Trustees,  
Michael J. Petruziello, Bud Kinney, and Ken  
Radtke, Jr.*

STEPHEN W. FUNK\* (0058506)  
*\*Counsel of Record*  
Roetzel & Andress, LPA  
222 S. Main Street, Suite 400  
Akron, Ohio 44308  
Telephone: 330.376.2700  
Facsimile: 330.376.4577  
E-Mail: sfunk@ralaw.com

*Counsel for Respondent The Honorable Timothy J.  
Grendell, Judge Geauga County Court of Common  
Pleas, Probate Division*



## JOINT SUBMISSION OF EVIDENCE

Pursuant to the Court's Order of May 12, 2015, and S. Ct. Prac. R. 12.06, Relators Chester Township and the Chester Township Board of Trustees, Michael J. Petruziello, Bud Kinney, and Ken Radtke, Jr. and Respondent The Honorable Timothy J. Grendell, Judge Geauga County Court of Common Pleas, Probate Division, hereby submit the following evidence for consideration by the Court in the above-referenced prohibition action. The parties stipulate and agree that all of the documents attached hereto are true and correct copies of the following:

### VOLUME 1

<u>Date</u>	<u>Description</u>	<u>Page</u>
05/29/2015	Docket Sheet – <i>In re: Chester Township Park District</i> , Gauga County Common Pleas Court, Probate Division, Case No. 84 PC 139	1
04/02/1984	Application of the Chester Township Trustees Pursuant to Ohio Revised Code Chapter 1545	11
05/10/1984	Judgment Entry	16
03/20/2014	Appointment of Master Commissioner	18
08/25/2014	Transcript of Proceedings	23
08/25/2014	Transcript of Proceedings	27
08/26/2014	Transcript of Proceedings	94
10/08/2014	Letter to Judge Grendell from Chester Township Trustees	99
11/26/2014	Judgment Entry Findings of Fact Conclusions of Law	103
12/12/2014	Notice of Appeal	111
12/12/2014	Docketing Statement	113
12/12/2014	Chester Township Board of Trustees' Motion for Order Staying Enforcement of November 26, 2014 Judgment	115
12/15/2014	Judgment Entry	131

<u>Date</u>	<u>Description</u>	<u>Page</u>
12/15/2014	Supplemental Judgment Entry	134
12/23/2014	Judgment Entry from Eleventh District Court of Appeals	136
03/31/2015	Notice of Hearing	138
03/31/2015	Memorandum Opinion from Eleventh District Court of Appeals	139
04/28/2015	Transcript of Status Conference	143
04/29/2015	Status Conference Entry	155
04/29/2015	Instructions to Master Commissioner	157

**VOLUME 2**

<u>Date</u>	<u>Description</u>	<u>Page</u>
07/28/2014	Report and Recommendations of the Master Commissioner – Analysis of the “Chester Township Park District Review 2013”	158
05/12/2015	Report of the Master Commissioner Pursuant to April 29, 2015 Instructions	410

Respectfully submitted,

Per e-mail approval 5/29/15

TODD M. RASKIN (0003625)  
FRANK H. SCIALDONE\* (0075179)  
*\*Counsel of Record*  
Mazanec, Raskin & Ryder Co., L.P.A.  
100 Franklin’s Row  
34305 Solon Road  
Cleveland, Ohio 44139  
Telephone: 440.248.7906  
Facsimile: 440.248.8861  
E-Mail: traskin@mrrlaw.com  
fscialdone@mrrlaw.com

  
\_\_\_\_\_  
STEPHEN W. FUNK\* (0058506)

*\*Counsel of Record*  
Roetzel & Andress, LPA  
222 S. Main Street, Suite 400  
Akron, Ohio 44308  
Telephone: 330.376.2700  
Facsimile: 330.376.4577  
E-Mail: sfunk@ralaw.com

*Counsel for Respondent The Honorable Timothy J. Grendell, Judge Geauga County Court of Common Pleas, Probate Division*

*Counsel for Relators Chester Township and the Chester Township Board of Trustees, Michael J. Petruziello, Bud Kinney, and Ken Radtke, Jr.*

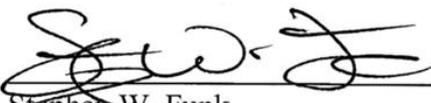
**PROOF OF SERVICE**

A copy of the foregoing was served on May 29, 2015, pursuant to Civ. R. 5(B)(2)(d) by

Federal Express, overnight delivery, to:

Todd M. Raskin  
Frank H. Scialdone  
Mazanec, Raskin & Ryder Co., L.P.A.  
100 Franklin's Row  
34305 Solon Road  
Cleveland, Ohio 44139

*Counsel for Relators Chester Township  
and the Chester Township Board of Trustees,  
Michael J. Petruziello, Bud Kinney, and Ken Radtke, Jr.*

  
\_\_\_\_\_  
Stephen W. Funk

CRTR5925

Detail

<u>Case Number</u>	<u>Status</u>	<u>Judge</u>
84 PC 139	CLOSED	JUDGE BY ASSIGNMENT

<u>In The Matter Of</u>	<u>Action</u>
CHESTER TOWNSHIP PARK BOARD	DEFENDANT: NONE PROBATE CIVIL

<u>Party</u>	<u>Attorneys</u>
NONE	DFNDT

CHESTER TOWNSHIP PARK BOARD 12701 CHILLICOTHE ROAD CHESTERLAND, OH 44026	PLNTF
--	-------

TRAPP, MARY J THRASHER, DISMORE & DOLAN 1400 W 6TH ST, STE 400 CLEVELAND, OH 44113	OT
---	----

GEAUGA COUNTY PROSECUTOR 231 MAIN ST SUITE 300 CHARDON, OH 44024	OT
--	----

<u>Opened</u>	<u>Disposed</u>	<u>Case Type</u>
01/11/1994	CLOSED - CONVERSION	CIVIL

Comments:

No.	Date of	Pleadings Filed, Orders and Decrees Journal Book-Page-Nbr	Ref Nbr	Amount Owed/ Amount Dismissed	Balance Due
1	04/02/84	APPLICATION BY RESOLUTION OF THE CHESTER TOWNSHIP TRUSTEES, PURSUANT TO OHIO REVISED CODE CHAPTER 1545. W/EXHIBITS A, B, & C.		0.00	0.00
2	04/02/84	ALL PREVIOUS DOCKET ENTRIES FOR THIS CASE CAN BE FOUND IN DOCKET 17 PG 371 TIME-STAMPED 4/2/1984 - 10/18/1993. ADDED TO COMPUTERIZED DOCKET 1/11/1994.			0.00
3	05/10/84	JUDGMENT ENTRY - HEARING MAY 10, 1984 RE: APPROVAL OF CREATION OF CHESTER TOWNSHIP PARK DISTRICT.		0.00	0.00
4	10/26/93	LETTER AND RESUME OF LINDA GRIMM TO SERVE ON CHESTER PARK BOARD VOLUME # 245 PAGE # 0			0.00
5	11/04/93	INTERVIEW SET W/LINDA GRIMM FOR 11/30/1993 @ 3:40 PM.		0.00	0.00
6	11/05/93	RECOMMENDATION BY NANCY PATTERSON		0.00	0.00

CRTR5925

Detail

84 PC 139 CHESTER TOWNSHIP PARK BOARD DEFENDANT: NONE

No.	Date of	Pleadings Filed, Orders and Decrees Journal Book-Page-Nbr	Ref Nbr	Amount Owed/ Amount Dismissed	Balance Due
7	11/08/93	RECOMMENDATION BY PATRICIA MULA		0.00	0.00
8	12/08/93	LETTER OF APPOINTMENT - LINDA GRIMM		0.00	0.00
9	12/23/93	JOURNAL ENTRY APPOINTING LINDA GRIMM TO A THREE YEAR TERM FILED VOLUME # 245 PAGE # 0			0.00
10	12/23/93	JOURNAL ENTRY-OATH FILED LINDA GRIMM VOLUME # 245 PAGE # 0			0.00
11	12/23/93	PRESS RELEASE		0.00	0.00
12	12/23/93	MAPLELEAF		0.00	0.00
13	12/30/93	NEWSPAPER ARTICLE		0.00	0.00
14	01/05/94	CHESTERLAND NEWS		0.00	0.00
15	01/21/94	WEST GEAUGA PAPER		0.00	0.00
16	12/15/94	JOURNAL ENTRY APPOINTING JOAN DICILLO TO A THREE YEAR TERM VOLUME # 258 PAGE # 0			0.00
17	12/15/94	JOURNAL ENTRY-OATH FILED VOLUME # 258 PAGE # 0			0.00
18	12/06/95	JOURNAL ENTRY APPOINTING JAMES WILLIAM PATTERSON TO A THREE YEAR TERM FILED - ISSUED TO CONCERNED PARTIES VOLUME # 278 PAGE # 0			0.00
19	12/13/95	OATH OF JAMES WILLIAM PATTERSON FILED VOLUME # 278 PAGE # 0			0.00
20	12/04/96	JOURNAL ENTRY APPOINTING ROBERT J. LAUTENSCHLEGER TO A THREE YEAR TERM FILED REEL 312			0.00
21	12/04/96	JOURNAL ENTRY-OATH FILED REEL 312			0.00

CRTR5925

Detail

84 PC 139 CHESTER TOWNSHIP PARK BOARD DEFENDANT: NONE

No.	Date of	Pleadings Filed, Orders and Decrees Journal Book-Page-Nbr	Ref Nbr	Amount Owed/ Amount Dismissed	Balance Due
22	12/05/96	PRESS RELEASE		0.00	0.00
23	12/03/97	APPLICATION - CHARLES STEVENS		0.00	0.00
24	01/27/98	JOURNAL ENTRY APPOINTING CHARLES R. STEVENS TO THE CHESTER TOWNSHIP PARK BOARD FOR A THREE YEAR TERM COMMENCING ON JANUARY 1, 1998  JOURNAL ENTRY - OATH OF CHARLES R. STEVENS FILED REEL 312			0.00
25	01/27/98	OATH - CHARLES STEVENS		0.00	0.00
26	12/24/98	JOURNAL ENTRY APPOINTING JAMES WILLIAM PATTERSON TO PARK BOARD ENDING DECEMBER 31, 2001 - ISSUED TO ALL PARTIES OATH FILED			0.00
27	12/24/98	OATH JAMES WILLIAM PATTERSON		0.00	0.00
28	12/22/99	JOURNAL ENTRY REAPPOINTING ROBERT J LAUTENSCHLEGER TO A 3 YR TERM ON THE CHESTER TOWNSHIP PARK BOARD JOURNAL ENTRY - OATH FILED ISSUED TO CONCERNED PARTIES			0.00
29	12/22/99	OATH - ROBERT LAUTENSCHLEGER		0.00	0.00
30	01/04/00	THE BALANCE OF THE ABOVE MATTER CAN BE FOUND ON REEL NO. 334			0.00
31	01/29/01	JOURNAL ENTRY - APPOINTING CHARLES R STEVENS AS A MEMBER TO THE CHESTER TOWNSHIP PARK DISTRICT			0.00
32	03/05/01	OATH OF CHARLES R STEVENS FILED			0.00
33	01/24/02	JOURNAL ENTRY APPOINTING WAYNE D WILLIAMS TO CHESTER TOWNSHIP PARK DISTRICT JOURNAL ENTRY - OATH FILED ISSUED TO CONCERNED PARTIES			0.00

CRTR5925

Detail

84 PC 139 CHESTER TOWNSHIP PARK BOARD DEFENDANT: NONE

No.	Date of	Pleadings Filed, Orders and Decrees Journal Book-Page-Nbr	Ref Nbr	Amount Owed/ Amount Dismissed	Balance Due
34	01/24/02	OATH - WAYNE WILLIAMS		0.00	0.00
35	01/24/02	LETTER TO MICHAEL HERBST		0.00	0.00
36	01/24/02	LETTER TO KENNETH RADKE, JR		0.00	0.00
37	09/30/03	JOURNAL ENTRY APPOINTING WILLIAM C RODGERS TO PARK BOARD JOURNAL ENTRY/OATH FILED - ISSUED - JMP -			0.00
38	09/30/03	OATH - WILLIAM RODGERS		0.00	0.00
39	11/19/03	CORRECTED APPOINTMENT - WILLIAM RODGERS		0.00	0.00
40	12/05/03	JOURNAL ENTRY APPOINTING RONALD DOWNS TO THE CHESTER TOWNSHIP PARK BOARD JOURNAL ENTRY - OATH FILED - ISSUED JMP			0.00
41	12/05/03	OATH - RONALD DOWNS		0.00	0.00
42	12/01/04	RESUME - PHILLIP CHRISTOPHER		0.00	0.00
43	02/03/05	JOURNAL ENTRY APPOINTING PHILLIP CHRISTOPHER TO A THREE YEAR TERM ON THE CHESTER TOWNSHIP PARK DISTRICT CC ISSUED CHESTER TWP TRUSTEES, CHESTER TWP PARK BOARD AND PHILLIP CHRISTOPHER - JMP			0.00
44	02/03/05	JOURNAL ENTRY - OATH OF PHILLIP CHRISTOPHER JMP			0.00
45	01/13/06	JOURNAL ENTRY - FILED APPOINTING WILLIAM C. RODGERS ON A THREE YEAR TERM ON THE CHESTER TOWNSHIP PARK BOARD COMMENCING ON JANUARY 1, 2006 TO DECEMBER 31, 2008 CC ISSUED TO WILLIAM RODGERS AND THE CHESTER TWP TRUSTEES AND CHESTER TWP PARK BOARD.		0.00	0.00
46	01/13/06	JOURNAL ENTRY- OATH WILLIAM C. RODGERS FILED		0.00	0.00

CRTR5925

Detail

84 PC 139 CHESTER TOWNSHIP PARK BOARD DEFENDANT: NONE

No.	Date of Pleadings Filed, Journal Book-Page-Nbr	Orders and Decrees Ref Nbr	Amount Owed/ Amount Dismissed	Balance Due
47	12/29/06	JOURNAL ENTRY REAPPOINTING RONALD DOWNS TO A THREE YEAR TERM ON THE CHESTER TOWNSHIP PARK DISTRICT COMMENCING JANUARY 1, 2007 AND SHALL EXPIRE ON DECEMBER 31, 2009 JOURNAL ENTRY- OATH FILED	0.00	0.00
48	12/29/06	OATH - RONALD DOWNS	0.00	0.00
49	06/22/07	RESIGNATION - WILLIAM RODGERS	0.00	0.00
50	07/09/07	ACCEPTANCE OF RESIGNATION - WILLIAM RODGERS	0.00	0.00
51	09/06/07	JOURNAL ENTRY - OATH ENTRY APPOINTING ROBERT H DAVID TO THE CHESTER TOWNSHIP PARK BOARD TO COMPLETE THE TERM OF WILLIAM C RODGERS ENDING DECEMBER 31, 2008 - CC ISSUED REGULAR MAIL TO CHESTER TOWNSHIP TRUSTEES, CHESTER TOWNSHIP PARK BOARD AND ROBERT H DAVIS.	0.00	0.00
52	03/12/08	JOURNAL ENTRY - OATH ENTRY APPOINTING TODD BIDWELL TO THE CHESTER TOWNSHIP PARK BOARD TO COMPLETE A THREE YEAR TERM COMMENCING ON JANUARY 1, 2008 AND ENDING ON DECEMBER 31, 2010 - CC ISSUED REGULAR MAIL TO CHESTER TOWNSHIP TRUSTEES, CHESTER TOWNSHIP PARK BOARD AND TODD BIDWELL.	0.00	0.00
53	01/30/09	JOURNAL ENTRY - OATH ENTRY APPOINTING JAMES M RIZZO TO THE CHESTER TOWNSHIP PARK BOARD TO COMPLETE A THREE YEAR TERM COMMENCING ON JANUARY 1, 2009 AND ENDING ON DECEMBER 31, 2011 - CC ISSUED REGULAR MAIL TO CHESTER TOWNSHIP TRUSTEES, CHESTER TOWNSHIP PARK BOARD AND JAMES M RIZZO	0.00	0.00
54	11/20/09	JOURNAL ENTRY - OATH ENTRY APPOINTING RONALD DOWNS TO THE CHESTER TOWNSHIP PARK BOARD TO COMPLETE A THREE YEAR TERM COMMENCING ON JANUARY 1, 2010 AND ENDING ON DECEMBER 31, 2012 - CC ISSUED REGULAR MAIL TO CHESTER TOWNSHIP TRUSTEES, CHESTER TOWNSHIP PARK BOARD AND RONALD DOWNS	0.00	0.00

CRTR5925

Detail

84 PC 139 CHESTER TOWNSHIP PARK BOARD DEFENDANT: NONE

No.	Date of	Pleadings Filed, Orders and Decrees Journal Book-Page-Nbr	Ref Nbr	Amount Owed/ Amount Dismissed	Balance Due
55	11/24/10	JOURNAL ENTRY - OATH ENTRY APPOINTING TODD BIDWELL TO THE CHESTER TOWNSHIP PARK BOARD TO COMPLETE A THREE YEAR TERM COMMENCING ON JANUARY 1, 2011 AND ENDING ON DECEMBER 31, 2013 - CC ISSUED REGULAR MAIL TO CHESTER TOWNSHIP TRUSTEES, CHESTER TOWNSHIP PARK BOARD AND TODD BIDWELL.		0.00	0.00
56	12/19/11	JOURNAL ENTRY - OATH ENTRY APPOINTING JOSEPH H WEISS JR TO THE CHESTER TOWNSHIP PARK BOARD TO A THREE YEAR TERM COMMENCING ON JANUARY 1, 2012 AND ENDING ON DECEMBER 31, 2014 - CC ISSUED REGULAR MAIL TO CHESTER TOWNSHIP TRUSTEES, CHESTER TOWNSHIP PARK BOARD AND JOSEPH H WEISS JR		0.00	0.00
57	12/28/12	JOURNAL ENTRY - OATH ENTRY APPOINTING LANCE S YANDELL TO THE CHESTER TOWNSHIP PARK BOARD TO A THREE YEAR TERM COMMENCING ON JANUARY 1, 2013 AND ENDING ON DECEMBER 31, 2015 - CC ISSUED REGULAR MAIL TO CHESTER TOWNSHIP TRUSTEES, CHESTER TOWNSHIP PARK BOARD AND LANCE S YANDELL		0.00	0.00
58	12/27/13	JOURNAL ENTRY - OATH ENTRY APPOINTING CLAY LAWRENCE TO THE CHESTER TOWNSHIP PARK BOARD TO A THREE YEAR TERM COMMENCING ON JANUARY 1, 2014 AND ENDING ON DECEMBER 31, 2016 - CC ISSUED REGULAR MAIL TO CHESTER TOWNSHIP TRUSTEES, CHESTER TOWNSHIP PARK BOARD AND CLAY LAWRENCE		0.00	0.00
59	03/20/14	DONATION PAPERWORK - DAN SMITH OF CONSOLIDATED INVESTMENT CORP.		0.00	0.00
60	03/20/14	APPOINTMENT OF MASTER COMMISSIONER OATH OF MASTER COMMISSIONER		0.00	0.00
61	06/06/14	APPOINTMENT OF TWO PARK BOARD MEMBERS		0.00	0.00
62	06/27/14	JOURNAL ENTRY - OATH ENTRY APPOINTING AL PARKER TO THE CHESTER TOWNSHIP PARK BOARD COMMENCING IMMEDIATELY AND ENDING ON DECEMBER 31, 2015 - CC ISSUED REGULAR MAIL TO CHESTER TOWNSHIP TRUSTEES, CHESTER TOWNSHIP PARK BOARD AND AL PARKER		0.00	0.00

CRTR5925

Detail

84 PC 139 CHESTER TOWNSHIP PARK BOARD DEFENDANT: NONE

No.	Date of	Pleadings Filed, Orders and Decrees Journal Book-Page-Nbr	Ref Nbr	Amount Owed/ Amount Dismissed	Balance Due
63	06/27/14	JOURNAL ENTRY - OATH ENTRY APPOINTING RUTH PHILBRICK TO THE CHESTER TOWNSHIP PARK BOARD COMMENCING IMMEDIATELY AND ENDING ON DECEMBER 31, 2014 - CC ISSUED REGULAR MAIL TO CHESTER TOWNSHIP TRUSTEES, CHESTER TOWNSHIP PARK BOARD AND RUTH PHILBRICK		0.00	0.00
64	11/26/14	JUDGMENT ENTRY FINDINGS OF FACT CONCLUSIONS OF LAW CC: 12/1/14 CHESTER TOWNSHIP TRUSTEES/CHESTER PARK BOARD COMMISSIONERS/ MASTER COMMISSIONER MARY JANE TRAPP-MAIL; PROS-BOX		1.00	1.00
65	12/12/14	NOTICE OF APPEAL FILED		38.00	38.00
66	12/12/14	COURT OF APPEALS DOCKETING STATEMENT FILED BY JAMES R. FLAIZ.		0.00	0.00
67	12/12/14	INSTRUCTIONS FOR SERVICE FILED BY JAMES R. FLAIZ.		0.00	0.00
68	12/12/14	MOTION FOR ORDER STAYING ENFORCEMENT OF NOVEMBER26, 2014 JUDGMENT ENTRY FINDINGS OF FACT CONCLUSIONS OF LAW DURING THE PENDENCY OF THE APPEAL FILED BY JAMES R FLAIZ.		5.00	5.00
69	12/12/14	NOTICE OF HEARING - ISSUED REGULAR MAIL TO: (N) NOTICE OF HEARING ON MOTION TO STAY SET FOR 12/15/14 @ 7:00 AM. Sent on: 12/12/2014 16:26:23.96		4.00	4.00
70	12/12/14	HEARING SCHEDULED: Event: MOTIONS HEARING Date: 12/15/2014 Time: 7:30 am Judge: GRENDALL, TIMOTHY J Location: COURTROOM A  Result: HEARING HELD		0.00	0.00
71	12/15/14	ORDER FOR HEARING & NOTICE OF HEARING - ISSUED REGULAR MAIL TO: (N) NOTICE OF HEARING & ORDER FOR HEARING Sent on: 12/15/2014 09:58:41.27		4.00	4.00
72	12/15/14	HEARING SCHEDULED: Event: STATUS HEARING Date: 12/24/2014 Time: 11:00 am Judge: GRENDALL, TIMOTHY J Location: COURTROOM A  Result: HEARING CANCELED		0.00	0.00

CRTR5925

Detail

84 PC 139 CHESTER TOWNSHIP PARK BOARD DEFENDANT: NONE

No.	Date of	Pleadings Filed, Orders and Decrees Journal Book-Page-Nbr	Ref Nbr	Amount Owed/ Amount Dismissed	Balance Due
73	12/15/14	JUDGMENT ENTRY ON MOTION TO STAY FILED BY CHESTER TWP TRUSTEES		0.00	0.00
74	12/15/14	SUPPLEMENTAL JUDGMENT ENTRY		0.00	0.00
75	12/24/14	APPELLATE JUDGEMENT ENTRY RE: STAY.		0.00	0.00
76	12/31/14	JUDGMENT ENTRY - JOSEPH H WEISS, JR REAPPOINTMENT. CC: 12/31/14 J WEISS - COUNTERSERVE;CHESTER TWP PARK COMMISSION - MAIL		0.00	0.00
77	12/31/14	JOURNAL ENTRY - OATH JOSEPH H WEISS, JR. CC: 12/31/14 J WEISS - COUNTERSERVE;CHESTER TWP PARK COMMISSION - MAIL		0.00	0.00
78	12/31/14	JUDGEMENT ENTRY - RUTH PHILBRICK REAPPOINTMENT CC: 12/31/14 R PHILBRICK - COUNTERSERVE;CHESTER TWP PARK COMMISSION - MAIL		0.00	0.00
79	12/31/14	JOURNAL ENTRY - OATH RUTH PHILBRICK. CC: 12/31/14 R PHILBRICK - COUNTERSERVE;CHESTER TWP PARK COMMISSION - MAIL		0.00	0.00
80	01/28/15	REGULAR MAIL RETURNED ON AL PARKER - WRONG ADDRESS. REISSUED TO 13043 CAVES RD ADDRESS 1/28/15.		0.00	0.00
81	02/20/15	TRANSCRIPT FILED BY FRANK SCAILDONE, ATTY FOR CHESTER TWP BOARD OF TRUSTEES OF 8/25/14 HEARING PREPARED BY ANITA COMELLA, RPR, OFFICIAL COURT REPORTER. KNM		0.00	0.00
82	02/20/15	TRANSCRIPT FILED BY FRANK SCAILDONE, ATTY FOR CHESTER TWP BOARD OF TRUSTEES OF 8/26/14 HEARING PREPARED BY ANITA COMELLA, RPR, OFFICIAL COURT REPORTER. KNM		0.00	0.00
83	02/20/15	JUDGMENT ENTRY FILED RE: FILING OF TRANSCRIPT FOR APPEAL - ISSUED REGULAR MAIL TO:CHESTER PARK BOARD/CHESTER TWP TRUSTEES/F SCAILONE - MAIL; J GILLETTE - MAIL & EMAIL KNM		1.00	1.00

CRTR5925

Detail

84 PC 139 CHESTER TOWNSHIP PARK BOARD DEFENDANT: NONE

No.	Date of	Pleadings Filed, Orders and Decrees Journal Book-Page-Nbr	Ref Nbr	Amount Owed/ Amount Dismissed	Balance Due
84	02/20/15	CASE FILED IN COURT OF APPEALS - ORIGINALS, 2 TRANSCRIPTS.		0.00	0.00
85	03/31/15	NOTICE OF HEARING -STATUS HEARING SET 4/28/15 @ 2:00 PM. Sent on: 03/31/2015 08:24:46.98 CHESTER TOWNSHIP PARK BOARD (PLAINTIFF); MARY J TRAPP (Other); CHESTER TWP TRUSTEES; CHESTER TWP CLERK; JAMES GILLETTE; FRANK SCALDONE - MAIL; PROS-BOX		0.00	0.00
86	03/31/15	HEARING SCHEDULED: Event: STATUS HEARING Date: 04/28/2015 Time: 2:00 pm Judge: GRENDALL, JUDGE TIMOTHY J Location: COURTROOM A  Result: HEARING HELD		0.00	0.00
87	04/01/15	OPINION FROM COURT OF APPEALS - DISMISSED		0.00	0.00
88	04/01/15	CERTIFICATE TO COPY OF JOURNAL ENTRY		0.00	0.00
89	04/01/15	TRANSCRIPTS AND ORIGINALS RETURNED FROM COURT OF APPEALS		0.00	0.00
90	04/01/15	OPINION FROM COURT OF APPEALS - DISMISSED		0.00	0.00
91	04/28/15	NOTICE OF APPEARANCE FILED BY: TODD RASKIN & FRANK SCIALDONE ON BEHALF OF CHESTER TOWNSHIP BOARD OF TRUSTEES/CHESTER TOWNSHIP SOLEY TO CONTEST COURT'S JURISDICTION.		0.00	0.00
92	04/29/15	JUDGMENT ENTRY FILED - STATUS CONFERENCE HELD- ISSUED REGULAR MAIL TO: CHESTER TOWNSHIP PARK BOARD (PLAINTIFF); MARY J TRAPP (Other); CHESTER TOWNSHIP TRUSTEES		1.00	1.00
93	04/29/15	JUDGMENT ENTRY FILED - INSTRUCTIONS TO MASTER COMMISSIONER - ISSUED REGULAR MAIL TO: CHESTER TOWNSHIP PARK BOARD (PLAINTIFF); MARY J TRAPP (Other);		1.00	1.00
94	05/08/15	MEMORANDUM OBJECTING TO JURISDICTION IN RSPONSE TO THE PROBATE COURT'S HEARING ORDER FILED BY TODD RESKIN, ATTY FOR CHESTER TWP BOARD OF TRUSTEES		0.00	0.00

CRTR5925

Detail

84 PC 139 CHESTER TOWNSHIP PARK BOARD DEFENDANT: NONE

No.	Date of	Pleadings Filed, Orders and Decrees Journal Book-Page-Nbr	Ref Nbr	Amount Owed/ Amount Dismissed	Balance Due
95	05/08/15	MEMORANDUM OF THE CHESTER TWONSHIP PARK DISTRICT BOARD OF COMMISSIONERS FILED BY JAMES GILLETTE, ATTY.		0.00	0.00
96	05/12/15	REPORT OF THE MASTER COMMISSIONER PURSUANT TO 4/29/15 INSTRUCTIONS.		0.00	0.00
Totals By: COST				55.00	55.00
INFORMATION				0.00	0.00
*** End of Report ***					

APR 2 1984

IN THE COURT OF COMMON PLEAS  
PROBATE DIVISION  
GEAUGA COUNTY, OHIO

CASE NO. 84PC#139 Doc. 17 Pg 371

IN THE MATTER OF THE )  
CREATION OF A PARK )  
DISTRICT WITHIN )  
CHESTER TOWNSHIP )

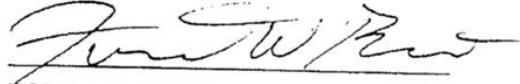
APPLICATION BY RESOLUTION OF THE  
CHESTER TOWNSHIP TRUSTEES, PURSUANT  
TO OHIO REVISED CODE CHAPTER 1545.

1. This Application has been filed with the Geauga County Probate Court in accordance with the provisions of Ohio Revised Code Chapter 1545.
2. Applicants are Rosemary Balazs, Lance Yandell, and William Sass, the duly elected and acting Trustees of Chester Township, Geauga County, Ohio.
3. Applicants by virtue of action taken at a regular meeting of the Chester Township Trustees held on the 29th day of March, 1984, have adopted a resolution (a copy of which is attached hereto as Exhibit A.) authorizing the creation of a park district to be known as Chester Township Park District in Chester Township, Geauga County, Ohio; and authorizing legal counsel for the Township to file this Application with the Geauga County Probate Court.
4. Attached hereto as Exhibit B. is an accurate description of the territory to be included within the park district.
5. Attached hereto as Exhibit C. is an accurate map of the territory to be included within the park district.
6. Applicants say that the creation of a park district as set forth herein is conducive to the general welfare of the community.

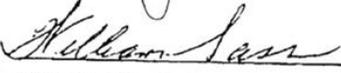
WHEREFORE, Applicants request a hearing upon this Application and publication of notice by this Court as provided by law; a judgment and order from this Court creating a park district under the name specified in this Application; an order by this Court appointing three (3) park commissioners as provided by law, subject to their providing bond as required by law; and such other action as the Court deems lawful under the circumstances.

APPLICANTS:

  
ROSEMARY BALAZS

  
FORREST BURT  
Attorney for Chester Township  
Geauga County Prosecutor's Office  
Chardon, Ohio 44024

  
LANCE YANDELL

  
WILLIAM SASS

R E S O L U T I O N

CHESTER TOWNSHIP TRUSTEES

APR 7 1984

Regular Meeting  
March 29, 1984

WHEREAS, many citizens of Chester Township, Geauga County, Ohio, have expressed a desire for and an interest in the creation of a park district for Chester Township; and

WHEREAS, it has been determined that the existing Joint Recreation District could be more effectively operated in conjunction with a park district in Chester Township; and

WHEREAS, the Chester Township Trustees have determined that the creation of a park district for Chester Township would be conducive to the general welfare of the citizens of Chester Township as well as surrounding communities.

NOW, THEREFORE, IT IS UNANIMOUSLY RESOLVED:

1. That the Chester Township Trustees immediately act, under the provisions of Ohio Revised Code Chapter 1545, to file an Application with the Geauga County Probate Court requesting the creation of a park district to be known as Chester Township Park District, and to include in such District, the territory of Chester Township composed of Geauga County Taxing District 11, as it appears in the 1983 permanent records of the Geauga County Treasurer's Office and Geauga County Auditor's Office.

2. That Forrest Burt, legal counsel for the Township, is hereby authorized to prepare and file such Application with the Geauga County Probate Court, and take all necessary legal steps provided for in Ohio Revised Code Chapter 1545 to create a Chester Township Park District.

CHESTER TOWNSHIP TRUSTEES:

*Forrest Burt*

EXHIBIT B - DESCRIPTION OF PROPOSED CHESTER TOWNSHIP PARK DISTRICT

The proposed Chester Township Park District shall be coterminous with the existing lines of the Township which is 25 miles square - that being the original Western Reserve Township boundaries. (See attached map).

The proposed Chester Township Park District is most accurately described by the Geauga County taxing district composing all of the territory included within such Park District; such taxing district information having been extracted from the Treasurer's Duplicate of Real Property for Geauga County, Ohio, for the Tax Year 1983, and the Auditor's List of Exempted Real Property and Public Utilities, Geauga County, Ohio, for the Tax Year 1983. Accordingly, the proposed Chester Township Park District is described as follows:

Chester Township - West Geauga School District (Taxing District No. 11)

First Entry:

Account Number 11-000020  
Charles & Donna Abate  
7080 Mulberry Road  
Chesterland, Ohio 44026  
Lot 11 - TR 1

APR 7 1984

Last Entry:

Account Number 11-900050  
Public Utility  
Ohio Bell Telephone Company

and and Auditor's List of Exempted Real Property entries for 1983 beginning with Account Number 11-702500 (first entry) and ending with Account Number 11-71400 (last entry). Public Utilities first entry 11-600100, last entry 11-602400.

# CHESTER TOWNSHIP PARK DISTRICT

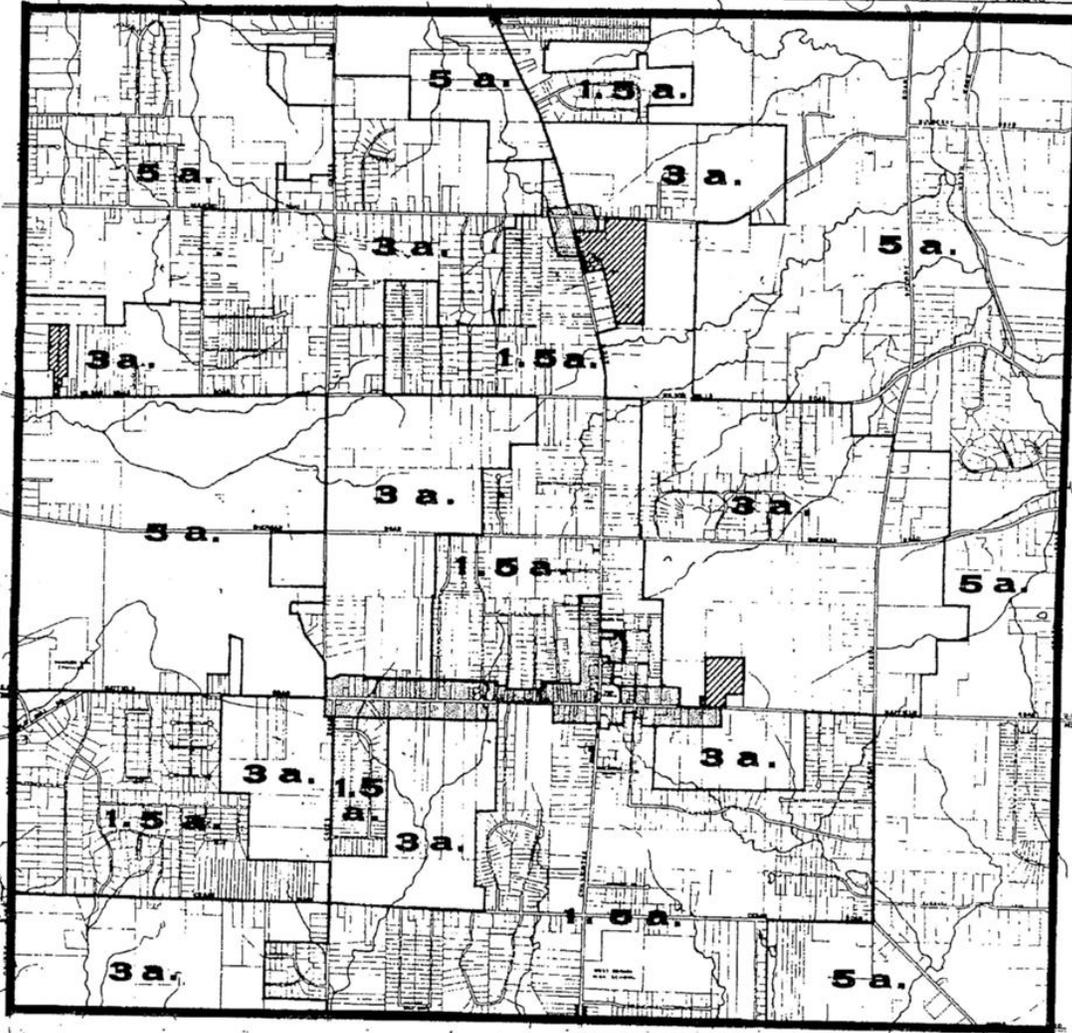
Ex. C

LEGEND: Red line shows district boundaries

DATED: \_\_\_\_\_

SIGNED: \_\_\_\_\_

*Henry Blag, Chairman*  
*Trustee*  
*Trustee*



C H E S T E R T O W N S H I P

- LEGEND
- RESIDENTIAL (R) DISTRICT
  - COMMERCIAL (C) DISTRICT
  - SHOPPING CENTER DISTRICT
  - INDUSTRIAL (I) DISTRICT

## Z O N I N G M A P



amended through March 1, 1976

9  
MAY 10 1984  
FRANK G. LAVRICH  
CLERK OF COURT  
GAUGA COUNTY

IN THE COURT OF COMMON PLEAS  
PROBATE DIVISION  
GAUGA COUNTY, OHIO

IN RE: CHESTER TOWNSHIP )  
PARK DISTRICT )

CASE NO. 84-PC-139, DOCKET 17,  
PAGE 371

JUDGMENT ENTRY

This matter came on for Hearing on May 10, 1984, upon the application of the Board of Township Trustees of Chester Township for approval of the creation of the Chester Township Park District.

THE COURT FINDS that the application for creation of said park district has been signed or authorized in accordance with Ohio Revised Code Section 1545.02.

THE COURT FURTHER FINDS that creation of said park district is conducive to the general welfare;

NOW, THEREFORE, IT IS ORDERED that there is hereby created the Chester Township Park District; that the territorial limits of said park district shall be those described in Exhibits "B" and "C" of the application for creation of said park district and that Exhibits "B" and "C" are hereby incorporated and made part of this Order.

IT IS FURTHER ORDERED that this Court shall appoint three commissioners in accordance with Ohio Revised Code Section 1545.05 and that said commissioners shall constitute the Board of Park Commissioners of the Chester Township Park District, a body politic and corporate with full authority and subject to such limitations as provided by law.

*Frank G. Lavrich*  
FRANK G. LAVRICH, JUDGE

*Copy Comm. Chester Park District*

4

EXHIBIT B. DESCRIPTION OF PROPOSED CHESTER TOWNSHIP PARK DISTRICT

The proposed Chester Township Park District shall be coterminous with the existing lines of the Township which is 25 miles square - that being the original Western Reserve Township boundaries. (See attached map).

The proposed Chester Township Park District is most accurately described by the Geauga County taxing district composing all of the territory included within such Park District; such taxing district information having been extracted from the Treasurer's Duplicate of Real Property for Geauga County, Ohio, for the Tax Year 1983, and the Auditor's List of Exempted Real Property and Public Utilities, Geauga County, Ohio, for the Tax Year 1983. Accordingly, the proposed Chester Township Park District is described as follows:

Chester Township - West Geauga School District (Taxing District No. 17)

First Entry:

Account Number 11-000020  
Charles & Donna Abate  
7080 Mulberry Road  
Chesterland, Ohio 44026  
Lot 11 - TR 1

**FILED**

APR 2 1984

FRANK O. LAVRICK  
PROBATE JUDGE  
GEAUGA COUNTY

Last Entry:

Account Number 11-900060  
Public Utility  
Ohio Bell Telephone Company

and Auditor's List of Exempted Real Property entries for 1983 beginning with Account Number 11-702600 (first entry) and ending with Account Number 11-71400 (last entry). Public Utilities first entry 11-600100, last entry 11-602400.

*Rosemary Balogh*  
*James [unclear]*  
*Michael [unclear]*



After the Court receives the Master Commissioner's report, it will determine whether additional hearing or action is necessary and allocation of the costs.

IT IS SO ORDERED.

  
TIMOTHY J. GRENDALL, Judge

cc: Mary Jane Trapp  
Chester Township Park Board  
Chester Township Trustees  
Jim Flaiz, County Prosecutor  
Frank Gliha, County Auditor

FILED  
IN COMMON PLEAS COURT  
2014 MAR 20 PM 12: 01  
PROBATE-JUVENILE  
DIVISION  
GEAUGA COUNTY, OHIO

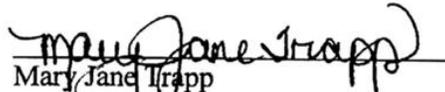
FILED  
IN COMMON PLEAS COURT  
IN THE COURT OF COMMON PLEAS  
PROBATE DIVISION  
GEAUGA COUNTY, OHIO  
2014 MAR 20 PM 12:01

IN RE: )  
          ) JUDGE TIMOTHY J. GRENDLELL  
          ) PROBATE - JUVENILE  
          ) DIVISION  
CHESTER TOWNSHIP PARK DISTRICT ) GEAUGA COUNTY, OHIO  
  ) 84PC000139

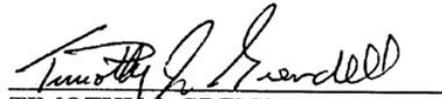
**OATH OF MASTER COMMISSIONER**

I, Mary Jane Trapp, being duly sworn, state and depose as follows:

1. I am an attorney at law licensed to practice by the Ohio Supreme Court and in good standing in the State of Ohio.
2. I hereby swear, under oath, to faithfully discharge my duties as Master Commissioner pursuant to O.R.C. Sections 2101.06-2101.07 to address issues raised in the Chester Township Park District 2013 (revised 3/5/2014) (the "Review").
3. I have no personal, professional, or financial interest in the above referenced probate case.

  
Mary Jane Trapp

Sworn to and subscribed before me by attorney Mary Jane Trapp on March 20, 2014.

  
TIMOTHY J. GRENDLELL, Judge

3-20-14  
Date



**COURT OF COMMON PLEAS  
PROBATE / JUVENILE DIVISION  
GEAUGA COUNTY**

**TIMOTHY J. GRENDELL – JUDGE**

Courthouse Annex, 2<sup>nd</sup> Floor  
231 Main Street, Suite 200  
Chardon, Ohio 44024  
Voice: 440-279-1830  
Fax Probation: 440-285-5025  
Fax Court: 440-285-8751

March 20, 2014

Trustee Ward Kinney  
Trustee Mike Petruziello  
Trustee Ken Radtke  
Chester Township Trustees  
12701 Chillicothe Road  
Chesterland OH 44026

Board Member Clay Lawrence  
Board Member Joe Weiss, Jr.  
Board Member Lance Yandell  
Chester Park Board Members  
12701 Chillicothe Road  
Chesterland OH 44026

Dear Township Trustees and Park Board Members:

The Chester Park District falls within the jurisdiction of the Geauga County Probate Court pursuant to Geauga County Probate Court Case No. 84PC000139.

It has recently been brought to my attention that someone has prepared a “Chester Township Park District 2013 Review”, raising various observations about Park District actions and expenditures during 2013.

Pursuant to this Court’s fiduciary oversight authority, I have appointed attorney Mary Jane Trapp as Master Commissioner to address the matters raised by the “review”. Copies of the order appointing Ms. Trapp and her oath are enclosed herewith. Mary Jane Trapp is an experienced attorney and served as an appellate judge on the 11<sup>th</sup> Ohio District Court of Appeals.

Your cooperation with Master Commissioner Trapp is respectfully requested. Frankly, I will expect, and the law requires, full cooperation and noninterference by all involved.

Once Master Commissioner Trapp has submitted her final report, I will schedule a hearing, if appropriate, to address this matter and related costs at a later date.

Thank you for your consideration and cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy J. Grendell". The signature is fluid and cursive, with the first name being the most prominent.

Judge Timothy J. Grendell

cc: Prosecutor Jim Flaiz  
Master Commissioner Mary Jane Trapp

2015 FEB 20 AM 11:52

PROBATE/JUVENILE  
DIVISION  
GEAUGA COUNTY, OHIO

**IN THE COURT OF COMMON PLEAS  
PROBATE/JUVENILE DIVISION  
GEAUGA COUNTY, OHIO**

IN THE MATTER OF : Case No. 84PC000139  
CHESTER TOWNSHIP : App. No. 14G3242  
PARK DISTRICT :  
: JUDGE TIMOTHY J. GREDELL

**TRANSCRIPT OF PROCEEDINGS**

Transcript of Proceedings had before the Honorable Timothy J. Grendell the 25th day of August, 2014 in the Court of Common Pleas, Probate/Juvenile Division, City of Chardon, County of Geauga and State of Ohio.

**APPEARANCES:**

[ None ]

- - - - -  
Anita L. Comella, RPR  
Official Court Reporter  
Geauga County Court of Common Pleas  
100 Short Court  
Chardon, Ohio 44024  
Digitally recorded Proceedings  
REWRITTEN by Mechanical Stenography  
Transcription Produced via Computer

**ORIGINAL**

**PROCEEDINGS**

1  
2 THE COURT: This is a  
3 hearing in the matter of In Re Chester  
4 Township Park District, Geauga County  
5 Case Number 84PC139.

6 This hearing is for the purposes  
7 of receiving the report and  
8 recommendations of the master  
9 commissioner appointed by the Court  
10 and the analysis-- and her analysis of  
11 the Chester Township Park District  
12 Review of 2013 that gave rise for the  
13 appointment of the master  
14 commissioner.

15 The Court is opening this  
16 hearing in Chardon at 6:00 p.m. on  
17 today, August 25, 2014 and shall  
18 recess the hearing to the Chester  
19 Township Fire Station as previously  
20 noticed for purposes of allowing the  
21 public to be readily available while  
22 the Court receives the report,  
23 recommendations, and summary of the  
24 report from the master commissioner,  
25 Mary Jane Trapp, previously appointed

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

by the Court in this case.

At this time the Court will  
recess and reconvene at Chester  
Township at 7:00 p.m.

- - - - -

[ Digital Recording Concluded ]

- - - - -

## CERTIFICATE

I, Anita L. Comella, Registered Professional Reporter, Notary Public, and Official Court Reporter for the Geauga County Common Pleas Court, Chardon, Ohio do hereby certify that as such reporter I stenographically converted into machine shorthand the digital recording of proceedings had in said court in the above-mentioned cause; that my notes were further transcribed by me or under my supervision into typewritten form as appear in the foregoing Transcript of Proceedings; that said transcript is a complete record of the proceedings had in the trial of said cause as digitally recorded, and constitute a true and correct Transcript of Proceedings had therein as best as can be discerned from said medium.



-----  
Anita L. Comella, RPR  
Official Court Reporter  
Court of Common Pleas  
Gauga County, Ohio

Date: December 18, 2014

FILED  
COMMON PLEAS COURT  
15 FEB 20 AM 11:53  
PROBATE-JUVENILE  
DIVISION  
GEAUGA COUNTY, OHIO

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

IN THE COURT OF COMMON PLEAS  
PROBATE DIVISION  
GEAUGA COUNTY, OHIO

IN THE MATTER OF: )  
CHESTER TOWNSHIP PARK DISTRICT ) CASE NO. 84P000139

-----  
PROCEEDINGS HAD BEFORE THE HONORABLE TIMOTHY J.  
GRENDALL, AUGUST 25, 2014.

-----  
APPEARANCES:

MARY JANE TRAPP, Master Commissioner.

-----  
SUSAN GOODELL & ASSOCIATES  
Court Reporters  
P.O. Box 56  
Perry, Ohio 44081  
(440) 259-3988

1 THE COURT: For those of you  
2 who don't know me, I'm Tim Grendell. I'm the  
3 Geauga County Probate and Juvenile judge. To  
4 my right is Mary Jane Trapp, who I've  
5 appointed master commissioner for this matter  
6 under Revised Code Section 2101.06 and I'll  
7 explain that in a little more detail.

8 The probate court must sit in the county  
9 seat, so at 6:00 today I convened this  
10 hearing in the matter of the Chester Township  
11 Park. For those of you who don't know, going  
12 back to Judge Lavrich, Chester Township Park  
13 actually operates under Case No. 84PC139,  
14 which is the case number which Judge Lavrich,  
15 at the request of the then township, created  
16 pursuant to Ohio Revised Code the independent  
17 township park district. I convened this  
18 hearing at 6:00 in Chardon for the purposes  
19 of receiving the report and recommendations  
20 of the master commissioner on the analysis of  
21 the Chester Township Park District Review  
22 2013, which was a document that I received  
23 earlier this year that raised many questions  
24 about various activities involving the  
25 township park for 2012, 2013, expenditures

1 and a bunch of issues.

2 As the appointing authority of the park  
3 district, I felt it was my responsibility for  
4 the Court to look into this matter and under  
5 Revised Code Section 2101.06 I have the  
6 authority to name a master commissioner with  
7 certain powers to gather information, to take  
8 testimony, to investigate and then to make a  
9 report with conclusions of law and facts for  
10 the benefit of the Court so I then can see  
11 what, if any, appropriate action needs to be  
12 taken.

13 This proceeding was recessed in Chardon  
14 and is now reconvened here in Chesterland for  
15 the convenience of my neighbors and Chester  
16 residents so you all didn't have to haul up  
17 to Chardon this evening and I will close this  
18 hearing tomorrow morning when I get to work  
19 at 7:30 back in Chardon so that I stay in  
20 compliance with the Revised Code that  
21 requires the probate court to sit in the  
22 county seat. So the hearing will start there  
23 and finish there, but I'm here on a recess  
24 and reopening for purposes of receiving this  
25 report.

1           Mary Jane Trapp, for those of you who  
2           don't know, served on the Eleventh District  
3           Court of Appeals, which includes Lake County,  
4           Geauga County, Trumbull County, Portage  
5           County and Ashtabula County. She is an  
6           attorney with the Thrasher -- Dinsmore,  
7           Thrasher & Dolan firm. She was past  
8           president of the Ohio State Bar Association  
9           and she actually sits across the aisle in a  
10          different party than mine. I wanted to make  
11          sure this was totally independent and that  
12          nobody can say that I did anything here to  
13          try to steer the outcome. I thought that the  
14          issues raised needed to be thoroughly  
15          reviewed. And as you can see from this  
16          binder in front of me, this is the master  
17          commissioner's report on the matter.

18                 What we will do -- and this is a court  
19                 hearing, not a public meeting, nor a public  
20                 hearing. I thank the township for allowing  
21                 my court to sit here. While I'm sitting  
22                 here, this is my courthouse. It is subject  
23                 to my rules of procedures and my powers to  
24                 maintain order. This will not be a pure  
25                 question and answer. As if you were sitting

1 in the back of my court, you will be able to  
2 observe and at the conclusion I will tell you  
3 what we will do about questions that people  
4 may have.

5 But at this time I would like to introduce  
6 Mary Jane Trapp, the master commissioner for  
7 this particular matter, and ask her to submit  
8 a summary of her report and her  
9 recommendations on the issues involving the  
10 Chester Township Park.

11 MS. TRAPP: Thank you, Your  
12 Honor.

13 May it please the Court, I would like to,  
14 first of all, thank the citizens and the  
15 officials of Chester Township for opening  
16 your books, records, offices, and giving me  
17 your time to complete my review of the  
18 report. I am pleased to say that I had -- I  
19 did not have to issue any subpoenas. The  
20 township trustees; their fiscal officer, Mr.  
21 Richter; the commissioners of the park board,  
22 the three and then the two additional that  
23 just came to us, were very accommodating, as  
24 well as the fiscal officer for the -- for the  
25 park district.

1           Let me just say a bit about the process  
2           that was used. My charge from Judge Grendell  
3           was to determine, examine, and either resolve  
4           or provide to the Court proposed resolutions  
5           of the issues raised in the interview. So  
6           the process was very simple. I interviewed  
7           just about everybody I could possibly  
8           interview who was around at the time when the  
9           park district was first created and then went  
10          through serially all of the records  
11          concerning the formation, the court record,  
12          all the minutes from the township park  
13          district for the entire time up through  
14          today, and with the help of Mr. Richter I was  
15          able to get a number of records from Chester  
16          Township so that I could compare it.

17                 Let me say that the renaissance of the  
18                 primary parkland in Chester Township, which  
19                 is known as Parkside, just behind us, over  
20                 the past four years has been a source of  
21                 pride for the community of residents and  
22                 business owners in Chester Township. Under  
23                 the stewardship of the Geauga County Probate  
24                 Court, the Chester Township Park District  
25                 Board of Commissioners, and funding support

1 from the Chester Township Board of Trustees,  
2 your community has a park that is in keeping  
3 with the intent of the donor of the property,  
4 David Hudson, who envisioned that five acres  
5 behind us as a public square where citizens  
6 would gather.

7 The users come day and night. I live in  
8 Russell, so I'm up and down this street all  
9 the time and I see people here day and night,  
10 young and old, music lovers, softball  
11 players, volleyball players, horseshoe  
12 players, parents and grandparents bringing  
13 their children to play on state-of-the-art  
14 playground equipment, teens organizing games  
15 at the park, and it's become a positive  
16 meeting place for those young adults.  
17 Seniors have also found the park to be a  
18 great place to meet. Your local gardeners  
19 display their talents in the  
20 perennial garden, the Chester -- Chesterland  
21 Chamber of Commerce moved it's ChesterFest to  
22 Parkside to showcase the park and local  
23 businesses to 2 to 3,000 visitors. Service  
24 organizations, including the Rotary and  
25 Kiwanis have spearheaded donation drives and

1 events for and in the park. The summer band  
2 concerts have been enhanced by the upgrades  
3 to your park and the park provides the  
4 perfect location for weddings, family  
5 reunions and holiday celebrations. The park  
6 is the community gathering place from morning  
7 to night with its lighted recreation areas  
8 and pavilions. Enough for the Chamber of  
9 Commerce presentation.

10 It's important for you to know how good  
11 that park is, but the purpose of this review  
12 is to lay all of the facts, the good, the bad  
13 and the ugly out on the table for all of you  
14 and for especially Judge Grendell to  
15 evaluate.

16 With that being said, the controversy and  
17 frankly a lack of understanding about the  
18 legal status of the park district as a  
19 separate body politic, it's a separate body  
20 politic institution which is not governed by  
21 all the same rules as your township board of  
22 trustees, nor controlled by that board have  
23 occasionally overshadowed the great  
24 accomplishments and interfered with the  
25 mission of the park district.

1                   This latest controversy that was sparked  
2                   by the so-called review is not new. Within  
3                   the first five years of the park district's  
4                   existence, the seeds of discontent were  
5                   already being sewed when the township  
6                   trustees asked the park district  
7                   commissioners to attend a trustees meeting  
8                   for the purpose of voicing objection to Judge  
9                   Lavrich reappointing one commissioner without  
10                  any recommendation from the trustees. The  
11                  park board chairman at the time objected and  
12                  I quote; "He objected to the park district  
13                  being used in a political battle." Thus as  
14                  the politics of Chester Township ebbed and  
15                  flowed, that discontent spilled over into the  
16                  park district itself.

17                  From my research, discussions, extensive  
18                  interviews with those involved in the park  
19                  district's formation, and apart from securing  
20                  local government funds for park operations  
21                  and improvements after the elimination of the  
22                  intangibles tax, when that was eliminated,  
23                  the mothers and fathers of Chester were  
24                  trying to figure out what we do to maintain  
25                  our parks. But one thing was constant apart

1 from that funding issue, a driving force  
2 behind a creation of an independent park  
3 district with commissioners appointed by the  
4 probate court as opposed to a park board --  
5 and a park board, those are members who are  
6 appointed by township trustees -- was to keep  
7 politics out of the park and to protect the  
8 park district from the vicissitudes of  
9 township government and priorities.

10 So as Judge Grendell said, in 1984 the  
11 park -- Chester Township Park District was  
12 created at the request of your township  
13 trustees. And under Chapter 1545 it became a  
14 separate institution as compared to what I  
15 talk about the park boards, which many of the  
16 townships have in Geauga County. Those are  
17 governed by the trustees and by the township,  
18 a section of the law, Section Chapter 511  
19 that governs how townships run themselves.

20 The Chester Township Park District entered  
21 into an agreement, a written agreement with  
22 the township to maintain the township's  
23 parklands. The park district was originally  
24 funded by a share of the local government  
25 fund and library funds that was passed

1 through from the State of Ohio by the Geauga  
2 County Budget Commission and by inside  
3 millage of .08 mills initially, which was  
4 raised in 1992 to .1 mill from Chester  
5 Township, as well as donations from community  
6 groups and from individuals.

7 The park commissioners voted at basically  
8 the first meeting to bring the finances, how  
9 they managed their finances, they voted at  
10 the first meeting to bring those in house.  
11 Instead of having, as their bylaws say,  
12 instead of having it go through the Geauga  
13 County Auditor and Treasurer, they brought  
14 that in house and appointed their own, in  
15 effect, fiscal officer, as we call them now,  
16 rather than have the county auditor certify  
17 each expenditure and then issue warrants for  
18 payments from the Geauga County Treasurer.

19 But what I found really curious about this  
20 whole process is that even though the first  
21 park board, as they were entitled to do  
22 legally, brought the finances in house, so to  
23 speak, at the second meeting -- so they did  
24 this at the first meeting. At the second  
25 meeting they adopted bylaws that exist today

1 that conflict with that procedure. Those  
2 bylaws have never been amended and many past  
3 commissioners I interviewed were even unaware  
4 of the existence of the bylaws during their  
5 service. The current board was not aware of  
6 the existence of the bylaws or the written  
7 agreements relating to the control and  
8 maintenance of the parklands until the review  
9 was presented to them.

10 So in looking at the history and reading  
11 the minutes, it looked like in the ensuing  
12 years after the formation and the first few  
13 meetings, the park district really went about  
14 its business with little controversy and with  
15 only occasional acrimony.

16 There were many changes in the composition  
17 of the park district board. They are  
18 volunteers, by the way. They are not paid  
19 for their services. And there were a number  
20 of paid secretaries or administrative  
21 assistants who kept the minutes and handled  
22 correspondence, wrote the checks, maintained  
23 the financial records of the district, issued  
24 all the public notices, and in some instances  
25 actually performed work in the park. This

1 turnover in leadership without some sort of  
2 structured transition, which would be  
3 designed to assure that each new commissioner  
4 and each new administrative assistant was  
5 aware of, A, the controlling documents for  
6 the district; B, the appropriate processes  
7 for record keeping, budgeting, expenditures,  
8 that lack of a consistent transition I think  
9 has contributed to the confusion and the  
10 incomplete or misinformation about the  
11 activities and responsibilities of the park  
12 district board. It's also provided fodder  
13 for complaints from various political  
14 factions in the township.

15 When I began my interviews, I -- and my  
16 research, I asked whether or not the park  
17 district had a current policy and procedure  
18 manual or handbook for either the  
19 commissioners or for the administrative  
20 assistant. Neither the current board, nor  
21 the current administrative assistant received  
22 one upon taking the position. One current  
23 board member attempted to schedule a meeting  
24 to trans -- what I would call a transition  
25 meeting with an outgoing commissioner without

1 success. There has never been a new  
2 commissioner, a new administrative assistant  
3 orientation or training session and just  
4 prior to finishing my report in July, I was  
5 provided with a very outdated and incomplete  
6 procedure manual which one of the  
7 commissioners did find for me. This manual,  
8 I believe, will at least provide a skeleton  
9 upon which to build a new policy and  
10 procedure manual for the park district.

11 Another deficiency that I found, and I  
12 will tell you Peg, who is the current  
13 administrative assistant searched to make  
14 phone calls, but we cannot locate any of the  
15 minutes for an entire year of 2008, so I did  
16 not have those to review. I also found, much  
17 to my surprise, and I think to the surprise  
18 of some, that the park district had never  
19 been audited, either at its own request or by  
20 the Auditor of State.

21 In short, I think because the park  
22 district never developed a complete  
23 standardized and continually updated set of  
24 policies and procedures for its operation,  
25 nor did it ever put in what is called a

1 fund-based accounting system, they basically  
2 use QuickBooks, the park district has  
3 generally operated like -- more like a small,  
4 private charitable organization and unlike  
5 its larger sister park districts, it's never  
6 had the benefit of full-time paid  
7 professional staff, advisors or counsel,  
8 attorneys.

9 In 2002 the township eliminated that third  
10 source of funding that I was talking about,  
11 the inside millage so-called, and at the time  
12 the records reflect that the trustees cited a  
13 sufficient reserve in the park district's  
14 2003 budget and the township trustees had an  
15 intent to shift some of the money away from  
16 Parkside over toward other parklands that are  
17 in the district. And there are other  
18 parklands in town -- in Chester Township, not  
19 just Parkside.

20 But from that point on, and there's a  
21 chart in the report that shows you in a  
22 relatively short period of time that reserve  
23 was gone and the funding from that township  
24 had -- from that point on, from the township  
25 trustees to the park district was basically

1 done on a project basis with maintenance  
2 services provided by the township's road  
3 department and eventually in 2013 those  
4 township road department services were also  
5 eliminated.

6 So with the shortfalls that we all read  
7 about or in some experience directly with the  
8 former township clerk, it's understandable,  
9 at least in my opinion it's understandable  
10 that the township trustees pulled back a set  
11 amount of funds allocated to the park  
12 district at the time. There was only so much  
13 money to go around.

14 But in the few years after that park  
15 district fund was depleted, a number of  
16 factors came together, again in my opinion,  
17 to create a perfect storm that resulted in  
18 open disharmony that we now find between the  
19 park district, the trustees and a few vocal  
20 citizen advocates.

21 And let me just tell you what I have found  
22 are the seeds of that perfect storm: One,  
23 the lack of an allocated fund for the park  
24 district; two, a lack of understanding or  
25 appreciation of the fact that the park

1 district is a separate political body; three,  
2 the cycling of new faces on the township  
3 board of trustees and the park board of  
4 commissioners, turnover of public officials;  
5 the increased demands on the townships road  
6 department's time and resources; severe cuts  
7 in the local government fund, that's the fund  
8 that comes from Columbus here; severe cuts in  
9 and eventually the loss of the estate tax  
10 revenue; litigation concerning the so-called  
11 80 acres of parklands; the effect that a  
12 full-speed-ahead park commission bringing to  
13 fruition a lot of big ticket items in  
14 Parkside that have enhanced Parkside, but  
15 those have been done with the lack of  
16 adherence to a more deliberative pace and  
17 detailed process and checks that are demanded  
18 of any project that is funded by public  
19 dollars; and then you have just some good  
20 old-fashioned long-standing political  
21 rivalries and scores to settle. That's your  
22 perfect storm. That's what brought us here  
23 today.

24 This disharmony, I think, has been fueled  
25 by rumors that the township, and I believe

1 unfounded rumors from my interviews,  
2 unfounded rumors that the township trustees  
3 were preparing to close Parkside by defunding  
4 the park district, and you juxtapose those by  
5 the equally-unfounded rumors that the park  
6 commissioners were engaged in improper  
7 activity. This disharmony and lack of  
8 understanding about the boundaries of  
9 authority or more simply put, a lack of  
10 understanding about who runs the park, has  
11 been building over time. And I think the  
12 presentation of the review document just  
13 ratcheted that up to a new level. Compound  
14 all this by the fact that the park district  
15 has not been audited, and I can assure you  
16 that that has been changed, because the state  
17 auditor is conducting an audit of the park  
18 district. One has been completed for 2013;  
19 correct? That's already been completed for  
20 the township and they are now undergoing, the  
21 parkship -- the township park district is now  
22 undergoing state audit.

23 So when you combine all of that with the  
24 fact that you don't have an audit and there  
25 have been certain inadequate or incomplete

1 compliance with strict fund-based financial  
2 recording and record keeping that's continued  
3 for many years and now what we have is a  
4 vastly-improved park district that's overseen  
5 by a dedicated group of volunteers who have  
6 not been given the necessary tools to  
7 adequately and simply report and account to  
8 the public. These volunteers do not want to  
9 have the park district's funding become a  
10 political battle each year, just as their  
11 predecessors back in the early nineties did  
12 not want to get locked into a political  
13 battle over each project.

14 My research has found that the funds  
15 coming into the park district may be traced  
16 to the projects, but not always easily. A  
17 consistent process of budgeting,  
18 appropriation and documenting both income and  
19 expenses for each project has never really  
20 been implemented. And in those years when  
21 projects were very few and they were small in  
22 amount, it really wasn't much of a problem.  
23 You -- but when you have large amounts of  
24 money, big projects, when you have the  
25 inability to consistently follow a path from

1 the budgeting process to a resolution being  
2 passed to approve something, to payment can  
3 be very problematic. The money is being  
4 spent on the park. Let me say that again.  
5 Your money is being spent on the park and the  
6 results are plainly evident. If you haven't  
7 been in the park, and I'm sure if you are all  
8 here, you have, but you can see it. But the  
9 lack of any standardized practice and  
10 procedure provides an opening for critics and  
11 moving forward must be changed.

12 So specifically in regard to the review,  
13 the document that brings us here and those  
14 issues and questions and concerns that were  
15 raised in that document, I found no evidence  
16 of intentional disregard of controlling the  
17 law on the part of the current park  
18 commissioners or its administrative  
19 assistant. There are some instances of  
20 omission rather than commission and they are  
21 detailed throughout my 93-page report. But I  
22 have also found that the township leadership  
23 and some citizen advocate -- activists have a  
24 very incomplete understanding of the  
25 independent nature of the park district and

1                    what laws are and are not applicable.

2                    And I will say that I think after meeting  
3                    with the three township trustees  
4                    individually, I can modify that statement  
5                    because they were all ears in my explanation  
6                    of the difference between a Chapter 1545 park  
7                    and a Chapter 511 park board.

8                    I've also found that negative personal  
9                    agendas and long memories of past disputes  
10                   have interfered at times with the governance  
11                   and have distracted all involved, the park  
12                   commissioners, the township trustees, citizen  
13                   activists, and the general public from  
14                   encouraging the development of a positive  
15                   culture, of clear communication and  
16                   information sharing, cooperative problem  
17                   solving and a clearly defined process  
18                   compliant with both the law and best  
19                   practices for the acceptance, the spending,  
20                   and the accounting of money and expenditures  
21                   of public funds and private donations to the  
22                   park district.

23                   The township trustees raised issues of  
24                   donations and discounts on contracts given as  
25                   donations which could give the appearance of

1           impropriety or quid pro quo from vendors, but  
2           I found no evidence of actual improprieties  
3           in regard to -- in that regard.

4           I have found the park district bylaws and  
5           the 1993 agreement with Chester Township are  
6           sorely in need of revision. I have also  
7           found, as I alluded to earlier, that the park  
8           district needs to develop a handbook for its  
9           commissioners and administrative assistant,  
10          who is now the secretary/fiscal officer, that  
11          outlines the structure of the park district.  
12          It gives them all of the governing documents  
13          that they need to understand their jobs and  
14          sets forth the requirements both of state law  
15          and best practices for accounting and  
16          operations so that each purchase order or  
17          contract can be easily traced from budget to  
18          resolution through payment.

19          So toward that end I've already offered  
20          to the park district meeting minutes and  
21          accounting forms and practices utilized by  
22          their sister district in Russell Township and  
23          I want to thank the park commissioners and  
24          their secretary for taking the time to sit  
25          with me and show me all of their documents

1 and for their offer to Chester to help them  
2 implement a similar process. Their books and  
3 records, their processes are simple, they are  
4 straight forward and they've already passed  
5 muster with the auditor of state.

6 I've also recommended that district's  
7 example of best practice of having one  
8 commissioner tasked with financial oversight.  
9 That commissioner would review and sign off  
10 the monthly bank statements and listings of  
11 each cash balance each month and while there  
12 is no set recommendation from the auditor of  
13 state for park districts as to the number of  
14 people who can sign on checks or who those  
15 people may be, I'm recommending that those  
16 checks be signed by two commissioners and the  
17 fiscal officer. With the addition of two new  
18 commissioners, that process should not  
19 present a problem.

20 I've also offered to the park district  
21 examples of a resolution that was passed by  
22 Lake Metroparks to our north that adopted a  
23 board of park commissioners performance  
24 metrics and that can be also utilized to  
25 introduce commissioners to the requirements

1 and to the expectations of that public  
2 service. While the Lake system is  
3 substantially larger and they have paid  
4 staff, many of the metrics or measurement  
5 tools are equally applicable to small park  
6 districts.

7 I am also recommending that the park  
8 district review its insurance and bond  
9 coverage. There are some of the sister  
10 districts that have been able to purchase  
11 more coverage for the same amount. For  
12 example, Russell Township Park District  
13 commissioners bonds are in the amount of  
14 25,000, rather than the 5,000 minimum that  
15 are required by statute and the premium for  
16 three years is 250. It's not any different  
17 than the five, so why not have more coverage,  
18 especially when there are larger projects and  
19 larger dollars flowing through the district.  
20 Given the -- given that increased amount of  
21 funds, it's really prudent if you can obtain  
22 that kind of coverage at the same price.

23 I also -- this isn't a recommendation.  
24 This must be done. The bonds must be filed  
25 with the Geauga County Auditor as mandated by

1 statute. It just makes sense to me that  
2 another entity provides a check to assure  
3 compliance with the bonding requirements.  
4 And I have to say, no one seems to be  
5 following this requirement. All park  
6 district bonds are to be filed with the  
7 Geauga County Auditor and they haven't been  
8 for years. So Chester's lack of compliance  
9 with that is not alone.

10 The park district needs to have regular  
11 legal counsel, be it the Geauga County  
12 Prosecutor's Office on a contract basis,  
13 which at times may present a conflict of  
14 interest if there's a problem, an issue  
15 between the park district and the township  
16 trustees, because the township trustees are  
17 also represented by the Geauga County  
18 Prosecutor's Office, or now under Ohio law  
19 they are entitled to hire their own private  
20 counsel. What I always tell clients is you  
21 can spend a little money on an attorney now  
22 to head off a problem versus spending a lot  
23 of money on lots of attorneys to resolve a  
24 problem in court.

25 The park district and the township need to

1 work cooperatively to develop what I see as a  
2 three, five and ten-year strategic plan  
3 focusing first on maintaining, how do you  
4 maintain what you have now so that that  
5 investment is preserved, and then on a vision  
6 for the other parklands within Chester  
7 Township.

8 Most importantly, the two boards have to  
9 meet and discuss and resolve to either  
10 restore a set amount of inside millage or  
11 support that an inside levy -- or support an  
12 inside levy for the park district so that the  
13 park district funding is stabilized and it  
14 allows for more precise budgeting when you  
15 know how much money you're going to have  
16 every year.

17 Over the years that the park district has  
18 been in existence there have been few  
19 attempts to craft that kind of strategic plan  
20 for all the parklands. The attempts that  
21 were made failed in part, I think, because of  
22 the project by project nature of the way the  
23 park district is funded. At one point in  
24 time after the township withdrew that inside  
25 millage, the park commissioners in the words

1 of a former commissioner, literally begged  
2 the trustees for money to run the park.

3 Sadly, those volunteer commissioners that I  
4 talked to simply lost interest and moved to  
5 another volunteer position where they could  
6 accomplish something and to avoid personal  
7 attacks.

8 This cooperative effort begins simply with  
9 a schedule change that I'm going to  
10 recommend. The two boards should not meet on  
11 the same night. The park commissioners and  
12 the township trustees already have  
13 implemented one improvement that's designed  
14 for better communication. Each board now has  
15 a designated liaison so that information can  
16 be exchanged efficiently and effectively with  
17 the goal of avoiding that old game that we  
18 used to play as kids of telephone, because  
19 you start and you give a sentence to someone  
20 at this end and by the time it makes it all  
21 the way around to the end of the room, it is  
22 a totally different sentence, and I find that  
23 if you have a liaison between boards, things  
24 just work -- at least there is no  
25 miscommunication.

1 I'm of the opinion that once the park  
2 district has in place its new fund-based  
3 accounting system, which I understand is in  
4 the process, and with some enhanced minutes,  
5 and I've made recommendations for those  
6 minutes, that will more simply allow the  
7 public and the township trustees to track  
8 project expenditures, any subsequent change  
9 orders, especially during the board's  
10 budgeting process. And then I think that at  
11 that point, once there is a process in place,  
12 the township trustees will no longer need to  
13 insist that it has to act as sort of an uber  
14 authority reviewing everything that's already  
15 been done at -- by another independent body  
16 politic.

17 The minutes should reflect all of the  
18 donations and quantify donations of time and  
19 materials that are made to the park district.  
20 All the donations to the park district must  
21 have prior probate court approval as required  
22 by the statute. In regard to donations or  
23 discounts on contracts given as donations or  
24 specifically bartering, the state auditor  
25 confirmed my research, so I recommend that

1 bartering not be done on a regular basis.  
2 It's not improper, it's not illegal, but I  
3 don't think it's the best practice. But the  
4 one example of bartering that I did find in  
5 my investigation, I did not find that it  
6 presented any problem in and of itself.

7 The park district needs to be encouraged  
8 and should continue its current practice of  
9 securing discounts for purchases wherever  
10 possible, so long as there is no conflict of  
11 interest with a vendor offering a discount  
12 over another potential vendor. I would ask  
13 Judge Grendell to consider exempting the  
14 so-called donation discounts on contracts  
15 with vendors from that prior approval  
16 process.

17 Finally, standardized forms for public  
18 notices for each type of meeting should be  
19 developed. The park district has already  
20 recently enhanced its website to include a  
21 calendar so that you can go on and click and  
22 find out when and where each month the park  
23 district will meet and if there are any  
24 special meetings that have been called. A  
25 meeting schedule should be determined for the

1 year at the January meeting and it should be  
2 posted and the agenda for the meeting should  
3 be posted along with the notice itself.

4 My review here -- so if you decide that  
5 you want to pick up a little light reading,  
6 that was my executive summary. The review,  
7 as I said, it's ninety -- the review of the  
8 review, so to speak, is 93 pages and what I  
9 attempted to do, there is an index and I  
10 attempted to go through and serially pick out  
11 everything that I could find that would  
12 answer the questions that were raised, posed  
13 by the review, and give you my evaluations.  
14 And then all of the supporting documentation,  
15 there is probably another 100 pages in back  
16 of exhibits.

17 This is my review respectfully submitted  
18 to Judge Grendell.

19 THE COURT: Thank you very  
20 much, Master Commission Trapp.

21 Couple points I do want to point out.  
22 First of all, this copy goes to the trustees.  
23 Will you give them their copy? And then give  
24 this copy to the board. One copy of the  
25 report is going to be -- the white copy is

1 going to the library, Chester Township  
2 Library. If any citizen wants to read the  
3 report, it will be at the library. We'll  
4 make arrangements. You can ask when you come  
5 in so you have access. Two copies are  
6 available, because I see media here today,  
7 you can look at this and we'll talk about  
8 whether you are going to take a copy or not  
9 after the hearing here today.

10 But I want to say to taxpayers, these  
11 binders were actually being thrown out and we  
12 managed to recover them and recycle them for  
13 purposes of this proceeding. But we are not  
14 going to make copies of these just to stack  
15 them up. What I will do is if any citizen  
16 who doesn't want to read this at the library  
17 would like a copy, if they contact the court,  
18 we will provide them with a copy of the  
19 report, but I want to know how many we've got  
20 to produce before I just start producing them  
21 because they are not cheap. With all the  
22 attachments you're looking at almost I think  
23 a little over 220 pages for the report. But  
24 I don't want the public to not have access to  
25 it, so this will be at the library. The

1 trustees have a copy, the park board has a  
2 copy. You are free to make copies of the  
3 copy and if any citizen wants a copy, just  
4 contact the court. I will give you a phone  
5 number right now. 440-279-1830.

6 440-279-1830. And if you call and request a  
7 copy of the report, give us a name and if you  
8 want to either pick it up or have it sent to  
9 you, you can give an address. But we want  
10 the public to have a copy of the report for  
11 two reasons: One, this is about a public  
12 financed park and I think it's important that  
13 the public have access to this information.

14 I didn't go by this lightly. That review  
15 that was submitted is actually Exhibit A to  
16 the master commissioner's report. It is  
17 dated 3/5/14 and it raises a large number of  
18 issues, questions and concerned about the  
19 operation of the park. If you look at the  
20 commissioner's report, she addresses each one  
21 of those issues, concerns, and questions that  
22 has been raised and either answers that she  
23 found something to it, didn't find something,  
24 any basis for it, and made recommendations  
25 how to avoid potential problems in the

1 future. And for that I thank the master  
2 commissioner, because that is extremely  
3 helpful. We are not going to sit here  
4 tonight and go through every one of these or  
5 we'll be here until next Tuesday, so that's  
6 not going to happen. I had asked the master  
7 commissioner to give us a summary and  
8 primarily her recommendations.

9 There were two comments in the report that  
10 I do want to point out. On Page 11 the  
11 master commissioner states, "What we have  
12 here today in Chesterland is a vastly  
13 improved public park overseen by a dedicated  
14 group of volunteers." And I do agree with  
15 that. I think the eyes tell us when you look  
16 at the park, the park never looked better.  
17 It is being used every day by seniors, by  
18 young people, by baseball players, by  
19 horseshoe throwers, if you go out there  
20 tonight. In fact, I thought that might be  
21 the safer place to be, but our park is being  
22 used. And it looks great from the flagpole  
23 to the volleyball courts. And for those of  
24 you who don't think those volleyball courts  
25 have a purpose, come to my juvenile court.

1           Every time I see 16 and 17-year-old kids  
2           playing volleyball, I figure I won't see them  
3           in court tomorrow for some reason. So it has  
4           a value to this community that may not be for  
5           all of us, but I'll tell you, if it keeps  
6           those young people busy, it keeps them out of  
7           trouble, that's a good thing for our  
8           community and for those young people who are  
9           using the park.

10           I want to say there is no question our  
11           park is vastly improved because of everybody,  
12           I think the volunteers in the park district,  
13           the trustees who have been willing to approve  
14           the financial expenditures and if I take  
15           anything out of this, it's that when the  
16           township trustees changed the way the park  
17           was funded back in Mr. Stillman's era, that  
18           started a potential to get this whole funding  
19           thing.

20           With that in mind, I have an ultimate goal  
21           that we continue to maintain our great  
22           township park with an eye on maintaining  
23           fiscal responsibility and accountability.  
24           And I'm going to give the trustees, the park  
25           district, and the public 45 days to digest

1           this report and submit to the Court any  
2           comments you want on the report so that I can  
3           get input from everybody else who has an  
4           interest in the township park before I make  
5           any final conclusions.

6           I do have some preliminary expectations,  
7           though, and I want to publicly state them.  
8           First of all, I expect those bylaws to be  
9           revised. It's an unfortunate fact that when  
10          the park district was formed under Judge  
11          Lavrich, they had bylaws that from the date  
12          Judge Burt, who at the time was an assistant  
13          prosecutor and wrote those bylaws, nobody  
14          followed them. And those bylaws call for an  
15          example, every time before the township park  
16          district spends a nickel, they've got to go  
17          get the county auditor to verify they have a  
18          nickel and they've got to go get the county  
19          treasurer to sign the check. And if you  
20          think that's going to happen quickly, you  
21          know, we might as well just quit now and go  
22          play horseshoes because the county doesn't  
23          move that quickly. It takes sometimes two  
24          weeks to get a check, and I can tell you this  
25          firsthand, out of the county because of the

1                   slowness of their process.

2                   And so I think what immediately happened,  
3                   as Master Commissioner Trapp pointed out, at  
4                   the first or second meeting they decided,  
5                   "We're not doing that," but nobody bothered  
6                   to change the bylaws and that is just, from a  
7                   legal technicality, not a good way to  
8                   operate. That's not the fault of the current  
9                   park board. It's been that way since day one  
10                  and I expect those bylaws to be revised to  
11                  reflect what it is they're doing, because  
12                  it's just never good to have a set of bylaws  
13                  that you're not complying with, so that needs  
14                  to get done.

15                  Second, I do expect to maintain compliance  
16                  with Sunshine Laws. There are some  
17                  recommendations here as to notification of  
18                  meetings that need to be followed and I  
19                  expect that to be complied with. I think the  
20                  recommendation from Master Commissioner Trapp  
21                  that a policy and procedure manual get  
22                  adopted so that there is consistent  
23                  transition in the process is an excellent  
24                  suggestion. I think one of the problems here  
25                  is the park district has been volunteer run

1 and by honest people who are well  
2 intentioned, but the education doesn't get  
3 passed on. And, in fact, some of the things  
4 that were being passed on were the habits  
5 that weren't necessarily following the  
6 bylaws, because nobody was following them to  
7 begin with, so those habits got passed along.

8 On Page 12 of the master commissioner's  
9 report she makes the following reference that  
10 I think people need to keep in mind, "In  
11 regard to the review," and again the review  
12 is this nine-page document with attachments  
13 that was submitted that started this process,  
14 "and the issues, questions, and concerns  
15 raised in that document, I have found no  
16 evidence of intentional disregard of  
17 controlling law. I have found no evidence of  
18 intentional disregard of controlling law on  
19 the part -- on the part of current park  
20 commissioners or its administrative  
21 assistant."

22 And I think that's important. Nobody --  
23 there's nothing in this report that indicates  
24 that anybody actively went out and did  
25 anything wrong. It's just that certain

1 habits were developed that need to be changed  
2 for long-term compliance with all the  
3 different requirements of a public body and  
4 so I think that policy and procedure manual  
5 will go a long way to help that.

6 I expect the park district will maintain  
7 proper fiscal records and accountability by  
8 following the recommendation that they adopt  
9 a fund-based accounting system. There is a  
10 clause suggested by Master Commissioner Trapp  
11 that they're using in Russell Park, and I  
12 have jurisdiction over Russell Township Park  
13 as well, that's like a catchall clause that  
14 can solve a lot of the --

15 MS. TRAPP: Right.

16 THE COURT: -- technical  
17 issues that have popped up here by adopting a  
18 simple paragraph that they have been using  
19 over there apparently for a couple years, so  
20 I would strongly recommend the park board  
21 look at adopting that provision.

22 As to donations, under state law every  
23 donation made to this park, to Russell  
24 Township Park or the Geauga County  
25 Metroparks, county parks, have to be approved

1 by me. Not because I want to, but because  
2 that's what state law provides. And I get  
3 emails six to ten times a week from people  
4 donating everywhere from \$3 to thousands of  
5 dollars to the county park. I have never  
6 turned down a donation. I'm always in favor  
7 of those who wish to give freely of  
8 themselves to help any of our parks, but  
9 there is a reason for that. That's the  
10 accountability measure that Master  
11 Commissioner Trapp mentioned to make sure  
12 that everything is on the, you know, straight  
13 and narrow and that there is no influence  
14 behind it or anything else and so I expect  
15 that to be followed going forward. And,  
16 believe me, when I came to the -- and Mike  
17 can tell you, when I came to the county park,  
18 they weren't getting their donations approved  
19 either by the probate judge and that lead to  
20 some problems over at the county park  
21 district that we had to address.

22 I do expect the park to be working on a  
23 long-term master plan and I just think that's  
24 good long-term public policy for any public  
25 agency. The county parks are going to be

1           doing the same. And I do expect there to be  
2           an adequate funding mechanism. I mean, there  
3           is a problem here with the park district is  
4           independent from the trustees by law and for  
5           better or for worse that was set up that way  
6           to keep politics out of this process, but the  
7           funding since that 2002 change has been  
8           reliant on the actions of the trustees and  
9           their willingness to approve the funding.  
10          And that's where the independence of the park  
11          board gets -- because I don't have any money  
12          to give them. That's where the independence  
13          of the park board sort of gets muddled up  
14          with the powers of the township trustees and  
15          I believe that there needs to be an effort to  
16          sit down and decide an adequate funding  
17          mechanism for the parks going forward.

18                 And last but not least, I do expect a  
19                 cooperative spirit between everybody here,  
20                 because this is -- and I'm a resident of this  
21                 township -- it's our township park. I am  
22                 very proud of the park, I am very proud of  
23                 the way the park looks, I am very proud of  
24                 the way the park is being used, and while  
25                 parks seem to be the being of my existence, I

1 do expect everybody to play nice in the  
2 sandbox, so to speak, as we go forward here  
3 adopting, I think, some of the great  
4 recommendations of the master commissioner.  
5 I think she did an incredibly thorough job.  
6 If you read this report, there is nothing  
7 here that was raised in that review that  
8 hasn't been examined by Master Commissioner  
9 Trapp and hasn't been addressed in this  
10 report. If you find something, I'm giving  
11 you 45 days to let me know and what I intend  
12 to do is keep this open for that 45-day  
13 period to take responses and then at the end  
14 of that period issue an order that will  
15 address what I see to be the actions that  
16 need to be followed going forward, but I  
17 think I summarized my preliminary  
18 expectations to you this evening and I do  
19 want to thank the park board. They are  
20 volunteers, folks. They don't get paid for  
21 this. And, you know, I want to thank the  
22 township trustees, because you take a lot of  
23 grief for what you do. I expect mine, but,  
24 you know, it's -- you know, you answer to the  
25 township here and it's important.

1           But really -- I do want to thank, by the  
2           way, the process of this review. I think at  
3           the end of the day our township, and  
4           particularly the park, will benefit long term  
5           by having had this chance to kind of review  
6           the what, forty-some years that the park  
7           district has been in existence, and to solve  
8           some of these inherent gaps that developed  
9           over time because of the volunteer nature of  
10          the way the park has been operating. But  
11          when the smoke clears, we should be able to  
12          have our great parks and make sure all the  
13          I's are dotted and the T's are crossed for  
14          those who expect the, you know, process to be  
15          properly followed.

16                 So with that we will not take questions  
17                 and answers tonight, because you haven't even  
18                 had a chance to look at the report. I will  
19                 make it available. If you have questions,  
20                 you can submit them in writing through the  
21                 court. If you have recommendation, you can  
22                 submit them in writing through the court. If  
23                 I get enough of them, I may be back here in  
24                 46 days and we'll revisit this after I've had  
25                 input from everybody, but it's not fair to

1 just say, "Folks, here it is. Have you got  
2 questions," when you haven't had a chance to  
3 really look at it in detail.

4 So if there is anybody that has questions  
5 about these procedures, I will be glad to  
6 answer them, but as to questions about the  
7 specific report, we won't get into that  
8 detail tonight.

9 Yes, Judge Stupica?

10 MS. STUPICA: This is just a  
11 suggestion and (inaudible) computer,  
12 (inaudible), is there a way to make it --  
13 (inaudible) make it a PDF file like on the  
14 probate website?

15 THE COURT: That's a great  
16 idea. We will get this put onto the probate  
17 site. Our IT guy is gone this week. He'll  
18 be back next week, so there will be a week  
19 delay before we can do that physically.

20 MS. STUPICA: We'll save time,  
21 postage, time copying, whatever, scanning.

22 THE COURT: When Tom is back  
23 next week, we will ask him to go ahead and  
24 post it up. We can just scan it in.

25 JUDGE STUPICA: Okay.

1 THE COURT: And this is a  
2 public record, so there is nothing here that  
3 isn't digestible to the public. There is not  
4 an intent here to hide anything, folks.  
5 These questions were raised, an investigation  
6 was conducted, answers are available and we  
7 want all that out for the public to be able  
8 to digest and respond to it.

9 MS. TRAPP: If I might, Your  
10 Honor? Since this is a court proceeding, I  
11 know many of you have felt free, and I  
12 encouraged everyone during the investigatory  
13 process to email me or contact me directly,  
14 but since this has now been submitted to the  
15 judge, please send your questions and  
16 comments directly to the court, not to me.

17 THE COURT: Yeah,  
18 absolutely. The master commissioner is an  
19 officer of the court. This is a live court  
20 proceeding and everything needs to be done in  
21 writing or you can submit it by email,  
22 because we will take that, but it needs to be  
23 put in a form that is part of the court  
24 record. And any questions you pass on that  
25 you need answered from Master Commissioner

1 Trapp will be sent to her, but the response  
2 will be in writing so that there is a record  
3 of all of this. We don't want any ex-parte  
4 communications from this point forward, have  
5 anybody feel that everything is not part of  
6 the record. I want to make sure that when  
7 this is done, it's all part of the probate  
8 court record.

9 MS. TRAPP: I'll still say,  
10 "Hi" to you in the grocery store, but we  
11 can't talk about the report.

12 UNKNOWN SPEAKER: This is an open  
13 court proceeding. Is the board of trustees  
14 and/or the park board able to meet together  
15 and discuss and review as part of a public  
16 meeting ourselves?

17 THE COURT: Yes. Oh,  
18 absolutely. You guys can -- as long as you  
19 don't violate the Sunshine Law, you guys can  
20 get together and do as you wish. I mean, I  
21 encourage that. That's that cooperate part,  
22 my last part on that.

23 UNKNOWN SPEAKER: (Inaudible.)

24 THE COURT: But as far as  
25 communication with the Court, it can't be --

1 if you see me in the grocery store, we are  
2 not going to talk about this. This is all  
3 going to be as part of the record, so that  
4 nobody can accuse anybody of not having it  
5 all out there for the public to see. So  
6 submit it in writing. You're welcome to.  
7 And if we get enough questions and enough  
8 recommendations or ideas, we will certainly  
9 -- I'll entertain coming back here in about  
10 60 days and doing this again, if necessary,  
11 so that the public has access to any  
12 additional information. But I felt it was  
13 important that this be done in a public forum  
14 and public hearing, a court hearing today  
15 this way, so that it's all out there for the  
16 public to take a look at. I don't want  
17 anybody thinking this was done any way but  
18 straight up. It's too important. I mean,  
19 you've got to have confidence in the park --  
20 park board and trustees and the process and  
21 my court and I think that's very important.

22 But I do want to ask everybody to  
23 recognize that the master commissioner did a  
24 great job. And if you take a little while to  
25 read through this, you'll see, for those of

1           you who are interested, every one of the  
2           issues, concerns and questions that were  
3           raised in that review are addressed in this  
4           document with supporting documentation.

5           Yes, Mr. (inaudible)?

6                     UNKNOWN SPEAKER:     Not regarding  
7           the report, as a separate political entity,  
8           funding, does the Chester Township Park  
9           District have the ability to go to the  
10          voters, the township to pass its own levy?

11                    THE COURT:            Interestingly  
12          enough, under state law the park board has  
13          the ability to put a levy on without going to  
14          the voters or an option of going to the  
15          voters.

16                    MS. TRAPP:            Depending on the  
17          amount.

18                    THE COURT:            It depends on  
19          the amount, but the -- under state law a park  
20          board has the ability to go inside millage  
21          without a vote of the people up to a certain  
22          amount, I think it's a half mill, but I'm not  
23          sure.

24                    UNKNOWN SPEAKER:     Is that a  
25          request that's made of -- that the trustees

1 do or how do --

2 THE COURT: The park board  
3 has total --

4 UNKNOWN SPEAKER: The park board  
5 does that?

6 THE COURT: -- independent  
7 authority to seek that as they wish.

8 UNKNOWN SPEAKER: And they do that  
9 through the auditor's office?

10 THE COURT: Yeah, through  
11 the county. Not through me. Through the  
12 county.

13 any other technical questions? Yes?

14 UNKNOWN SPEAKER: If the park  
15 board requests that through the auditor's  
16 office, is it part of the three inside mills  
17 that the township receives currently?

18 THE COURT: That I can't  
19 answer. I don't know. That part I do not  
20 know.

21 Anything else?

22 We want to thank you all for taking the  
23 time this evening. If somebody wants to  
24 briefly look at this before we take it to the  
25 library, we can leave it here for a little

1 bit, but we're going to get it out to the  
2 library so it's available during the day.  
3 I'd leave it at the town hall, but I think  
4 the library is open on weekends and the town  
5 hall is not, so I think it's better to leave  
6 it at the library.

7 Any other questions?

8 Thank you, all. The hearing is recessed.  
9 It will be back in session tomorrow morning  
10 at 7:30 in Chardon, if anybody wants to be  
11 there, solely to close the hearing.

12 Thank you very much. Thank you, Mary  
13 Jane.

14 MS. TRAPP: Thank you,  
15 Judge.

16 - - - - -  
17 (Hearing Adjourned.)

18 - - - - -

19

20

21

22

23

24

25



- 1 -	42:11; 44:7; 45:14	ADDITION [1] 23:17	AGREEMENTS [1] 12:7
1545 [2] 10:13; 21:6	ABSOLUTELY [2] 44:18;	ADDITIONAL [1] 46:12	AHEAD [1] 43:23
1984 [1] 10:10	45:18	ADDITIONALS [1] 5:22	aisle [1] 4:9
1992 [1] 11:4	ACCEPTANCE [1] 21:19	ADDRESS [3] 32:9; 39:21;	ALLOCATED [2] 16:11, 23
1993 [1] 22:5	ACCESS [4] 31:5, 24; 32:13;	41:15	ALLOW [1] 28:6
- 2 -	46:11	ADDRESSED [2] 41:9; 47:3	ALLOWING [1] 4:20
2002 [2] 15:9; 40:7	ACCOMMODATI NG [1] 5:23	ADDRESSES [1] 32:20	ALLOWS [1] 26:14
2003 [1] 15:14	ACCOMPLISH [1] 27:6	ADEQUATE [2] 40:2, 16	ALLUDED [1] 22:7
2008 [1] 14:15	ACCOMPLISHME NTS [1] 8:24	ADEQUATELY [1] 19:7	ALMOST [1] 31:22
2012 [1] 2:25	ACCOUNT [1] 19:7	ADHERENCE [1] 17:16	ALONE [1] 25:9
2013 [4] 2:22, 25; 16:3; 18:18	ACCOUNTABILI TY [3] 34:23;	ADJOURNED [1] 49:17	ALONG [2] 30:3; 37:7
2014 [1] 1:9	38:7; 39:10	ADMINISTRATIV E [9] 12:20;	ALREADY [7] 9:5; 18:19;
2015 [1] 50:10	ACCOUNTING [6] 15:1; 21:20;	13:4, 19, 21;	22:19; 23:4;
2101.06 [2] 2:6; 3:5	22:15, 21; 28:3;	14:2, 13; 20:18;	27:12; 28:14;
25,000 [1] 24:14	38:9	22:9; 37:20	29:19
259-3988 [1] 1:23	ACCUSE [1] 46:4	ADOPT [1] 38:8	ALSO [13] 7:17;
- 3 -	ACRES [2] 7:4; 17:11	ADOPTED [3] 11:25; 23:22;	13:12; 14:16;
3,000 [1] 7:23	ACRIMONY [1] 12:15	36:22	16:4; 20:22;
- 4 -	ACROSS [1] 4:9	ADOPTING [3] 38:17, 21; 41:3	21:8; 22:6;
440-279-1830 [2] 32:5, 6	ACTION [1] 3:11	ADULTS [1] 7:16	23:6, 20, 24;
44081 [1] 1:22	ACTIONS [2] 40:8; 41:15	ADVISORS [1] 15:7	24:7, 23; 25:17
- 5 -	ACTIVELY [1] 37:24	ADVOCATE [1] 20:23	ALWAYS [3] 19:16; 25:20;
5,000 [1] 24:14	ACTIVISTS [2] 20:23; 21:13	ADVOCATES [1] 16:20	39:6
- A -	ACTIVITIES [2] 2:24; 13:11	AGENCY [1] 39:25	AMENDED [1] 12:2
A.D. [1] 50:10	ACTIVITY [1] 18:7	AGENDA [1] 30:2	AMOUNT [9] 16:11; 19:22;
ABILITY [4] 47:9, 13, 20; 50:5	ACTUAL [1] 22:2	AGENDAS [1] 21:9	24:11, 13, 20;
ABLE [6] 5:1; 6:15; 24:10;	ACTUALLY [5] 2:13; 4:9;	AGREE [1] 33:14	26:10; 47:17, 19, 22
	12:25; 31:11;	AGREEMENT [3] 10:21; 22:5	AMOUNTS [1] 19:23
	32:15		ANALYSIS [1] 2:20
			ANOTHER [6] 14:11; 25:2;
			27:5; 28:15;
			29:12; 30:15
			ANSWER [5] 4:25; 30:12;

41:24; 43:6;  
 48:19  
**ANSWERED** [1]  
 44:25  
**ANSWERS** [3]  
 32:22; 42:17;  
 44:6  
**ANYBODY** [6]  
 37:24; 43:4;  
 45:5; 46:4, 17;  
 49:10  
**APART** [2] 9:19,  
 25  
**APPARENTLY**  
 [1] 38:19  
**APPEALS** [1]  
 4:3  
**APPEARANCE**  
 [1] 21:25  
**APPEARANCES**  
 [1] 1:11  
**APPLICABLE** [2]  
 21:1; 24:5  
**APPOINTED** [4]  
 2:5; 10:3, 6;  
 11:14  
**APPOINTING** [1]  
 3:2  
**APPRECIATION**  
 [1] 16:25  
**APPROPRIATE**  
 [2] 3:11; 13:6  
**APPROPRIATIO**  
**N** [1] 19:18  
**APPROVAL** [2]  
 28:21; 29:15  
**APPROVE** [3]  
 20:2; 34:13;  
 40:9  
**APPROVED** [2]  
 38:25; 39:18  
**AREAS** [1] 8:7  
**AROUND** [3]  
 6:8; 16:13;  
 27:21  
**ARRANGEMENT**  
**S** [1] 31:4  
**ASHTABULA** [1]  
 4:5  
**ASSISTANT** [9]  
 13:4, 20, 21;  
 14:2, 13; 20:19;  
 22:9; 35:12;  
 37:21  
**ASSISTANTS** [1]  
 12:21  
**ASSOCIATES** [1]  
 1:21  
**ASSOCIATION**  
 [1] 4:8  
**ASSURE** [3]  
 13:3; 18:15;  
 25:2  
**ATTACHMENTS**  
 [2] 31:22;  
 37:12  
**ATTACKS** [1]  
 27:7  
**ATTEMPTED** [3]  
 13:23; 30:9, 10  
**ATTEMPTS** [2]  
 26:19, 20  
**ATTEND** [1] 9:7  
**ATTORNEY** [2]  
 4:6; 25:21  
**ATTORNEYS** [2]  
 15:8; 25:23  
**AUDIO** [1] 50:6  
**AUDIT** [3]  
 18:17, 22, 24  
**AUDITED** [2]  
 14:19; 18:15  
**AUDITOR** [10]  
 11:13, 16;  
 14:20; 18:17;  
 23:5, 12; 24:25;  
 25:7; 28:24;  
 35:17  
**AUDITOR'S** [2]  
 48:9, 15  
**AUGUST** [1] 1:9  
**AUTHORITY** [5]  
 3:2, 6; 18:9;  
 28:14; 48:7  
**AVAILABLE** [4]  
 31:6; 42:19;  
 44:6; 49:2  
**AVOID** [2] 27:6;  
 32:25  
**AVOIDING** [1]  
 27:17  
**AWARE** [2]  
 12:5; 13:5  
**AWAY** [1] 15:15  


---

**- B -**  


---

**BALANCE** [1]  
 23:11  
**BAND** [1] 8:1  
**BANK** [1] 23:10  
**BARTERING** [3]  
 28:24; 29:1, 4  
**BASEBALL** [1]  
 33:18  
**BASICALLY** [3]  
 11:7; 15:1, 25  
**BASIS** [4] 16:1;  
 25:12; 29:1;  
 32:24  
**BATTLE** [3]  
 9:13; 19:10, 13  
**BECAUSE** [22]  
 14:21; 18:16;  
 21:5; 25:16;  
 26:21; 27:18;  
 31:6, 21; 33:2;  
 34:11; 35:22,  
 25; 36:11;  
 37:6; 39:1;  
 40:11, 20;  
 41:22; 42:9, 17;  
 44:22  
**BECOME** [2]  
 7:15; 19:9  
**BEGAN** [1]  
 13:15  
**BEGGED** [1]  
 27:1  
**BEGIN** [1] 37:7  
**BEGINS** [1]  
 27:8  
**BEHIND** [4]  
 6:19; 7:5; 10:2;  
 39:14  
**BELIEVE** [4]  
 14:8; 17:25;  
 39:16; 40:15  
**BENEFIT** [3]  
 3:10; 15:6;  
 42:4  
**BEST** [5] 21:18;  
 22:15; 23:7;  
 29:3; 50:5  
**BETTER** [4]  
 27:14; 33:16;  
 40:5; 49:5  
**BETWEEN** [5]  
 16:18; 21:6;  
 25:15; 27:23;  
 40:19  
**BINDER** [1]  
 4:16  
**BINDERS** [1]  
 31:11  
**BOARD** [34]  
 5:21; 6:25; 7:1;  
 8:21, 22; 9:11;  
 10:4, 5; 11:21;  
 12:5, 17; 13:12,  
 20, 23; 17:3;  
 21:7; 23:23;  
 27:14; 30:24;  
 32:1; 36:9;  
 38:20; 40:11,  
 13; 41:19;  
 45:13, 14;  
 46:20; 47:12,  
 20; 48:2, 4, 15  
**BOARD'S** [1]  
 28:9  
**BOARDS** [4]  
 10:15; 26:8;  
 27:10, 23  
**BODY** [5] 8:19;  
 17:1; 28:15;  
 38:3  
**BOND** [1] 24:8  
**BONDING** [1]  
 25:3  
**BONDS** [3]  
 24:13, 24; 25:6  
**BOOKS** [2]  
 5:16; 23:2  
**BOTH** [3] 19:18;  
 21:18; 22:14  
**BOTHERED** [1]  
 36:5

**BOUNDARIES** [1] 18:8  
**BRIEFLY** [1] 48:24  
**BRING** [2] 11:8, 10  
**BRINGING** [2] 7:12; 17:12  
**BRINGS** [1] 20:13  
**BROUGHT** [3] 11:13, 22; 17:22  
**BUDGET** [3] 11:2; 15:14; 22:17  
**BUDGETING** [5] 13:7; 19:17; 20:1; 26:14; 28:10  
**BUILD** [1] 14:9  
**BUILDING** [1] 18:11  
**BUNCH** [1] 3:1  
**BURT** [1] 35:12  
**BUSINESS** [2] 6:22; 12:14  
**BUSINESSES** [1] 7:23  
**BUSY** [1] 34:6  
**BYLAWS** [14] 11:11, 25; 12:2, 4, 6; 22:4; 35:8, 11, 13, 14; 36:6, 10, 12; 37:6

---

- C -

---

**CALENDAR** [1] 29:21  
**CALL** [4] 11:15; 13:24; 32:6; 35:14  
**CALLED** [2] 14:25; 29:24  
**CALLS** [1] 14:14  
**CANNOT** [1] 14:14  
**CASE** [3] 1:6; 2:13, 14  
**CASH** [1] 23:11  
**CATCHALL** [1] 38:13  
**CELEBRATIONS** [1] 8:5  
**CERTAIN** [4] 3:7; 18:25; 37:25; 47:21  
**CERTAINLY** [1] 46:8  
**CERTIFICATE** [1] 50:1  
**CERTIFY** [2] 11:16; 50:3  
**CHAIRMAN** [1] 9:11  
**CHAMBER** [2] 7:21; 8:8  
**CHANCE** [3] 42:5, 18; 43:2  
**CHANGE** [4] 27:9; 28:8; 36:6; 40:7  
**CHANGED** [4] 18:16; 20:11; 34:16; 38:1  
**CHANGES** [1] 12:16  
**CHAPTER** [4] 10:13, 18; 21:6, 7  
**CHARDON** [5] 2:18; 3:13, 17, 19; 49:10  
**CHARGE** [1] 6:2  
**CHARITABLE** [1] 15:4  
**CHART** [1] 15:21  
**CHEAP** [1] 31:21  
**CHECK** [3] 25:2; 35:19, 24  
**CHECKS** [4] 12:22; 17:17; 23:14, 16  
**CHESTER** [24] 1:6; 2:10, 12, 21; 3:15; 5:10, 15; 6:15, 18, 22, 24; 7:1, 20; 9:14, 23; 10:11, 20; 11:4; 15:18; 22:5; 23:1; 26:6; 31:1; 47:8  
**CHESTER'S** [1] 25:8  
**CHESTERFEST** [1] 7:21  
**CHESTERLAND** [3] 3:14; 7:20; 33:12  
**CHILDREN** [1] 7:13  
**CITED** [1] 15:12  
**CITIZEN** [6] 16:20; 20:23; 21:12; 34:2, 15; 32:3  
**CITIZENS** [2] 5:14; 7:5  
**CLAUSE** [2] 38:10, 13  
**CLEAR** [1] 21:15  
**CLEARLY** [1] 21:17  
**CLEARs** [1] 42:11  
**CLERK** [1] 16:8  
**CLICK** [1] 29:21  
**CLIENTS** [1] 25:20  
**CLOSE** [3] 3:17; 18:3; 49:11  
**CODE** [4] 2:6, 16; 3:5, 20  
**COLUMBUS** [1] 17:8  
**COMBINE** [1] 18:23  
**COMES** [1] 17:8  
**COMISSION** [1] 20:20  
**COMMENTS** [3] 33:9; 35:2; 44:16  
**COMMERCE** [2] 7:21; 8:9  
**COMMISSION** [3] 11:2; 17:12; 30:20  
**COMMISSIONER** [24] 1:12; 2:5, 20; 3:6; 5:6; 9:9; 13:3, 25; 14:2; 23:8, 9; 27:1; 33:2, 7, 11; 36:3, 20; 38:10; 39:11; 41:4, 8; 44:18, 25; 46:23  
**COMMISSIONER 'S** [4] 4:17; 32:16, 20; 37:8  
**COMMISSIONER S** [23] 5:21; 6:25; 9:7; 10:3; 11:7; 12:3; 13:19; 14:7; 17:4; 18:6; 20:18; 21:12; 22:9, 23; 23:16, 18, 23, 25; 24:13; 26:25; 27:3, 11; 37:20  
**COMMON** [1] 1:1  
**COMMUNICATIO N** [3] 21:15; 27:14; 45:25  
**COMMUNICATIO NS** [1] 45:4  
**COMMUNITY** [6] 6:21; 7:2; 8:6; 11:5; 34:4, 8  
**COMPARE** [1] 6:16  
**COMPARED** [1] 10:14  
**COMPLAINTS** [1] 13:13

**COMPLETE** [3]  
 5:17; 14:22;  
 50:4  
**COMPLETED** [2]  
 18:18, 19  
**COMPLIANCE**  
 [6] 3:20; 19:1;  
 25:3, 8; 36:15;  
 38:2  
**COMPLIANT** [1]  
 21:18  
**COMPLIED** [1]  
 36:19  
**COMPLYING** [1]  
 36:13  
**COMPOSITION**  
 [1] 12:16  
**COMPOUND** [1]  
 18:13  
**COMPUTER** [1]  
 43:11  
**CONCERNED** [1]  
 32:18  
**CONCERNING**  
 [2] 6:11; 17:10  
**CONCERNS** [4]  
 20:14; 32:21;  
 37:14; 47:2  
**CONCERTS** [1]  
 8:2  
**CONCLUSION**  
 [1] 5:2  
**CONCLUSIONS**  
 [2] 3:9; 35:5  
**CONDUCTED** [1]  
 44:6  
**CONDUCTING**  
 [1] 18:17  
**CONFIDENCE**  
 [1] 46:19  
**CONFIRMED** [1]  
 28:25  
**CONFLICT** [3]  
 12:1; 25:13;  
 29:10  
**CONFUSION** [1]  
 13:9  
**CONSIDER** [1]  
 29:13  
**CONSISTENT** [3]  
 13:8; 19:17;  
 36:22  
**CONSISTENTLY**  
 [1] 19:25  
**CONSTANT** [1]  
 9:25  
**CONSTITUTE** [1]  
 50:4  
**CONTACT** [3]  
 31:17; 32:4;  
 44:13  
**CONTINUALLY**  
 [1] 14:23  
**CONTINUE** [2]  
 29:8; 34:21  
**CONTINUED** [1]  
 19:2  
**CONTRACT** [2]  
 22:17; 25:12  
**CONTRACTS** [3]  
 21:24; 28:23;  
 29:14  
**CONTRIBUTED**  
 [1] 13:9  
**CONTROL** [1]  
 12:7  
**CONTROLLED**  
 [1] 8:22  
**CONTROLLING**  
 [4] 13:5; 20:16;  
 37:17, 18  
**CONTROVERSY**  
 [3] 8:16; 9:1;  
 12:14  
**CONVENED** [2]  
 2:9, 17  
**CONVENIENCE**  
 [1] 3:15  
**COOPERATE** [1]  
 45:21  
**COOPERATIVE**  
 [3] 21:16; 27:8;  
 40:19  
**COOPERATIVEL**  
**Y** [1] 26:1  
**COPIES** [3]  
 31:5, 14; 32:2  
**COPY** [14]  
 30:22, 23, 24,  
 25; 31:8, 17,  
 18; 32:1, 2, 3,  
 7, 10  
**COPYING** [1]  
 43:21  
**CORRESPONDE**  
**NCE** [1] 12:22  
**COUNSEL** [3]  
 15:7; 25:11, 20  
**COUNTY** [32]  
 1:3; 2:3, 8;  
 3:22; 4:3, 4, 5;  
 6:23; 10:16;  
 11:2, 13, 16, 18;  
 24:25; 25:7, 11,  
 17; 35:17, 18,  
 22, 25; 38:24,  
 25; 39:5, 17,  
 20, 25; 48:11,  
 12; 50:7  
**COUPLE** [2]  
 30:21; 38:19  
**COURT** [49]  
 1:1, 21; 2:1, 8;  
 3:4, 10, 21; 4:3,  
 18, 21; 5:1, 13;  
 6:4, 11, 24;  
 10:4; 25:24;  
 28:21; 30:19;  
 31:17; 32:4;  
 33:25; 34:3;  
 35:1; 38:16;  
 42:21, 22;  
 43:15, 22; 44:1,  
 10, 16, 17, 19,  
 23; 45:8, 13,  
 17, 24, 25;  
 46:14, 21;  
 47:11, 18; 48:2,  
 6, 10, 18  
**COURTHOUSE**  
 [1] 4:22  
**COURTS** [2]  
 33:23, 24  
**COVERAGE** [4]  
 24:9, 11, 17, 22  
**CRAFT** [1]  
 26:19  
**CREATE** [1]  
 16:17  
**CREATED** [3]  
 2:15; 6:9;  
 10:12  
**CREATION** [1]  
 10:2  
**CRITICS** [1]  
 20:10  
**CROSSED** [1]  
 42:13  
**CULTURE** [1]  
 21:15  
**CURIOUS** [1]  
 11:19  
**CURRENT** [10]  
 12:5; 13:17, 20,  
 21, 22; 14:12;  
 20:17; 29:8;  
 36:8; 37:19  
**CURRENTLY** [1]  
 48:17  
**CUTS** [2] 17:6,  
 8  
**CYCLING** [1]  
 17:2  


---

- D -

---

**DATE** [1] 35:11  
**DATED** [1]  
 32:17  
**DAVID** [1] 7:4  
**DAYS** [4] 34:25;  
 41:11; 42:24;  
 46:10  
**DECIDE** [2]  
 30:4; 40:16  
**DECIDED** [1]  
 36:4  
**DEDICATED** [2]  
 19:5; 33:13  
**DEFICIENCY** [1]  
 14:11  
**DEFINED** [1]  
 21:17  
**DEFUNDING** [1]  
 18:3  
**DELAY** [1]  
 43:19  
**DELIBERATIVE**  
 [1] 17:16



ENSUING [1]	39:12; 44:20;	21:20; 28:8;	FINANCES [3]
12:11	45:5	34:14	11:8, 9, 22
ENTERED [1]	EVERYWHERE	EXPENSES [1]	FINANCIAL [4]
10:20	[1] 39:4	19:19	12:23; 19:1;
ENTERTAIN [1]	EVIDENCE [4]	EXPERIENCE [1]	23:8; 34:14
46:9	20:15; 22:2;	16:7	FIND [9] 14:7;
ENTIRE [2]	37:16, 17	EXPLAIN [1]	16:18; 27:22;
6:13; 14:15	EVIDENT [1]	2:7	29:4, 5, 22;
ENTITLED [2]	20:6	EXPLANATION	30:11; 32:23;
11:21; 25:19	EX-PARTE [1]	[1] 21:5	41:10
ENTITY [2]	45:3	EXTENSIVE [1]	FINISH [1] 3:23
25:2; 47:7	EXAMINE [1]	9:17	FINISHING [1]
ENVISIONED [1]	6:3	EXTREMELY [1]	14:4
7:4	EXAMINED [1]	33:2	FIRM [1] 4:7
EQUALLY [1]	41:8	EYES [1] 33:15	FIRST [12]
24:5	EXAMPLE [4]		5:14; 6:9; 9:3;
EQUALLY-UNFO	23:7; 24:12;	- F -	11:8, 10, 20, 24;
UNDED [1] 18:5	29:4; 35:15		12:12; 26:3;
EQUIPMENT [1]	EXAMPLES [1]	FACES [1] 17:2	30:22; 35:8;
7:14	23:21	FACT [6] 16:25;	36:4
ESPECIALLY [3]	EXCELLENT [1]	18:14, 24;	FIRSTHAND [1]
8:14; 24:18;	36:23	33:20; 35:9;	35:25
28:9	EXCHANGED [1]	37:3	FISCAL [7]
ESTATE [1]	27:16	FACTIONS [1]	5:20, 24; 11:15;
17:9	EXECUTIVE [1]	13:14	22:10; 23:17;
EVALUATE [1]	30:6	FACTORS [1]	34:23; 38:7
8:15	EXEMPTING [1]	16:16	FIVE [4] 7:4;
EVALUATIONS	29:13	FACTS [2] 3:9;	9:3; 24:17;
[1] 30:13	EXHIBIT [1]	8:12	26:2
EVEN [3] 11:20;	32:15	FAILED [1]	FLAGPOLE [1]
12:3; 42:17	EXHIBITS [1]	26:21	33:22
EVENING [3]	30:16	FAMILY [1] 8:4	FLOWED [1]
3:17; 41:18;	EXIST [1] 11:25	FATHERS [1]	9:15
48:23	EXISTENCE [6]	9:23	FLOWING [1]
EVENTS [1] 8:1	9:4; 12:4, 6;	FAULT [1] 36:8	24:19
EVENTUALLY	26:18; 40:25;	FAVOR [1] 39:6	FOCUSING [1]
[2] 16:3; 17:9	42:7	FEEL [1] 45:5	26:3
EVERY [7]	EXPECT [12]	FELT [3] 3:3;	FODDER [1]
26:16; 33:4, 17;	35:8; 36:10, 15,	44:11; 46:12	13:12
34:1; 35:15;	19; 38:6;	FIGURE [2]	FOLKS [3]
38:22; 47:1	39:14, 22; 40:1,	9:24; 34:2	41:20; 43:1;
EVERYBODY [7]	18; 41:1, 23;	FILE [1] 43:13	44:4
6:7; 34:11;	42:14	FILED [2]	FOLLOW [1]
35:3; 40:19;	EXPECTATIONS	24:24; 25:6	19:25
41:1; 42:25;	[3] 24:1; 35:6;	FINAL [1] 35:5	FOLLOWED [5]
46:22	41:18	FINALLY [1]	35:14; 36:18;
EVERYONE [1]	EXPEDITURE [1]	29:17	39:15; 41:16;
44:12	11:17	FINANCED [1]	42:15
EVERYTHING [5]	EXPENDITURES	32:12	
28:14; 30:11;	[5] 2:25; 13:7;		

FOLLOWING [5] 25:5; 37:5, 6, 9; 38:8  
 FORCE [1] 10:1  
 FOREGOING [1] 50:4  
 FORM [1] 44:23  
 FORMATION [3] 6:11; 9:19; 12:12  
 FORMED [1] 35:10  
 FORMER [2] 16:8; 27:1  
 FORMS [2] 22:21; 29:17  
 FORTH [1] 22:14  
 FORTY-SOME [1] 42:6  
 FORUM [1] 46:13  
 FORWARD [7] 20:11; 23:4; 39:15; 40:17; 41:2, 16; 45:4  
 FOUND [15] 7:17; 11:19; 14:11, 16; 16:21; 19:14; 20:15, 22; 21:8; 22:2, 4, 7; 32:23; 37:15, 17  
 FOUR [1] 6:20  
 FRANKLY [1] 8:17  
 FREE [2] 32:2; 44:11  
 FREELY [1] 39:7  
 FRONT [1] 4:16  
 FRUITION [1] 17:13  
 FUELED [1] 17:24  
 FULL-SPEED-AHEAD [1] 17:12  
 FULL-TIME [1] 15:6

FUND [5] 10:25; 16:15, 23; 17:7  
 FUND-BASED [4] 15:1; 19:1; 28:2; 38:9  
 FUNDED [4] 10:24; 17:18; 26:23; 34:17  
 FUNDING [12] 6:25; 10:1; 15:10, 23; 19:9; 26:13; 34:18; 40:2, 7, 9, 16; 47:8  
 FUNDS [6] 9:20; 10:25; 16:11; 19:14; 21:21; 24:21  
 FUTURE [1] 33:1  


---

 GAME [1] 27:17  
 GAMES [1] 7:14  
 GAPS [1] 42:8  
 GARDEN [1] 7:20  
 GARDNERS [1] 7:18  
 GATHER [2] 3:7; 7:6  
 GATHERING [1] 8:6  
 GEAUGA [14] 1:3; 2:3; 4:4; 6:23; 10:16; 11:1, 12, 18; 24:25; 25:7, 11, 17; 38:24; 50:7  
 GENERAL [1] 21:13  
 GENERALLY [1] 15:3  
 GIVE [12] 21:25; 27:19; 30:13, 23; 32:4, 7, 9; 33:7; 34:24; 39:7; 40:12

GIVES [1] 22:12  
 GIVING [2] 5:16; 41:10  
 GLAD [1] 43:5  
 GOAL [2] 27:17; 34:20  
 GOES [1] 30:22  
 GOOD [7] 8:10, 12; 17:19; 34:7; 36:7, 12; 39:24  
 GOODELL [3] 1:21; 50:3, 12  
 GOVERNANCE [1] 21:10  
 GOVERNED [2] 8:20; 10:17  
 GOVERNING [1] 22:12  
 GOVERNMENT [4] 9:20; 10:9, 24; 17:7  
 GOVERNS [1] 10:19  
 GRANDPARENTS [1] 7:12  
 GREAT [8] 7:18; 8:23; 33:22; 34:21; 41:3; 42:12; 43:15; 46:24  
 GRENDALL [7] 1:9; 2:2; 6:2; 8:14; 10:10; 29:13; 30:18  
 GRIEF [1] 41:23  
 GROCERY [2] 45:10; 46:1  
 GROUP [2] 19:5; 33:14  
 GROUPS [1] 11:6  
 GUYS [2] 45:18, 19

HALL [2] 49:3, 5  
 HANDBOOK [2] 13:18; 22:8  
 HANDLED [1] 12:21  
 HAUL [1] 3:16  
 HAVEN'T [4] 20:6; 25:7; 42:17; 43:2  
 HE'LL [1] 43:17  
 HEAD [1] 25:22  
 HEARING [12] 2:10, 18; 3:18; 22; 4:19, 20; 31:9; 46:14; 49:8, 11, 17  
 HELP [4] 6:14; 23:1; 38:5; 39:8  
 HELPFUL [1] 33:3  
 HEREBY [1] 50:3  
 HEREIN [1] 50:8  
 HIDE [1] 44:4  
 HIRE [1] 25:19  
 HISTORY [1] 12:10  
 HOLIDAY [1] 8:5  
 HONEST [1] 37:1  
 HONOR [2] 5:12; 44:10  
 HONORABLE [1] 1:8  
 HORSESHOE [2] 7:11; 33:19  
 HORSESHOES [1] 35:22  
 HOUSE [3] 11:10, 14, 22  
 HUDSON [1] 7:4

- G -

- H -

- I -

HABITS [3] 37:4, 7; 38:1  
 HALF [1] 47:22

I'VE [7] 2:4; 21:8; 22:19;

23:6, 20; 28:5;  
 42:24  
 IDEA [1] 43:16  
 IDEAS [1] 46:8  
 ILLEGAL [1]  
 29:2  
 IMMEDIATELY  
 [1] 36:2  
 IMPLEMENT [1]  
 23:2  
 IMPLEMENTED  
 [2] 19:20;  
 27:13  
 IMPORTANT [7]  
 8:10; 32:12;  
 37:22; 41:25;  
 46:13, 18, 21  
 IMPORTANTLY  
 [1] 26:8  
 IMPROPER [2]  
 18:6; 29:2  
 IMPROPRIETIES  
 [1] 22:2  
 IMPROPRIETY  
 [1] 22:1  
 IMPROVED [2]  
 33:13; 34:11  
 IMPROVEMENT  
 [1] 27:13  
 IMPROVEMENTS  
 [1] 9:21  
 INABILITY [1]  
 19:25  
 INADEQUATE [1]  
 18:25  
 INAUDIBLE [5]  
 43:11, 12, 13;  
 45:23; 47:5  
 INCLUDE [1]  
 29:20  
 INCLUDES [1]  
 4:3  
 INCLUDING [1]  
 7:24  
 INCOME [1]  
 19:18  
 INCOMPLETE [4]  
 13:10; 14:5;  
 18:25; 20:24  
 INCREASED [2]  
 17:5; 24:20  
 INCREDIBLY [1]  
 41:5  
 INDEPENDENCE  
 [2] 40:10, 12  
 INDEPENDENT  
 [7] 2:16; 4:11;  
 10:2; 20:25;  
 28:15; 40:4;  
 48:6  
 INDEX [1] 30:9  
 INDICATES [1]  
 37:23  
 INDIVIDUALLY  
 [1] 21:4  
 INDIVIDUALS [1]  
 11:6  
 INFLUENCE [1]  
 39:13  
 INFORMATION  
 [5] 3:7; 21:16;  
 27:15; 32:13;  
 46:12  
 INHERENT [1]  
 42:8  
 INITIALLY [1]  
 11:3  
 INPUT [2] 35:3;  
 42:25  
 INSIDE [8]  
 11:2; 15:11;  
 26:10, 11, 12,  
 24; 47:20;  
 48:16  
 INSIST [1]  
 28:13  
 INSTANCES [2]  
 12:24; 20:19  
 INSTEAD [2]  
 11:11, 12  
 INSTITUTION [2]  
 8:20; 10:14  
 INSURANCE [1]  
 24:8  
 INTANGIBLES  
 [1] 9:22  
 INTEND [1]  
 41:11  
 INTENT [3] 7:3;  
 15:15; 44:4  
 INTENTIONAL  
 [3] 20:16;  
 37:16, 18  
 INTENTIONED  
 [1] 37:2  
 INTEREST [4]  
 25:14; 27:4;  
 29:11; 35:4  
 INTERESTED [1]  
 47:1  
 INTERESTINGLY  
 [1] 47:11  
 INTERFERED [2]  
 8:24; 21:10  
 INTERVIEW [2]  
 6:5, 8  
 INTERVIEWED  
 [2] 6:6; 12:3  
 INTERVIEWS [3]  
 9:18; 13:15;  
 18:1  
 INTRODUCE [2]  
 5:5; 23:25  
 INVESTIGATE  
 [1] 3:8  
 INVESTIGATION  
 [2] 29:5; 44:5  
 INVESTIGATORY  
 [1] 44:12  
 INVESTMENT [1]  
 26:5  
 INVOLVED [2]  
 9:18; 21:11  
 INVOLVING [2]  
 2:24; 5:9  
 ISN'T [2] 24:23;  
 44:3  
 ISSUE [5] 5:19;  
 10:1; 11:17;  
 25:14; 41:14  
 ISSUED [1]  
 12:23  
 ISSUES [11]  
 3:1; 4:14; 5:9;  
 6:5; 20:14;  
 21:23; 32:18,  
 21; 37:14;  
 38:17; 47:2  
 ITEMS [1] 17:13  
 ITSELF [3]  
 9:16; 29:6;  
 30:3  


---

- J -

---

 JANE [5] 1:12;  
 2:4; 4:1; 5:6;  
 49:13  
 JANUARY [2]  
 30:1; 50:9  
 JOBS [1] 22:13  
 JUDGE [16]  
 2:3, 12, 14; 6:2;  
 8:14; 9:8;  
 10:10; 29:13;  
 30:18; 35:10,  
 12; 39:19;  
 43:9, 25; 44:15;  
 49:15  
 JULY [1] 14:4  
 JURISDICTION  
 [1] 38:12  
 JUVENILE [2]  
 2:3; 33:25  
 JUXTAPOSE [1]  
 18:4  


---

- K -

---

 KEEP [4] 10:6;  
 37:10; 40:6;  
 41:12  
 KEEPING [3]  
 7:2; 13:7; 19:2  
 KEEPS [2] 34:5,  
 6  
 KEPT [1] 12:21  
 KIDS [2] 27:18;  
 34:1  
 KIND [3] 24:22;  
 26:19; 42:5  
 KIWANIS [1]  
 7:25  
 KNOWN [1] 6:19  


---

- L -

---

LACK [9] 8:17; 13:8; 16:23, 24; 17:15; 18:7, 9; 20:9; 25:8	LITERALLY [1] 27:1	32:24; 38:23; 47:25	MATTER [6] 1:5; 2:5, 10; 3:4; 4:17; 5:7
LAKE [3] 4:3; 23:22; 24:2	LITIGATION [1] 17:10	MAINTAIN [7] 4:24; 9:24; 10:22; 26:4; 34:21; 36:15; 38:6	MEASURE [1] 39:10
LARGE [2] 19:23; 32:17	LITTLE [7] 2:7; 12:14; 25:21; 30:5; 31:23; 46:24; 48:25	MAINTAINED [1] 12:22	MEASUREMENT [1] 24:4
LARGER [4] 15:5; 24:3, 18, 19	LIVE [2] 7:7; 44:19	MAINTAINING [2] 26:3; 34:22	MECHANISM [2] 40:2, 17
LAST [2] 40:18; 45:22	LOCAL [5] 7:18, 22; 9:20; 10:24; 17:7	MAINTENANCE [2] 12:8; 16:1	MEDIA [1] 31:6
LATEST [1] 9:1	LOCATE [1] 14:14	MAKE [13] 3:8; 4:10; 14:13; 31:4, 14; 32:2; 35:4; 39:11; 42:12, 19; 43:12, 13; 45:6	MEET [5] 7:18; 26:9; 27:10; 29:23; 45:14
LAVRICH [4] 2:12, 14; 9:9; 35:11	LOCATION [1] 8:4	MAKES [3] 25:1; 27:20; 37:9	MEETING [18] 4:19; 7:16; 9:7; 11:8, 10, 23, 24, 25; 13:23, 25; 21:2; 22:20; 29:18, 25; 30:1, 2; 36:4; 45:16
LAWS [2] 21:1; 36:16	LOCKED [1] 19:12	MANAGED [2] 11:9; 31:12	MEETINGS [3] 12:13; 29:24; 36:18
LEAD [1] 39:19	LONG [5] 21:9; 29:10; 38:5; 42:4; 45:18	MANDATED [1] 24:25	MEMBER [1] 13:23
LEADERSHIP [2] 13:1; 20:22	LONG-STANDIN G [1] 17:20	MANUAL [6] 13:18; 14:6, 7, 10; 36:21; 38:4	MEMBERS [1] 10:5
LEAST [4] 14:8; 16:9; 27:24; 40:18	LONG-TERM [3] 38:2; 39:23, 24	MANY [8] 2:23; 10:15; 12:2, 16; 19:3; 24:4; 31:19; 44:11	MEMORIES [1] 21:9
LEAVE [3] 48:25; 49:3, 5	LONGER [1] 28:12	MARY [5] 1:12; 2:4; 4:1; 5:6; 49:12	MENTIONED [1] 39:11
LEGAL [3] 8:18; 25:11; 36:7	LOOK [9] 3:4; 31:7; 32:19; 33:15; 38:21; 42:18; 43:3; 46:16; 48:24	MASTER [22] 1:12; 2:5, 20; 3:6; 4:16; 5:6; 30:20; 32:16; 33:1, 6, 11; 36:3, 20; 37:8; 38:10; 39:10, 23; 41:4, 8; 44:18, 25; 46:23	METRICS [2] 23:24; 24:4
LEGALLY [1] 11:22	LOOKED [2] 12:11; 33:16	MATERIALS [1] 28:19	METROPARKS [2] 23:22; 38:25
LEVEL [1] 18:13	LOOKING [2] 12:10; 31:22		MIGHT [3] 33:20; 35:21; 44:9
LEVY [4] 26:11, 12; 47:10, 13	LOOKS [2] 33:22; 40:23		MIKE [1] 39:16
LIAISON [2] 27:15, 23	LOSS [1] 17:9		MILL [2] 11:4; 47:22
LIBRARY [10] 10:25; 31:1, 2, 3, 16, 25; 48:25; 49:2, 4, 6	LOST [1] 27:4		MILLAGE [5] 11:3; 15:11; 26:10, 25; 47:20
LIGHT [1] 30:5	LOTS [1] 25:23		MILLS [2] 11:3; 48:16
LIGHTED [1] 8:7	LOVERS [1] 7:10		MIND [2] 34:20; 37:10
LIGHTLY [1] 32:14			
LISTINGS [1] 23:10			

---

- M -

---

MADE [6]  
26:21; 28:5, 19;

MINE [2] 4:10;  
41:23  
MINIMUM [1]  
24:14  
MINUTES [8]  
6:12; 12:11, 21;  
14:15; 22:20;  
28:4, 6, 17  
MISCOMMUNICA  
TION [1] 27:25  
MISINFORMATIO  
N [1] 13:10  
MISSION [1]  
8:25  
MODIFY [1]  
21:4  
MONEY [11]  
15:15; 16:13;  
19:24; 20:3, 5;  
21:20; 25:21,  
23; 26:15;  
27:2; 40:11  
MONTH [2]  
23:11; 29:22  
MONTHLY [1]  
23:10  
MORNING [3]  
3:18; 8:6; 49:9  
MOST [1] 26:8  
MOTHERS [1]  
9:23  
MOVE [1] 35:23  
MOVED [2]  
7:21; 27:4  
MOVING [1]  
20:11  
MUCH [6]  
14:16; 16:12;  
19:22; 26:15;  
30:20; 49:12  
MUDDLED [1]  
40:13  
MUSIC [1] 7:10  
MUST [5] 2:8;  
20:11; 24:24;  
28:20  
MUSTER [1]  
23:5

---

- N -

---

NAME [2] 3:6;  
32:7  
NARROW [1]  
39:13  
NATURE [3]  
20:25; 26:22;  
42:9  
NECESSARILY  
[1] 37:5  
NECESSARY [2]  
19:6; 46:10  
NEED [9] 22:6,  
13; 25:25;  
28:12; 36:18;  
37:10; 38:1;  
41:16; 44:25  
NEEDED [1]  
4:14  
NEEDS [8]  
3:11; 22:8;  
25:10; 29:7;  
36:13; 40:15;  
44:20, 22  
NEGATIVE [1]  
21:8  
NEIGHBORS [1]  
3:15  
NEITHER [1]  
13:20  
NEVER [9]  
12:2; 14:1, 18,  
22; 15:5;  
19:19; 33:16;  
36:12; 39:5  
NEXT [3] 33:5;  
43:18, 23  
NICE [1] 41:1  
NICKEL [2]  
35:16, 18  
NIGHT [4] 7:7,  
9; 8:7; 27:11  
NINE-PAGE [1]  
37:12  
NINETIES [1]  
19:11  
NINETY [1] 30:7  
NOBODY [6]  
4:12; 35:13;

36:5; 37:6, 22;  
46:4  
NORTH [1]  
23:22  
NOTHING [3]  
37:23; 41:6;  
44:2  
NOTICE [1]  
30:3  
NOTICES [2]  
12:24; 29:18  
NOTIFICATION  
[1] 36:17  
NUMBER [7]  
2:14; 6:15;  
12:19; 16:15;  
23:13; 32:5, 17

---

- O -

---

OBJECTED [2]  
9:11, 12  
OBJECTION [1]  
9:8  
OBSERVE [1]  
5:2  
OBTAIN [1]  
24:21  
OCCASIONAL  
[1] 12:15  
OCCASIONALLY  
[1] 8:23  
OFFER [1] 23:1  
OFFERED [2]  
22:19; 23:20  
OFFERING [1]  
29:11  
OFFICE [5]  
25:12, 18; 48:9,  
16; 50:7  
OFFICER [6]  
5:20, 24; 11:15;  
22:10; 23:17;  
44:19  
OFFICES [1]  
5:16  
OFFICIALS [2]  
5:15; 17:4

OHIO [6] 1:3,  
22; 2:16; 4:8;  
11:1; 25:18  
OLD-FASHIONE  
D [1] 17:20  
OMISSION [1]  
20:20  
ONCE [2] 28:1,  
11  
ONLY [2] 12:15;  
16:12  
ONTO [1] 43:16  
OPEN [4] 16:18;  
41:12; 45:12;  
49:4  
OPENING [2]  
5:15; 20:10  
OPERATE [1]  
36:8  
OPERATED [1]  
15:3  
OPERATES [1]  
2:13  
OPERATING [1]  
42:10  
OPERATION [2]  
14:24; 32:19  
OPERATIONS  
[2] 9:20; 22:16  
OPINION [3]  
16:9, 16; 28:1  
OPPOSED [1]  
10:4  
OPTION [1]  
47:14  
ORDER [3]  
4:24; 22:16;  
41:14  
ORDERS [1]  
28:9  
ORGANIZATION  
[1] 15:4  
ORGANIZATION  
S [1] 7:24  
ORGANIZING [1]  
7:14  
ORIENTATION  
[1] 14:3  
ORIGINALLY [1]  
10:23

OURSELVES [1] 5, 7, 8, 11, 15, 45:16  
 OUTCOME [1] 20, 23; 11:7, 21; 12:13, 17, 25; 13:11, 16;  
 OUTDATED [1] 14:10, 18, 21; 15:2, 5, 13, 25;  
 OUTGOING [1] 16:11, 14, 19, 23, 25; 17:3,  
 OUTLINES [1] 12; 18:4, 5, 10, 14, 17, 21;  
 OVER [12] 6:19; 9:15; 15:16; 18:11; 19:13; 26:17; 29:12; 31:23; 38:12, 19; 39:20; 42:9  
 OVERSEEN [2] 19:4; 33:13  
 OVERSHADOWED [1] 8:23  
 OVERSIGHT [1] 23:8  
 OWNERS [1] 6:22  


---

 - P -  


---

 P.O. [1] 1:22  
 PACE [1] 17:16  
 PAGE [2] 33:10; 37:8  
 PAGES [4] 30:8, 15; 31:23; 50:4  
 PAID [5] 12:18, 20; 15:6; 24:3; 41:20  
 PARAGRAPH [1] 38:18  
 PARENTS [1] 7:12  
 PARK [157] 1:6; 2:11, 12, 17, 21, 25; 3:2; 5:10, 21, 25; 6:9, 12, 24; 7:2, 15, 17, 22; 8:1, 3, 5, 11, 18, 25; 9:3, 6, 11, 12, 16, 18, 20; 10:2, 4,

5, 7, 8, 11, 15, 20, 23; 11:7, 21; 12:13, 17, 25; 13:11, 16;  
 14:10, 18, 21; 15:2, 5, 13, 25;  
 16:11, 14, 19, 23, 25; 17:3, 12; 18:4, 5, 10, 14, 17, 21;  
 19:4, 9, 15; 20:4, 5, 7, 17, 25; 21:6, 7, 11, 22; 22:4, 7, 11, 20, 23; 23:13, 20, 23; 24:5, 7, 12; 25:5, 10, 15, 25; 26:12, 13, 17, 23, 25; 27:2, 11; 28:1, 19, 20; 29:7, 19, 22; 32:1, 12, 19; 33:13, 16, 21; 34:9, 11, 12, 16, 22, 24; 35:4, 10, 15; 36:9, 25; 37:19; 38:6, 11, 12, 20, 23, 24; 39:5, 17, 20, 22; 40:3, 10, 13, 21, 22, 23, 24; 41:19; 42:4, 6, 10; 45:14; 46:19, 20; 47:8, 12, 19; 48:2, 4, 14  
 PARKLAND [1] 6:18  
 PARKLANDS [7] 10:23; 12:8; 15:16, 18; 17:11; 26:6, 20  
 PARKS [7] 9:25; 38:25; 39:8, 25; 40:17, 25; 42:12  
 PARKSHIP [1] 18:21

PARKSIDE [7] 6:19; 7:22; 15:16, 19; 17:14; 18:3  
 PART [13] 20:17; 26:21; 37:19; 44:23; 45:5, 7, 15, 21, 22; 46:3; 48:16, 19  
 PARTICULAR [1] 5:7  
 PARTICULARLY [1] 42:4  
 PARTY [1] 4:10  
 PASS [2] 44:24; 47:10  
 PASSED [7] 10:25; 20:2; 23:4, 21; 37:3, 4, 7  
 PAST [4] 4:7; 6:20; 12:2; 21:9  
 PATH [1] 19:25  
 PAVILIONS [1] 8:8  
 PAYMENT [2] 20:2; 22:18  
 PAYMENTS [1] 11:18  
 PEOPLE [11] 5:3; 7:9; 23:14, 15; 33:18; 34:6, 8; 37:1, 10; 39:3; 47:21  
 PERENNIAL [1] 7:20  
 PERFECT [4] 8:4; 16:17, 22; 17:22  
 PERFORMANCE [1] 23:23  
 PERFORMED [1] 12:25  
 PERIOD [3] 15:22; 41:13, 14  
 PERRY [1] 1:22

PERSONAL [2] 21:8; 27:6  
 PHONE [2] 14:14; 32:4  
 PHYSICALLY [1] 43:19  
 PICK [3] 30:5, 10; 32:8  
 PLACE [7] 7:16, 18; 8:6; 28:2, 11; 33:21; 50:8  
 PLAINLY [1] 20:6  
 PLAN [3] 26:2, 19; 39:23  
 PLAY [4] 7:13; 27:18; 35:22; 41:1  
 PLAYERS [4] 7:11, 12; 33:18  
 PLAYGROUND [1] 7:14  
 PLAYING [1] 34:2  
 PLEAS [1] 1:1  
 PLEASE [2] 5:13; 44:15  
 PLEASED [1] 5:18  
 POINT [7] 15:20, 24; 26:23; 28:11; 30:21; 33:10; 45:4  
 POINTED [1] 36:3  
 POINTS [1] 30:21  
 POLICIES [1] 14:24  
 POLICY [5] 13:17; 14:9; 36:21; 38:4; 39:24  
 POLITIC [3] 8:19, 20; 28:16  
 POLITICAL [7] 9:13; 13:13; 17:1, 20; 19:10, 12; 47:7

**POLITICS** [3]  
 9:14; 10:7;  
 40:6  
**POPPED** [1]  
 38:17  
**PORTAGE** [1]  
 4:4  
**POSED** [1]  
 30:12  
**POSITION** [2]  
 13:22; 27:5  
**POSITIVE** [2]  
 7:15; 21:14  
**POSSIBLE** [1]  
 29:10  
**POSSIBLY** [1]  
 6:7  
**POST** [1] 43:24  
**POSTAGE** [1]  
 43:21  
**POSTED** [2]  
 30:2, 3  
**POTENTIAL** [3]  
 29:12; 32:25;  
 34:18  
**POWERS** [3]  
 3:7; 4:23;  
 40:14  
**PRACTICE** [4]  
 20:9; 23:7;  
 29:3, 8  
**PRACTICES** [3]  
 21:19; 22:15,  
 21  
**PRECISE** [1]  
 26:14  
**PREDECESSORS**  
 [1] 19:11  
**PRELIMINARY**  
 [2] 35:6; 41:17  
**PREMIUM** [1]  
 24:15  
**PREPARING** [1]  
 18:3  
**PRESENT** [2]  
 23:19; 25:13  
**PRESENTATION**  
 [2] 8:9; 18:12  
**PRESENTED** [2]  
 12:9; 29:6  
**PRESERVED** [1]  
 26:5  
**PRESIDENT** [1]  
 4:8  
**PRICE** [1] 24:22  
**PRIDE** [1] 6:21  
**PRIMARILY** [1]  
 33:8  
**PRIMARY** [1]  
 6:18  
**PRIORITIES** [1]  
 10:9  
**PRIVATE** [3]  
 15:4; 21:21;  
 25:19  
**PROBABLY** [1]  
 30:15  
**PROBATE** [11]  
 1:2; 2:3, 8;  
 3:21; 6:23;  
 10:4; 28:21;  
 39:19; 43:14,  
 16; 45:7  
**PROBLEM** [8]  
 19:22; 21:16;  
 23:19; 25:14,  
 22, 24; 29:6;  
 40:3  
**PROBLEMATIC**  
 [1] 20:3  
**PROBLEMS** [3]  
 32:25; 36:24;  
 39:20  
**PROCEDURE** [7]  
 12:1; 13:17;  
 14:6, 10; 20:10;  
 36:21; 38:4  
**PROCEDURES**  
 [3] 4:23; 14:24;  
 43:5  
**PROCEEDING**  
 [5] 3:13; 31:13;  
 44:10, 20;  
 45:13  
**PROCEEDINGS**  
 [1] 1:8  
**PROCESS** [21]  
 6:1, 6; 11:20;  
 17:17; 19:17;  
 20:1; 21:17;  
 23:2, 18; 28:4,  
 10, 11; 29:16;  
 36:1, 23; 37:13;  
 40:6; 42:2, 14;  
 44:13; 46:20  
**PROCESSES** [2]  
 13:6; 23:3  
**PRODUCE** [1]  
 31:20  
**PRODUCING** [1]  
 31:20  
**PROFESSIONAL**  
 [1] 15:7  
**PROJECT** [7]  
 16:1; 17:18;  
 19:13, 19;  
 26:22; 28:8  
**PROJECTS** [4]  
 19:16, 21, 24;  
 24:18  
**PROPER** [1]  
 38:7  
**PROPERLY** [1]  
 42:15  
**PROPERTY** [1]  
 7:3  
**PROPOSED** [1]  
 6:4  
**PROSECUTOR**  
 [1] 35:13  
**PROSECUTOR'S**  
 [3] 25:12, 18;  
 50:7  
**PROTECT** [1]  
 10:7  
**PROUD** [3]  
 40:22, 23  
**PROVIDE** [3]  
 6:4; 14:8;  
 31:18  
**PROVIDED** [4]  
 13:12; 14:5;  
 16:2; 50:6  
**PROVIDES** [4]  
 8:3; 20:10;  
 25:2; 39:2  
**PROVISION** [1]  
 38:21  
**PRUDENT** [1]  
 24:21  
**PUBLIC** [30]  
 4:19; 7:5;  
 12:24; 17:4, 18;  
 19:8; 21:13, 21;  
 24:1; 28:7;  
 29:17; 31:24;  
 32:10, 11, 13;  
 33:13; 34:25;  
 38:3; 39:24;  
 44:2, 3, 7;  
 45:15; 46:5, 11,  
 13, 14, 16  
**PUBLICLY** [1]  
 35:7  
**PULLED** [1]  
 16:10  
**PURCHASE** [2]  
 22:16; 24:10  
**PURCHASES** [1]  
 29:9  
**PURE** [1] 4:24  
**PURPOSE** [3]  
 8:11; 9:8;  
 33:25  
**PURPOSES** [3]  
 2:18; 3:24;  
 31:13  
**PURSUANT** [1]  
 2:16  


---

- Q -

---

**QUANTIFY** [1]  
 28:18  
**QUESTION** [2]  
 4:25; 34:10  
**QUESTIONS** [19]  
 2:23; 5:3;  
 20:14; 30:12;  
 32:18, 21;  
 37:14; 42:16,  
 19; 43:2, 4, 6;  
 44:5, 15, 24;  
 46:7; 47:2;  
 48:13; 49:7  
**QUICKBOOKS**  
 [1] 15:2  
**QUICKLY** [2]  
 35:20, 23  
**QUID** [1] 22:1

QUIT [1] 35:21  
 QUOTE [1] 9:12  


---

 - R -  


---

 RAISED [12]  
 2:23; 4:14; 6:5;  
 11:4; 20:15;  
 21:23; 30:12;  
 32:22; 37:15;  
 41:7; 44:5;  
 47:3  
 RAISES [1]  
 32:17  
 RATCHETED [1]  
 18:13  
 RATHER [3]  
 11:16; 20:20;  
 24:14  
 READ [5] 16:6;  
 31:2, 16; 41:6;  
 46:25  
 READING [2]  
 12:10; 30:5  
 REALLY [7]  
 11:19; 12:13;  
 19:19, 22;  
 24:21; 42:1;  
 43:3  
 REAPPOINTING  
 [1] 9:9  
 REASON [2]  
 34:3; 39:9  
 REASONS [1]  
 32:11  
 RECEIVED [2]  
 2:22; 13:21  
 RECEIVES [1]  
 48:17  
 RECEIVING [2]  
 2:19; 3:24  
 RECENTLY [1]  
 29:20  
 RECESS [1]  
 3:23  
 RECESSED [2]  
 3:13; 49:8  
 RECOGNIZE [1]  
 46:23  
 RECOMMEND [3]  
 27:10; 28:25;  
 38:20  
 RECOMMENDATI  
 ON [6] 9:10;  
 23:12; 24:23;  
 36:20; 38:8;  
 42:21  
 RECOMMENDATI  
 ONS [8] 2:19;  
 5:9; 28:5;  
 32:24; 33:8;  
 36:17; 41:4;  
 46:8  
 RECOMMENDED  
 [1] 23:6  
 RECOMMENDIN  
 G [2] 23:15;  
 24:7  
 RECONVENED  
 [1] 3:14  
 RECORD [9]  
 6:11; 13:7;  
 19:2; 44:2, 24;  
 45:2, 6, 8; 46:3  
 RECORDING [2]  
 19:2; 50:6  
 RECORDS [7]  
 5:16; 6:10, 15;  
 12:23; 15:12;  
 23:3; 38:7  
 RECOVER [1]  
 31:12  
 RECREATION  
 [1] 8:7  
 RECYCLE [1]  
 31:12  
 REFERENCE [1]  
 37:9  
 REFLECT [3]  
 15:12; 28:17;  
 36:11  
 REGARD [5]  
 20:12; 22:3;  
 28:22; 37:11  
 REGARDING [1]  
 47:6  
 REGULAR [2]  
 25:10; 29:1  
 RELATING [1]  
 12:7  
 RELATIVELY [1]  
 15:22  
 RELIANT [1]  
 40:8  
 RENAISSANCE  
 [1] 6:17  
 REOPENING [1]  
 3:24  
 REPORT [29]  
 2:19; 3:9, 25;  
 4:17; 5:8, 18;  
 14:4; 15:21;  
 19:7; 20:21;  
 30:25; 31:3, 19,  
 23; 32:7, 10,  
 16, 20; 33:9;  
 35:1, 2; 37:9,  
 23; 41:6, 10;  
 42:18; 43:7;  
 45:11; 47:7  
 REPORTERS [1]  
 1:21  
 REPRESENTED  
 [1] 25:17  
 REQUEST [5]  
 2:15; 10:12;  
 14:19; 32:6;  
 47:25  
 REQUESTED [1]  
 50:5  
 REQUESTS [1]  
 48:15  
 REQUIRED [2]  
 24:15; 28:21  
 REQUIREMENT  
 [1] 25:5  
 REQUIREMENTS  
 [4] 22:14;  
 23:25; 25:3;  
 38:3  
 REQUIRES [1]  
 3:21  
 RESEARCH [4]  
 9:17; 13:16;  
 19:14; 28:25  
 RESERVE [2]  
 15:13, 22  
 RESIDENT [1]  
 40:20  
 RESIDENTS [2]  
 3:16; 6:21  
 RESOLUTION [3]  
 20:1; 22:18;  
 23:21  
 RESOLUTIONS  
 [1] 6:4  
 RESOLVE [3]  
 6:3; 25:23;  
 26:9  
 RESOURCES [1]  
 17:6  
 RESPECTFULLY  
 [1] 30:17  
 RESPOND [1]  
 44:8  
 RESPONSE [1]  
 45:1  
 RESPONSES [1]  
 41:13  
 RESPONSIBILI  
 ES [1] 13:11  
 RESPONSIBILIT  
 Y [2] 3:3;  
 34:23  
 RESTORE [1]  
 26:10  
 RESULTED [1]  
 16:17  
 RESULTS [1]  
 20:6  
 REUNIONS [1]  
 8:5  
 REVENUE [1]  
 17:10  
 REVIEW [24]  
 2:21; 5:17;  
 8:11; 9:2; 12:8;  
 14:16; 18:12;  
 20:12; 23:9;  
 24:8; 30:4, 6, 7,  
 8, 13, 17;  
 32:14; 37:11;  
 41:7; 42:2, 5;  
 45:15; 47:3  
 REVIEWED [1]  
 4:15

REVIEWING [1] 28:14	SEAT [2] 2:9; 3:22	SHORT [2] 14:21; 15:22	SOLVE [2] 38:14; 42:7
REVISED [6] 2:6, 16; 3:5, 20; 35:9; 36:10	SECOND [4] 11:23, 24; 36:4, 15	SHORTFALLS [1] 16:6	SOLVING [1] 21:17
REVISION [1] 22:6	SECRETARIES [1] 12:20	SHOULD [9] 23:18; 27:10; 28:17; 29:8, 18, 25; 30:1, 2; 42:11	SOMEBODY [1] 48:23
REVISIT [1] 42:24	SECRETARY [2] 22:10, 24	SHOW [1] 22:25	SOMEONE [1] 27:19
RICHTER [2] 5:21; 6:14	SECTION [4] 2:6; 3:5; 10:18	SHOWCASE [1] 7:22	SORELY [1] 22:6
RIVALRIES [1] 17:21	SECURING [2] 9:19; 29:9	SHOWS [1] 15:21	SORT [3] 13:1; 28:13; 40:13
ROAD [3] 16:2, 4; 17:5	SEEDS [2] 9:4; 16:22	SIGN [3] 23:9, 14; 35:19	SOURCE [2] 6:20; 15:10
ROOM [1] 27:21	SEEK [1] 48:7	SIGNATURE [1] 50:9	SPARKED [1] 9:1
ROTARY [1] 7:24	SEEMS [1] 25:4	SIGNED [1] 23:16	SPEAK [3] 11:23; 30:8; 41:2
RULES [2] 4:23; 8:21	SEND [1] 44:15	SIMILAR [1] 23:2	SPEAKER [7] 45:12, 23; 47:6, 24; 48:4, 8, 14
RUMORS [4] 17:25; 18:1, 2, 5	SENIORS [2] 7:17; 33:17	SIMPLE [3] 6:6; 23:3; 38:18	SPEARHEADED [1] 7:25
RUNS [1] 18:10	SENSE [1] 25:1	SIMPLY [5] 18:9; 19:7; 27:4, 8; 28:6	SPECIAL [1] 29:24
RUSSELL [6] 7:8; 22:22; 24:12; 38:11, 12, 23	SENT [2] 32:8; 45:1	SISTER [3] 15:5; 22:22; 24:9	SPECIFIC [1] 43:7
<hr/> <b>- S -</b> <hr/>			
SADLY [1] 27:3	SERIALIZED [2] 6:10; 30:10	SITE [1] 43:17	SPECIFICALLY [2] 20:12; 28:24
SAFER [1] 33:21	SERVED [1] 4:2	SITS [1] 4:9	SPEND [1] 25:21
SAME [5] 8:21; 24:11, 22; 27:11; 40:1	SERVICE [3] 7:23; 12:5; 24:2	SITTING [2] 4:21, 25	SPENDING [2] 21:19; 25:22
SANDBOX [1] 41:2	SERVICES [3] 12:19; 16:2, 4	SKELETON [1] 14:8	SPENDS [1] 35:16
SAVE [1] 43:20	SESSION [2] 14:3; 49:9	SLOWNESS [1] 36:1	SPENT [2] 20:4, 5
SCAN [1] 43:24	SETS [1] 22:14	SMALL [3] 15:3; 19:21; 24:5	SPILLED [1] 9:15
SCANNING [1] 43:21	SETTLE [1] 17:21	SMOKE [1] 42:11	SPIRIT [1] 40:19
SCHEDULE [3] 13:23; 27:9; 29:25	SEVERE [2] 17:6, 8	SO-CALLED [4] 9:2; 15:11; 17:10; 29:14	SQUARE [1] 7:5
SCORES [1] 17:21	SEWED [1] 9:5	SOFTBALL [1] 7:10	STABILIZED [1] 26:13
SEARCHED [1] 14:13	SHARE [1] 10:24	SOLELY [1] 49:11	STACK [1] 31:14
	SHARING [1] 21:16		STAFF [2] 15:7; 24:4
	SHIFT [1] 15:15		

STANDARDIZED  
[3] 14:23; 20:9;  
29:17  
START [3] 3:22;  
27:19; 31:20  
STARTED [2]  
34:18; 37:13  
STATE [14] 4:8;  
11:1; 14:20;  
18:16, 22;  
22:14; 23:5, 13;  
28:24; 35:7;  
38:22; 39:2;  
47:12, 19  
STATE-OF-THE-  
ART [1] 7:13  
STATEMENT [1]  
21:4  
STATEMENTS  
[1] 23:10  
STATES [1]  
33:11  
STATUS [1]  
8:18  
STATUTE [3]  
24:15; 25:1;  
28:22  
STAY [1] 3:19  
STEER [1] 4:13  
STEWARDSHIP  
[1] 6:23  
STILLMAN'S [1]  
34:17  
STORE [2]  
45:10; 46:1  
STORM [3]  
16:17, 22;  
17:22  
STRAIGHT [3]  
23:4; 39:12;  
46:18  
STRATEGIC [2]  
26:2, 19  
STREET [1] 7:8  
STRICT [1] 19:1  
STRONGLY [1]  
38:20  
STRUCTURE [1]  
22:11

STRUCTURED  
[1] 13:2  
STUPICA [4]  
43:9, 10, 20, 25  
SUBJECT [1]  
4:22  
SUBMIT [6] 5:7;  
35:1; 42:20, 22;  
44:21; 46:6  
SUBMITTED [4]  
30:17; 32:15;  
37:13; 44:14  
SUBPOENAS [1]  
5:19  
SUBSEQUENT  
[1] 28:8  
SUBSTANTIALLY  
[1] 24:3  
SUCCESS [1]  
14:1  
SUFFICIENT [1]  
15:13  
SUGGESTED [1]  
38:10  
SUGGESTION  
[2] 36:24;  
43:11  
SUMMARIZED  
[1] 41:17  
SUMMARY [3]  
5:8; 30:6; 33:7  
SUMMER [1]  
8:1  
SUNSHINE [2]  
36:16; 45:19  
SUPPORT [3]  
6:25; 26:11  
SUPPORTING  
[2] 30:14; 47:4  
SURE [6] 4:11;  
20:7; 39:11;  
42:12; 45:6;  
47:23  
SURPRISE [2]  
14:17  
SUSAN [3]  
1:21; 50:3, 12  
SYSTEM [4]  
15:1; 24:2;  
28:3; 38:9

---

- T -

---

TABLE [1] 8:13  
TAKES [1]  
35:23  
TALENTS [1]  
7:19  
TALK [4] 10:15;  
31:7; 45:11;  
46:2  
TALKED [1]  
27:4  
TALKING [1]  
15:10  
TASKED [1]  
23:8  
TAXPAYERS [1]  
31:10  
TECHNICAL [2]  
38:16; 48:13  
TECHNICALITY  
[1] 36:7  
TEENS [1] 7:14  
TELEPHONE [1]  
27:18  
TEN-YEAR [1]  
26:2  
TERM [1] 42:4  
TESTIMONY [2]  
3:8; 50:5  
THANK [14]  
4:20; 5:11, 14;  
22:23; 30:19;  
33:1; 41:19, 21;  
42:1; 48:22;  
49:8, 12, 14  
THEMSELVES  
[2] 10:19; 39:8  
THERE'S [3]  
15:20; 25:14;  
37:23  
THEY'RE [2]  
36:11; 38:11  
THEY'VE [3]  
23:4; 35:16, 18  
THINKING [1]  
46:17  
THIRD [1] 15:9

THOROUGH [1]  
41:5  
THOROUGHLY  
[1] 4:14  
THOUGHT [2]  
4:13; 33:20  
THOUSANDS [1]  
39:4  
THRASHER [2]  
4:6, 7  
THREE [6] 5:22;  
17:1; 21:3;  
24:16; 26:2;  
48:16  
THROUGHOUT  
[1] 20:21  
THROWERS [1]  
33:19  
THROWN [1]  
31:11  
THUS [1] 9:13  
TICKET [1]  
17:13  
TIME [23] 5:5,  
17; 6:8, 13;  
7:9; 9:11;  
15:11, 22;  
16:12; 17:6;  
18:11; 22:24;  
26:24; 27:20;  
28:18; 34:1;  
35:12, 15; 42:9;  
43:20, 21;  
48:23; 50:7  
TIMES [3]  
21:10; 25:13;  
39:3  
TIMOTHY [1]  
1:8  
TODAY [8] 2:9;  
6:14; 11:25;  
17:23; 31:6, 9;  
33:12; 46:14  
TOGETHER [3]  
16:16; 45:14,  
20  
TOMORROW [3]  
3:18; 34:3;  
49:9

TONIGHT [4]  
33:4, 20; 42:17;  
43:8  
TOOLS [2]  
19:6; 24:5  
TOTAL [1] 48:3  
TOTALLY [2]  
4:11; 27:22  
TOWARD [2]  
15:16; 22:19  
TOWN [3]  
15:18; 49:3, 4  
TOWNSHIP [73]  
1:6; 2:10, 12,  
15, 17, 21, 25;  
4:20; 5:10, 15,  
20; 6:12, 16,  
18, 22, 24; 7:1;  
8:21; 9:5, 14;  
10:6, 9, 11, 12,  
17, 20, 22;  
11:5; 13:14;  
15:9, 14, 18, 23,  
24; 16:4, 8, 10;  
17:2, 25; 18:2,  
20, 21; 20:22;  
21:3, 12, 23;  
22:5, 22; 24:12;  
25:15, 16, 25;  
26:7, 24; 27:12;  
28:7, 12; 31:1;  
34:16, 22; 35:4,  
15; 38:12, 24;  
40:14, 21;  
41:22, 25; 42:3;  
47:8, 10; 48:17  
TOWNSHIP'S [2]  
10:22; 16:2  
TOWNSHIPS [3]  
10:16, 19; 17:5  
TRACED [2]  
19:15; 22:17  
TRACK [1] 28:7  
TRAINING [1]  
14:3  
TRANS [1]  
13:24  
TRANSCRIBED  
[1] 50:6

TRANSCRIPT [1]  
50:4  
TRANSITION [4]  
13:2, 8, 24;  
36:23  
TRAPP [17]  
1:12; 2:4; 4:1;  
5:6, 11; 30:20;  
36:3, 20; 38:10,  
15; 39:11;  
41:9; 44:9;  
45:1, 9; 47:16;  
49:14  
TREASURER [3]  
11:13, 18;  
35:19  
TROUBLE [1]  
34:7  
TRUE [1] 50:4  
TRUMBULL [1]  
4:4  
TRUSTEES [37]  
5:20; 7:1; 8:22;  
9:6, 7, 10; 10:6,  
13, 17; 15:12,  
14, 25; 16:10,  
19; 17:3; 18:2;  
21:3, 12, 23;  
25:16; 27:2, 12;  
28:7, 12; 30:22;  
32:1; 34:13, 16,  
24; 40:4, 8, 14;  
41:22; 45:13;  
46:20; 47:25  
TRYING [1]  
9:24  
TUESDAY [1]  
33:5  
TURNED [1]  
39:6  
TURNOVER [2]  
13:1; 17:4  
TYPE [1] 29:18

---

- U -

---

UBER [1] 28:13  
UGLY [1] 8:13  
ULTIMATE [1]  
34:20

UNAWARE [1]  
12:3  
UNDER [10]  
2:6, 13; 3:4;  
6:22; 10:13;  
25:18; 35:10;  
38:22; 47:12,  
19  
UNDERGOING  
[2] 18:20, 22  
UNDERSTAND  
[2] 22:13; 28:3  
UNDERSTANDA  
BLE [2] 16:8, 9  
UNDERSTANDIN  
G [5] 8:17;  
16:24; 18:8, 10;  
20:24  
UNFORTUNATE  
[1] 35:9  
UNFOUNDED [2]  
18:1, 2  
UNKNOWN [7]  
45:12, 23; 47:6,  
24; 48:4, 8, 14  
UNLIKE [1]  
15:4  
UPDATED [1]  
14:23  
UPGRADES [1]  
8:2  
USERS [1] 7:7  
USING [3] 34:9;  
38:11, 18  
UTILIZED [2]  
22:21; 23:24

---

- V -

---

VALUE [1] 34:4  
VARIOUS [2]  
2:24; 13:13  
VASTLY [2]  
33:12; 34:11  
VASTLY-IMPRO  
VED [1] 19:4  
VENDOR [2]  
29:11, 12  
VENDORS [2]  
22:1; 29:15

VERIFY [1]  
35:17  
VERSUS [1]  
25:22  
VICISSITUDES  
[1] 10:8  
VIOLATE [1]  
45:19  
VISION [1] 26:5  
VISITORS [1]  
7:23  
VOCAL [1]  
16:19  
VOICING [1] 9:8  
VOLLEYBALL  
[4] 7:11; 33:23,  
24; 34:2  
VOLUNTEER [4]  
27:3, 5; 36:25;  
42:9  
VOLUNTEERS  
[6] 12:18; 19:5,  
8; 33:14;  
34:12; 41:20  
VOTE [1] 47:21  
VOTED [2]  
11:7, 9  
VOTERS [3]  
47:10, 14, 15

---

- W -

---

WARRANTS [1]  
11:17  
WE'LL [5] 31:3,  
7; 33:5; 42:24;  
43:20  
WEBSITE [2]  
29:20; 43:14  
WEDDINGS [1]  
8:4  
WEEK [5] 39:3;  
43:17, 18, 23  
WEEKENDS [1]  
49:4  
WEEKS [1]  
35:24  
WELCOME [1]  
46:6

WHEREVER [1] 19:3, 20; 24:16;  
 29:9  
 WHITE [1] 25:8; 26:17;  
 30:25 38:19; 42:6  
 WHOLE [2] YOU'LL [1]  
 11:20; 34:18 46:25  
 WILLING [1] YOUNG [5]  
 34:13 7:10, 16; 33:18;  
 34:6, 8  
 WILLINGNESS  
 [1] 40:9  
 WISH [3] 39:7;  
 45:20; 48:7  
 WITHDREW [1]  
 26:24  
 WITHIN [2] 9:2;  
 26:6  
 WITHOUT [5]  
 9:9; 13:1, 25;  
 47:13, 21  
 WITNESS [1]  
 50:9  
 WON'T [2] 34:2;  
 43:7  
 WORDS [1]  
 26:25  
 WORK [4] 3:18;  
 12:25; 26:1;  
 27:24  
 WORKING [1]  
 39:22  
 WORSE [1] 40:5  
 WRITING [5]  
 42:20, 22;  
 44:21; 45:2;  
 46:6  
 WRITTEN [2]  
 10:21; 12:6  
 WRONG [1]  
 37:25  
 WROTE [2]  
 12:22; 35:13

---

- Y -

---

YEAR [5] 2:23;  
 14:15; 19:10;  
 26:16; 30:1  
 YEARS [11]  
 6:20; 9:3;  
 12:12; 16:14;

FILED  
IN COMMON PLEAS COURT

FEB 20 AM 11:53

**IN THE COURT OF COMMON PLEAS  
PROBATE/JUVENILE DIVISION  
GEAUGA COUNTY, OHIO**

PROBATE/JUVENILE  
DIVISION  
GEAUGA COUNTY, OHIO

IN THE MATTER OF : Case No. 84PC000139  
CHESTER TOWNSHIP : App. No. 14G3242  
PARK DISTRICT :  
: JUDGE TIMOTHY J. GRENDALL

**TRANSCRIPT OF PROCEEDINGS**

Transcript of Proceedings had before the Honorable Timothy J. Grendell the 26th day of August, 2014 in the Court of Common Pleas, Probate/Juvenile Division, City of Chardon, County of Geauga and State of Ohio.

**APPEARANCES:**

[ None ]

- - - - -  
Anita L. Comella, RPR  
Official Court Reporter  
Gauga County Court of Common Pleas  
100 Short Court  
Chardon, Ohio 44024  
Digitally recorded Proceedings  
REWRITTEN by Mechanical Stenography  
Transcription Produced via Computer

**ORIGINAL**

P R O C E E D I N G S

1  
2 THE COURT: It is 7:14 a.m.  
3 on 8/26/2014. The Court is here in  
4 Chardon in the probate/juvenile  
5 courtroom resuming its hearing in the  
6 matter of In Re Chester Township Park  
7 District, 84PC139.

8 The Court had initiated this  
9 hearing at 6:00 p.m. last evening,  
10 8/25/2014; recessed to the Chester  
11 Township Fire Station for purposes of  
12 accepting a summary of the report and  
13 recommendations of the master  
14 commissioner as appointed in this  
15 matter for the Chester Township Park  
16 District Review of 2013. The Court  
17 then resumed the hearing at the fire  
18 station.

19 The master commissioner Mary  
20 Jane Trapp presented the Court with  
21 the report and recommendation, her  
22 report and recommendations, after  
23 having summarized the report and her  
24 recommendations at the hearing in  
25 Chester Township, in the portion of

1 the hearing in Chester Township.

2 The Court has then recessed that  
3 portion of the hearing and is resuming  
4 the hearing this morning in Chardon.  
5 The Court notes that it has received  
6 the report and recommendations and  
7 will officially file them with the  
8 clerk this morning; that the Court  
9 gave a copy to the Chester Township  
10 Trustees and a copy to the Chester  
11 Township Park Commissioners, and a  
12 copy was made available for the public  
13 which is being placed-- was placed at  
14 West Geauga Library in Chester  
15 Township for public review.

16 The Court also will ask its IT  
17 personnel to put the report and  
18 recommendations on the Geauga County  
19 Probate Court's website so that the  
20 public can have access. The Court  
21 will also provide a copy to anybody,  
22 any Geauga County Chesterland resident  
23 who requests a copy of the report.

24 The Court gave all parties and  
25 the public 45-day's period to which

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

they may review the report and file any response or questions with the Court, and that 45-day period will commence today.

There being no further business to come before the Court, the hearing in the master of the Chester Township Park District Case Number 84PC139 for purposes of receiving the report and recommendations of the master commissioner and her analysis of the Chester Township Park District's Review 2013 is hereby adjourned.

- - - - -

[ Proceedings Adjourned ]

- - - - -

## CERTIFICATE

I, Anita L. Comella, Registered Professional Reporter, Notary Public, and Official Court Reporter for the Geauga County Common Pleas Court, Chardon, Ohio do hereby certify that as such reporter I stenographically converted into machine shorthand the digital recording of proceedings had in said court in the above-mentioned cause; that my notes were further transcribed by me or under my supervision into typewritten form as appear in the foregoing Transcript of Proceedings; that said transcript is a complete record of the proceedings had in the trial of said cause as digitally recorded, and constitute a true and correct Transcript of Proceedings had therein as best as can be discerned from said medium.

  
-----  
Anita L. Comella, RPR  
Official Court Reporter  
Court of Common Pleas  
Gauga County, Ohio

Date: December 18, 2014



# Chester Township

Founded 1801

12701 CHILLICOTHE ROAD CHESTERLAND, OHIO 44026  
(440) 729-7058  
FAX (440) 729-3679

**FISCAL OFFICER**  
Craig S. Richter

**BOARD OF TRUSTEES**  
W.L. Bud Kinney  
Michael J. Petruziello  
Ken Radtke, Jr.

October 8, 2014

Honorable Judge Timothy J. Grendell  
Court of Common Pleas  
Geauga County  
231 Main Street, Suite 200  
Chardon, Ohio 44024

sent via email



RE: Master Commissioner Analysis of the Chester Township Park District Review 2013

Honorable Judge Grendell,

The Chester Township Board of Trustees and the Chester Township Fiscal Officer Craig Richter thank you for the opportunity to submit this letter to the Court concerning the *Master Commissioner Analysis of the Chester Township Park District Review 2013* ('MC Report').

In recent years, and due in large part, to the effort of Park Board volunteers and Secretary/Treasurer, our park has greatly improved and is enjoyed by many more people today than in prior years. The Board of Trustees (BoT) and the Fiscal Officer (FO) sincerely appreciate their efforts.

We are pleased that the Master Commissioner (MC) has incorporated a number of opportunities for improvement that include recommendations to the MC by members of the Board of Trustees and/or the Fiscal Officer. We are hopeful that moving forward the Park Board will work with the Board of Trustees in developing strategic plans and stabilized funding for the park.

The body of this letter includes several points of clarification and several questions based on the Master Commissioners Report.

**ACKNOWLEDGE**

BY: \_\_\_\_\_

Timothy J. Grendell

October 8, 2014  
Chester Board of Trustees to Probate Court  
Page 2

### CLARIFICATIONS

#### Disharmony & Politics

On page 11, the MC Review mentions disharmony between the boards, and the report states: *"The presentation of the "Review" document to the township trustees ratcheted this conflict to a new level."* The Board of Trustees and Fiscal Officer believe that statement could be improperly interpreted by the reader; inferring actions by the Board of Trustees are being taken for political purposes. The Board of Trustees and Fiscal Officer have a responsibility to address citizen concerns regarding financial accountability if brought to our attention. Failing to do so, we would be negligent in our duties. Failing to share this Review with the Park Board we would be dishonest in our relationship with them. We believe it is important for the Court to understand that evolution regarding the Review:

In late February the Chester Board of Trustees (BoT) and the Fiscal Officer received a copy of a document entitled *Chester Township Park District 2013 Review* ('Review'). An updated document, dated March 5, 2014 was received by the same parties. Trustee Radtke met with the Fiscal Officer and asked if he had also received a copy which the FO confirmed. Trustee Radtke asked the Fiscal Officer meet with another trustee and the two would meet with one Chester Park Board member and the Secretary (now Treasurer), provide them with a copy of the report and have a discussion. It was the Board of Trustees and Fiscal Officer's expectation that the outcome of that discussion would be a plan to address concerns identified in the review, and if valid, implement changes to improve the system. It was recognized by the BoT and FO that systems currently in place within Chester Township government could guide and support the Park Board. Given that park board members include two former Chester Township trustees and an attorney, we were confident that proper processes, financial procedures and fund accounting could be established with little fanfare and the system would improve. While the initial meeting did occur, followup meetings to address these matters did not happen for reasons beyond the control of the Board of Trustees.

#### Park Funding

Also on page 11 regarding funding, the MC Report states "These volunteers do not want to have the park district's funding become a political battle each year." The Board of Trustees strongly support volunteers, there is no intent or desire to engage in a 'political battle'

October 8, 2014

Chester Board of Trustees to Probate Court

Page 3

regarding funding or any other matter; our actions have demonstrated strong financial support. If thoughtful analysis, deliberation and discussion by the Board of Trustees regarding funding of the Park Board as part of Chester Township's budget planning is interpreted by some as a 'political battle', that is unfortunate. Between the years 2011 through 2013, taxpayers, through the Board of Trustee/General Fund have provided more than \$320,000 to the Park Board and \$100,000 has been budgeted for 2014. Prior to this time period, funding by the Board of Trustees was typically less than \$40,000 per year.

The Master Commissioner Report provided an opinion that "once the park district has in place its new fund-based accounting system with enhanced minutes, which will more simply allow the public and the township to track project expenditures and any subsequent change orders, especially during each board's budgeting process, the township trustees will no longer insist that it act as an uber authority demanding a second vetting process for each and every park district project as well as dictating the continued maintenance of park grounds and facilities."

The 1993 agreement between the Park Board and the BOT is still in effect and it clearly provides that the BOT will provide oversight as to the park district's construction and alteration plans and any contract in which a debt can be incurred or a lien obtained against the park, the lands, and improvements. The 1993 agreement has not been terminated by either party to our knowledge. Given that the Chester Park Board does not own any land, by necessity, the Park Board must interact with the Board of Trustees who represent the citizens on the property known as Parkside. The BoT's insistence on detailed financial review was driven by our concern over Park Board procedures and accounting.

## QUESTIONS

### Strategic Plans & Funding

The Master Commissioner is recommending a revision of the 1993 agreement. Items such as policies and procedures for regular and routine expenses; policies, procedures and approval process for capital expenditures and defining an interim funding (by the General Fund) and a long term funding mechanism (levy) are topics this Board would like to consider as part of establishing a new written agreement with the Chester Park Board. When can/should the Chester BoT meet with the Chester Park Board to consider a review and revision to this agreement as recommended by the Master Commissioner?

October 8, 2014

Chester Board of Trustees to Probate Court

Page 4

Funding & Financial Stability

The BoT/FO strongly agree with the Master Commissioner that the "park district and township need to work cooperatively to develop three, five and ten year strategic plans...". This plan would be the basis for defining the interim and long term funding needs. Once those projected costs are identified, a funding plan should be established. With the loss of \$600,000 per year of annual revenue into the Township, the General Fund is operating at an annual deficit of more than \$300,000. This makes it difficult to support the park in the long term through inside millage, and it appears that a ballot measure presented to the voters is the best method for stabilized funding of our park in the long term. When can/should the Chester BoT meet with the Chester Park Board to work on these plans?

The Chester Township Board of Trustees and Chester Township Fiscal Officer are eager to move forward in working with the Chester Township Park Board, and we thank the Probate Court for Master Commissioner Trapp for your efforts.

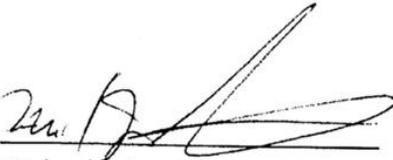
Sincerely,



Ken Radtke, Jr.  
Chairman



Ward Kinney  
Vice Chairman



Michael Petruziello  
Trustee



Craig Richter  
Fiscal Officer



The Probate Court invited comments from Chester Township residents and the  
Chester Township Trustees, with a comment deadline in October, 2014.

The Chester Township Trustees timely submitted their comments by letter dated  
October 8, 2014.

No other public comments were submitted in writing to the Court.

Based on the Court's consideration and review of the Master Commissioner's  
Report and supporting documents and the Township Trustees' letter, the Court makes the  
following Findings of Fact and Conclusions of Law:

Findings of Fact

1. The Chester Township Park is vastly improved in recent years under the authority of a dedicated group of volunteer Commissioners, who have not had the benefit of a dedicated, independent financing mechanism.
2. The Chester Township Park District was formed by the Geauga County Probate Court (Judge Lavrich) in 1984 as a separate governmental entity.
3. The primary purpose for forming the Park District as a separate governmental entity was to keep politics out of the Township Park and to protect the Township Park District from the vicissitudes of township politics and government.
4. The Chester Township Park District operated until 2002 with separate identified inside millage funding, as part of its funding source.

- FILED  
IN COMMON PLEAS COURT  
2011 NOV 26 AM 8:14  
PROBATE - JUVENILE  
DIVISION  
GEAUGA COUNTY, OHIO
5. In 2002, the Township Trustees terminated the dedicated millage funding of the Township Park District. As a result, the Park District lost access to those dedicated funds and monies for the Park District had to be appropriated by and obtained from the Township Trustees.
  6. This loss of dedicated funds and the change in funding was and remains contrary to the original purpose for forming the Park District as a separate, distinct, and independent governmental entity, removed from the politics and control of the Township Trustees.
  7. Historically, the Township Park District has operated with less formality than specified in the Park District's Bylaws and required by applicable state statutes. These formality issues include, but are not limited to, meeting minutes, financial accounting methods, and public meeting requirements.
  8. For reasons apparently outside of the Park Commissioners' control, the State Auditor failed to conduct an audit of the Chester Township Park District for approximately 30 years.

Conclusions of Law

1. The Chester Township Park District is an independent body politic, duly formed by the Geauga County Probate Court to provide Chester Township residents with a public park and recreational amenities.
2. As a matter of Ohio law, the Township Park District is a separate government entity operated by a Board of Park Commissioners

appointed by the Probate Court pursuant to Ohio law, independent from the control of the Township Trustees. As so formed, dedicated annual funding of the Park District is necessary for the Park District to perform its independent statutory duties.

FILED  
IN COMMON PLEAS COURT  
2011 NOV 26 AM 8:14  
PROBATE-JUVENILE  
DIVISION  
GEAUGA COUNTY, OHIO

3. The Township's elimination of dedicated millage funds for the Township Park District in 2002 directly contravened the fundamental purpose for creating the independent Park District, free from the vicissitudes of Township government and politics. The agreement between the Township Trustees and Township Park District, addressing construction or alteration of any permanent improvement on park lands, zoning compliance and police use, has a somewhat similar disparate impact.
4. (a) Contrary to the written comment of the Township Trustees, the funds necessary for the operation of the Township Park are separate and independent from the Township's funding needs. It is specifically for reasons such as possible Township financial management problems or financial pitfalls that the Chester Township Park District was formed separate and distinct from the control of the Township Trustees.  
(b) Pursuant to O.R.C. Section 1545.20, the Park District Commissioners have the statutory authority to levy up to one-half mill for park funding purposes. Contrary to the comment/suggestion of the Township Trustees, such statutory levy authority does not necessarily

FILED  
IN COMMON PLEAS COURT  
2014 NOV 26 AM 8:14  
PROBATE-JUVENILE  
DIVISION  
GEAUGA COUNTY, OHIO

require "a ballot measure presented to the voters." Moreover, the proposition advanced by the Township Trustees that such a ballot measure "is the best method for stabilized funding" of the township park is contrary to O.R.C. Section 1545.20 and is not supported by the findings of the Master Commissioner.

- (c) The statutory responsibility for establishing dedicated funding for the Township park rests with the Park District Commissioners (see O.R.C. Section 1545.20), not the Township Trustees. For that statutory reason, there is no need for the Chester Township Trustees to meet with the Park Board to work on a ballot measure (as generously suggested by the Trustees), nor do the Chester Township Trustees have any legal authority to do so.
5. To perform its statutory duties, the Park District needs to address its financial needs and take appropriate action, as permitted by statute, to assure that dedicated independent funds are available annually, starting January, 2016.
  6. Until the Park District is able to establish a dedicated independent funding source, the Township Trustees, who previously (2002) unilaterally terminated the Park District's prior millage funding, have a duty to assure that adequate dedicated funds are made available to the Park District to perform the Park District's statutory duties. The Master Commissioner shall conduct a meeting with the Chester Township Trustees and Park District Commissioners to facilitate the

FILED  
IN COMMON PLEAS COURT  
2014 NOV 26 AM 8:14

finalization and approval of a 2015 Budget and funding for the Chester  
Township Park District.

PROBATE-JUVENILE  
DIVISION  
GEauga COUNTY, OHIO

7. The current agreement between the Township and the Park District is possibly in conflict with the original Township application and judicial formation documents creating the Park District, which set the territorial limits of the Township Park District. Such agreement cannot circumvent or improperly limit the statutory authority of the Park District Commissioners or the independent nature of the Park District as a separate governmental entity. Such agreement cannot be employed to give the Township Trustees authority over the Park Commissioners' levy authority under O.R.C. Section 1545.20 or to dictate the policies and procedures employed by the Park District Commissioners in their management of the Township Park. The Master Commissioner is directed to meet with the Township Trustees and Park District Commissioners to formulate an agreement that is consistent with and not in conflict with the authority of the Park District under O.R.C. Chapter 1545 and the initial Township application and judicial documentation forming the Park District.

8. Except as otherwise provided in this Judgment Entry, the Court adopts the findings and recommendations of the Master Commissioner submitted to the Court on August 25, 2014, as if those findings and recommendations were fully rewritten herein.

FILED  
AL COMMON PLEAS COURT

2014 NOV 26 AM 8:14

PROBATE-JUVENILE  
DIVISION  
GEAUGA COUNTY, OHIO

9. The Chester Park District Commissioners must comply with the statutory bonding requirement. O.R.C. Section 1545.05.
10. The Chester Park District Commissioners must submit all donations to the Probate Court for approval pursuant to O.R.C. Section 1545.11.
11. The Court orders and directs that the Chester Township Park District Commissioners (i) comply with all applicable Ohio laws and (ii) take the actions necessary to comply with the recommendations of the Master Commissioner to the extent required to maintain compliance with applicable Ohio law.
12. The Court urges the Chester Township Park District to consider the retention of legal counsel to advise and assist the Park District, as necessary from time to time, to maintain compliance with applicable Ohio law.
13. The cost of the Master Commissioner shall be borne 75% by the Chester Township/Chester Park District and 25% by the Court pursuant to its responsibilities under O.R.C. Chapter 1545.

Under Ohio law, the Chester Township Park District, as formed by the Township, is a separate government body, independent from the control of the Chester Township Trustees. The Chester Township Park District must maintain such independence and governmental autonomy. Funding for the Township Park and all contractual interaction with the Township Trustees also must respect and maintain the independence and governmental autonomy of the Chester Township Park District. The Park District and its Board must comply with all applicable Ohio laws.

FILED  
IN COMMON PLEAS COURT  
2014 NOV 26 AM 8:14

You are hereby notified that on this date a Judgment Entry was filed that may be  
an "appealable" order.

PREPARED - JUVENILE  
DIVISION  
GEauga COUNTY, OHIO

IT IS SO ORDERED.

  
TIMOTHY J. GRENDALL, Judge

- cc: ✓ Chester Township Trustees  
✓ Chester Park Board Commissioners  
✓ Master Commissioner Mary Jane Trapp  
✓ Prosecutor

**NOTICE OF APPEAL**

Geauga County Court of Common Pleas, Probate Division

FILED  
COMMON PLEAS COURT

In the Matter of: Chester Township Park District,  
on behalf of the Chester Township Board of Trustees

FILED  
IN COURT OF APPEALS

2014 DEC 12 PM 2:52

Plaintiff-Appellant  
- vs -

COURT OF APPEALS  
DENISE M. KAMINSKI  
CLERK OF COURTS  
GEAUGA COUNTY

PROBATE-JUVENILE  
DIVISION  
14003242

Chester Township Park District Board of Commissioners

Defendant-Appellee

Notice is hereby given that (name each Appellant) the Chester Township Board of Trustees

appeals to the Eleventh District Court of Appeals from the trial court Judgment Entry time-stamped November 26, 2014  
(describe it and attach a copy of each Judgment Entry being appealed)

Judgment Entry Findings of Fact Conclusions of Law

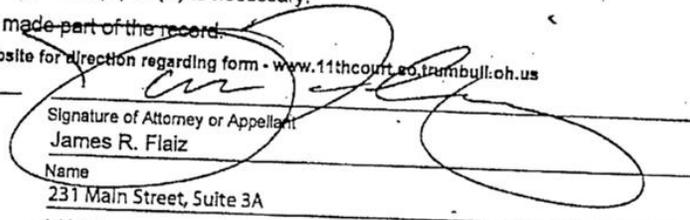
- Check here if court-appointed and attach copy of appointment and Financial Disclosure/Affidavit of Indigency.
- Check here if any co-counsel for Appellant and attach a separate sheet indicating name, address, telephone no. and fax no.

**TRANSCRIPT OF PROCEEDINGS INFORMATION - App. R. 9(B)**  
Counsel or Appellant is responsible for obtaining required information from Court Reporter at the time of filing the Notice of Appeal if a transcript will be ordered.

- I have ordered a complete transcript from the court reporter  
Estimated completion date: \_\_\_\_\_ Estimated number of pages: \_\_\_\_\_
- I have ordered a partial transcript from the court  
Estimated completion date: \_\_\_\_\_ Estimated number of pages: \_\_\_\_\_
- A statement pursuant to App. R. 9(C) or (D) is to be prepared in lieu of a transcript.
- Videotapes to be filed. See App. R. 9(A) or (B)
- No transcript or statement pursuant to either App. R. 9(C) or (D) is necessary.
- Transcript has been completed and already made part of the record.

See brief template on this court's website for direction regarding form - [www.11thcourt.co.trumbull.oh.us](http://www.11thcourt.co.trumbull.oh.us)

December 12, 2014  
Date

  
Signature of Attorney or Appellant  
James R. Flaiz

Name  
231 Main Street, Suite 3A  
Address  
Chardon, Ohio 44024  
City, State, Zip Code  
0075242

Atty. Regls. No.  
440.279.2100  
Telephone No.  
james.fl aiz@gcpao.com  
E-Mail Address  
440.279-1322  
Fax No.

Admin/Forms/New NA.4  
Revised 04/12/2010

ADDITIONAL INFORMATION REGARDING TRANSCRIPT OF PROCEEDINGS

On Monday, December 8, 2014 and again on Wednesday, December 10, 2014, the undersigned communicated with the Geauga County Probate Court and was informed that no transcript, no audio recording, and no video recording exists at the Geauga County Probate Court of the August 25, 2014 hearing of the Geauga County Probate Court which took place in Chester Township, Ohio. As a result of this communication, the undersigned intends to supplement the record on appeal with a copy of the video recording and a transcript of the audio recording of that August 25, 2014 hearing of the Geauga County Probate Court.

  
Bridey Mathoney (#0070998)  
Co-Counsel for Appellant  
Chester Township Board of Trustees

ELEVENTH DISTRICT COURT OF APPEALS  
DOCKETING STATEMENT

(To be attached to and filed with Notice of Appeal)

In the Matter of: Chester Township Park District Board of Trustees, **FILED**  
Chester Township Board of Trustees, IN COURT OF APPEALS of Trial Court Geauga County Probate Court

DEC 12 2014

Plaintiff-Appellant Court No. 84PC000139

- vs -

Chester Township Park District Board of Commissioners, Clerk of Courts  
Gaugua County

Court of Appeals No. 14G03242

Defendant-Appellee

REGULAR CALENDAR

Case should be assigned to the Regular Calendar with full briefing.

ACCELERATED CALENDAR - (Check if this applies)

I have read Loc.R.11.1. This appeal meets those requirements, and I request that it be briefed and decided on the Accelerated Calendar.

EXPEDITED APPEAL

This case should be heard as an expedited appeal as defined under App.R. 11.2 because: (State provision of App.R. 11.2 or applicable statute):

ORAL ARGUMENT

To expedite oral argument, I am willing to travel to whichever adjoining county in which the Eleventh District has the first available date.

I want oral argument in this appeal set in the county in which the appeal originates.

CASE TYPE

A. Criminal  
Specify nature of offense(s) (e.g., assault, burglary, rape):

(1) Is the defendant presently in jail?  Yes  No If the answer is "Yes," give date of incarceration  
When is he/she due to be released (if you know)?

(2) Has a stay been filed in the trial court?  Yes  No If granted, what are the terms?

(3) Does the judgment entry comply with Crim.R. 32(C) by including the plea, verdict or findings, and a sentence?  
 Yes  No If the answer is "No," this is not a final appealable order.

B. Post-Conviction Relief Date of Conviction:

C. Civil  
Specify cause(s) of action: Investigation of Chester Township Park District

App.R. 11.2 (Abortion, Adoption, or Termination of Parental Rights Appeal).

**PROBABLE ISSUE FOR REVIEW** Whether the Geauga County Probate Court has subject matter jurisdiction over Chester Township Board of Trustees in matter relating to the Chester Township Park District.

**THE FOLLOWING QUESTIONS APPLY TO ALL CIVIL AND ADMINISTRATIVE APPEALS**

**1. FINAL APPEALABLE ORDER**

- (a) Has the trial court disposed of all claims by and against all parties?  
 Yes (Attach copies of all judgments and orders indicating that all claims against all parties have been concluded.)  
 No
- (b) If the answer to (a) is "No," has the trial court made an express determination that there is "no just reason for delay," pursuant to Civ.R. 54(B), with respect to the judgment or order from which the appeal is taken?  
 Yes (Attach a copy of that order.)  
 No
- (c) Is the judgment order subject to immediate appeal under R.C. 2505.02? If so, set forth the specific provision(s) that authorize this appeal:  
\_\_\_\_\_
- (d) Does the right to an immediate appeal arise from a provision of a statute other than R.C. 2505.02? If so, identify that statute:  
\_\_\_\_\_

**2. MEDIATION**

- (a) Would a pre-hearing conference or mediation assist in the resolution of this matter?  
 Yes                       No                       Maybe

Please explain (optional) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

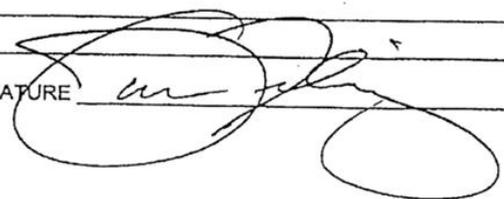
**CERTIFICATE OF SERVICE:** I certify that I have mailed or otherwise delivered a copy of this Docketing Statement to all counsel of record, or to the parties if unrepresented. The following is a listing of the name, address and telephone number of all counsel and the parties they represent and any parties not represented by counsel: (attach extra sheet if necessary)

Chester Township Park District Board of Commissioners  
12701 Chillicothe Road  
Chesterland, Ohio 44026  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE December 12, 2014

Admin/Forms/New Dkt Stmt. 4  
Revised 04/26/2011

SIGNATURE



COMMON PLEAS COURT  
2014 DEC 12 PM 3:11  
PROBATE DIVISION  
GEAUGA COUNTY, OHIO

IN THE COURT OF COMMON PLEAS  
PROBATE DIVISION  
GEAUGA COUNTY, OHIO

IN THE MATTER OF: )  
 )  
CHESTER TOWNSHIP PARK DISTRICT ) CASE NO. 84PC000139  
 )  
 ) JUDGE TIMOTHY J. GRENDALL  
 )

---

CHESTER TOWNSHIP BOARD OF TRUSTEES' MOTION FOR ORDER STAYING  
ENFORCEMENT OF NOVEMBER 26, 2014 JUDGMENT ENTRY  
FINDINGS OF FACT CONCLUSIONS OF LAW  
DURING THE PENDENCY OF THE APPEAL

---

Now comes the Chester Township Board of Trustees, by and through the undersigned counsel, pursuant to App.R. 7(A), and hereby respectfully submits this motion for order staying enforcement of the November 26, 2014 Judgment Entry Findings of Fact Conclusions of Law issued by this Honorable Court during the pendency of the appeal.

On December 12, 2014, the Chester Township Board of Trustees filed its Notice of Appeal of the November 26, 2014 Judgment Entry Findings of Fact Conclusions of Law in the Eleventh District Court of Appeals. (A copy of the Notice of Appeal is attached hereto as Exhibit A.) As stated on the docketing statement filed in the appellate court, one of the issues presented for review is whether the Chester Township Board of Trustees is subject to this Honorable Court's subject matter jurisdiction in the above-captioned matter. (A copy of the docketing statement is attached hereto as Exhibit B.) Any enforcement of the November 26, 2014 Judgment Entry Findings of Fact Conclusions of Law as it relates, if at all, to the Chester

Township Board of Trustees prior to the appellate court's determination of that issue has the potential for adverse and prejudicial consequences, especially if the appellate court finds that this Honorable Court does not have subject matter jurisdiction over the Chester Township Board of Trustees.

To avoid these potential adverse and prejudicial consequences, the Chester Township Board of Trustees respectfully request that this Honorable Court enter an order staying the enforcement of the November 26, 2014 Judgment Entry Findings of Fact Conclusions of Law as to Chester Township Board of Trustees during the pendency of the appeal.

Respectfully submitted,



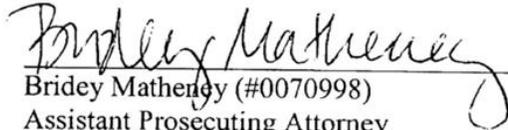
James R. Flaiz (#0075242)  
Geauga County Prosecuting Attorney  
Bridley Matheney (#0070998)  
Assistant Prosecuting Attorney  
231 Main Street, Suite 3A  
Chardon, Ohio 44024  
(440) 279-2100  
(440) 279-1322 (Fax)  
[james.fl aiz@gcpao.com](mailto:james.fl aiz@gcpao.com)  
[bridey.matheney@gcpao.com](mailto:bridey.matheney@gcpao.com)  
Attorneys for Chester Township  
Board of Trustees

OHIO DEC 12 PM 3:11

CLERK OF COURT

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Chester Township Board of Trustees' Motion for Order Staying Enforcement of November 26, 2014 Judgment Entry Findings of Fact Conclusions of Law During Pendency of Appeal was sent this 12 day of December, 2014 by regular U.S. Mail, postage prepaid, and properly addressed to Chester Township Park District Board of Commissioners, at 12071 Chillicothe Road, Chesterland, Ohio 44026 and to Master Commissioner Mary Jane Trapp, at Thrasher, Dinsmore & Dolan, LPA, 100 7<sup>th</sup> Avenue, Suite 150, Chardon, Ohio 44024-1079.

  
Bridey Matheny (#0070998)  
Assistant Prosecuting Attorney

FILED  
2014 DEC 12 PM 3:11  
CLERK OF COURT  
CHARDON, OHIO

# NOTICE OF APPEAL

Geauga County Court of Common Pleas, Probate Division

(ENTER NAME OF TRIAL COURT)

In the Matter of: Chester Township Park District  
on behalf of the Chester Township Board of Trustees

FILED  
DEC 12 2014

DEC 12 2014

DENISE M. KOWNSKI  
CLERK OF COURTS  
GAUGA COUNTY

FILED  
DEC 12 2014  
11:25:52  
CLERK OF COURT  
GAUGA COUNTY, OHIO

14G03242

Plaintiff-Appellant  
- vs -  
Chester Township Park District Board of Commissioners

Defendant-Appellee

Notice is hereby given that (name each Appellant) the Chester Township Board of Trustees

appeals to the Eleventh District Court of Appeals from the trial court Judgment Entry time-stamped November 26, 2014  
(describe it and attach a copy of each Judgment Entry being appealed)

Judgment Entry Findings of Fact Conclusions of Law

- Check here if court-appointed and attach copy of appointment and Financial Disclosure/Affidavit of Indigency.
- Check here if any co-counsel for Appellant and attach a separate sheet indicating name, address, telephone no. and fax no.

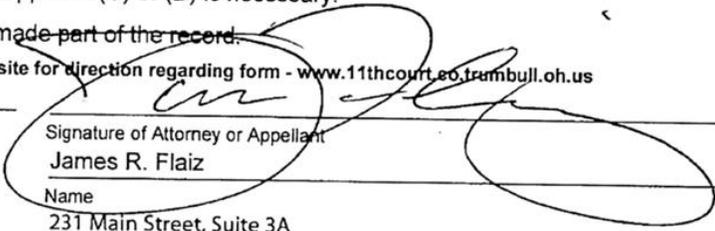
### TRANSCRIPT OF PROCEEDINGS INFORMATION - App. R. 9(B) Counsel or Appellant is responsible for obtaining required information from Court Reporter at the time of filing the Notice of Appeal if a transcript will be ordered.

- I have ordered a complete transcript from the court reporter  
Estimated completion date: \_\_\_\_\_ Estimated number of pages: \_\_\_\_\_
- I have ordered a partial transcript from the court  
Estimated completion date: \_\_\_\_\_ Estimated number of pages: \_\_\_\_\_
- A statement pursuant to App. R. 9(C) or (D) is to be prepared in lieu of a transcript.
- Videotapes to be filed. See App. R. 9(A) or (B)
- No transcript or statement pursuant to either App. R. 9(C) or (D) is necessary.
- Transcript has been completed and already made part of the record.

See brief template on this court's website for direction regarding form - [www.11thcourt.co.trumbull.oh.us](http://www.11thcourt.co.trumbull.oh.us)

December 12, 2014

Date



Signature of Attorney or Appellant  
James R. Flaiz

Name  
231 Main Street, Suite 3A

Address  
Chardon, Ohio 44024

City, State, Zip Code  
0075242

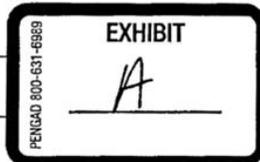
Atty. Regis. No.  
440.279.2100

440.279-1322

Telephone No.  
james.fl aiz@gcpao.com  
E-Mail Address

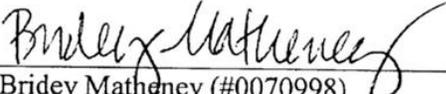
Fax No.

Admin/Forms/New NA.4  
Revised 04/12/2010



**ADDITIONAL INFORMATION REGARDING TRANSCRIPT OF PROCEEDINGS**

On Monday, December 8, 2014 and again on Wednesday, December 10, 2014, the undersigned communicated with the Geauga County Probate Court and was informed that no transcript, no audio recording, and no video recording exists at the Geauga County Probate Court of the August 25, 2014 hearing of the Geauga County Probate Court which took place in Chester Township, Ohio. As a result of this communication, the undersigned intends to supplement the record on appeal with a copy of the video recording and a transcript of the audio recording of that August 25, 2014 hearing of the Geauga County Probate Court.

  
Bridey Mathoney (#0070998)  
Co-Counsel for Appellant  
Chester Township Board of Trustees

**CO-COUNSEL INFORMATION**

Bridey Matheney  
231 Main Street, Suite 3A  
Chardon, Ohio 44024  
Attorney Registration Number 0070998  
440.279.2100  
440.279.1322 (Fax)  
Email: [bridey.matheney@gcpao.com](mailto:bridey.matheney@gcpao.com)

Co-counsel for Appellant  
Chester Township Board of Trustees

FILED  
IN COMMON PLEAS COURT

IN THE COURT OF COMMON PLEAS

PROBATE DIVISION 2014 NOV 26 AM 8:14

GEAUGA COUNTY, OHIO

PROBATE-JUVENILE  
DIVISION  
GEAUGA COUNTY, OHIO

IN THE MATTER OF:	)	CASE NO. 84PC000139
	)	
CHESTER TOWNSHIP PARK DISTRICT	)	JUDGE TIMOTHY J. GRENDALL
	)	
	)	<b>JUDGMENT ENTRY</b>
	)	<b>FINDINGS OF FACT</b>
	)	<b>CONCLUSIONS OF LAW</b>

In March, 2014, the Probate Court received a copy of the Chester Township Park District 2013 Review (revised 3/5/2014) (the "Review"). Because of the Review, the Township Trustees at their March 7, 2014 meeting withheld funding for the Park District.

The Review raised a number of issues regarding the operation of the Park District relating to vendor payments; increased spending; park projects, plans and budget estimates; alleged failures to follow Ohio law, Park District Bylaws and the agreement between the Park District and Chester Township relating to the operation of a Park District; open meeting concerns; irregularities in accounting; non-park related expenditures for goods and services; and the employment of the park secretary.

Pursuant to the Probate Court's statutory responsibilities under R.C. 1545.05 and 1545.06 with respect to the Chester Township Park Board, the Court appointed Mary Jane Trapp as Master Commissioner to investigate the matters raised by the Review.

The Master Commissioner conducted a thorough and comprehensive review and prepared a 252 page report, with recommendations (the "Report").

The Probate Court held a public hearing at the Chester Township Fire Station at which the Master Commissioner presented a summary of her Report and delivered the Report to the Court.

The Probate Court invited comments from Chester Township residents and the  
Chester Township Trustees, with a comment deadline in October, 2014.

The Chester Township Trustees timely submitted their comments by letter dated  
October 8, 2014.

No other public comments were submitted in writing to the Court.

Based on the Court's consideration and review of the Master Commissioner's  
Report and supporting documents and the Township Trustees' letter, the Court makes the  
following Findings of Fact and Conclusions of Law:

Findings of Fact

1. The Chester Township Park is vastly improved in recent years under the authority of a dedicated group of volunteer Commissioners, who have not had the benefit of a dedicated, independent financing mechanism.
2. The Chester Township Park District was formed by the Geauga County Probate Court (Judge Lavrich) in 1984 as a separate governmental entity.
3. The primary purpose for forming the Park District as a separate governmental entity was to keep politics out of the Township Park and to protect the Township Park District from the vicissitudes of township politics and government.
4. The Chester Township Park District operated until 2002 with separate identified inside millage funding, as part of its funding source.

- FILED  
H. COMMON PLEAS COURT  
2011 NOV 26 AM 8:14  
PROBATE - JUVENILE  
DIVISION  
GEAUGA COUNTY, OHIO
5. In 2002, the Township Trustees terminated the dedicated millage funding of the Township Park District. As a result, the Park District lost access to those dedicated funds and monies for the Park District had to be appropriated by and obtained from the Township Trustees.
  6. This loss of dedicated funds and the change in funding was and remains contrary to the original purpose for forming the Park District as a separate, distinct, and independent governmental entity, removed from the politics and control of the Township Trustees.
  7. Historically, the Township Park District has operated with less formality than specified in the Park District's Bylaws and required by applicable state statutes. These formality issues include, but are not limited to, meeting minutes, financial accounting methods, and public meeting requirements.
  8. For reasons apparently outside of the Park Commissioners' control, the State Auditor failed to conduct an audit of the Chester Township Park District for approximately 30 years.

Conclusions of Law

1. The Chester Township Park District is an independent body politic, duly formed by the Geauga County Probate Court to provide Chester Township residents with a public park and recreational amenities.
2. As a matter of Ohio law, the Township Park District is a separate government entity operated by a Board of Park Commissioners

appointed by the Probate Court pursuant to Ohio law, independent  
from the control of the Township Trustees. As so formed, dedicated  
annual funding of the Park District is necessary for the Park District to  
perform its independent statutory duties.

FILED  
IN COMMON PLEAS COURT  
2011 NOV 26 AM 8:14  
PROBATE-JUVENILE  
DIVISION  
GEAUGA COUNTY, OHIO

3. The Township's elimination of dedicated millage funds for the Township Park District in 2002 directly contravened the fundamental purpose for creating the independent Park District, free from the vicissitudes of Township government and politics. The agreement between the Township Trustees and Township Park District, addressing construction or alteration of any permanent improvement on park lands, zoning compliance and police use, has a somewhat similar disparate impact.
4. (a) Contrary to the written comment of the Township Trustees, the funds necessary for the operation of the Township Park are separate and independent from the Township's funding needs. It is specifically for reasons such as possible Township financial management problems or financial pitfalls that the Chester Township Park District was formed separate and distinct from the control of the Township Trustees.  
(b) Pursuant to O.R.C. Section 1545.20, the Park District Commissioners have the statutory authority to levy up to one-half mill for park funding purposes. Contrary to the comment/suggestion of the Township Trustees, such statutory levy authority does not necessarily

FILED  
IN COMMON PLEAS COURT

2011 NOV 26 AM 8:14

PROBATE-JUVENILE  
DIVISION  
GEAUGA COUNTY, OHIO

require "a ballot measure presented to the voters." Moreover, the proposition advanced by the Township Trustees that such a ballot measure "is the best method for stabilized funding" of the township park is contrary to O.R.C. Section 1545.20 and is not supported by the findings of the Master Commissioner.

- (c) The statutory responsibility for establishing dedicated funding for the Township park rests with the Park District Commissioners (see O.R.C. Section 1545.20), not the Township Trustees. For that statutory reason, there is no need for the Chester Township Trustees to meet with the Park Board to work on a ballot measure (as generously suggested by the Trustees), nor do the Chester Township Trustees have any legal authority to do so.
5. To perform its statutory duties, the Park District needs to address its financial needs and take appropriate action, as permitted by statute, to assure that dedicated independent funds are available annually, starting January, 2016.
  6. Until the Park District is able to establish a dedicated independent funding source, the Township Trustees, who previously (2002) unilaterally terminated the Park District's prior millage funding, have a duty to assure that adequate dedicated funds are made available to the Park District to perform the Park District's statutory duties. The Master Commissioner shall conduct a meeting with the Chester Township Trustees and Park District Commissioners to facilitate the

FILED  
IN COMMON PLEAS COURT  
2014 NOV 26 AM 8:14

finalization and approval of a 2015 Budget and funding for the Chester Township Park District.

PROBATE-JUVENILE  
DIVISION  
GEauga COUNTY, OHIO

7. The current agreement between the Township and the Park District is possibly in conflict with the original Township application and judicial formation documents creating the Park District, which set the territorial limits of the Township Park District. Such agreement cannot circumvent or improperly limit the statutory authority of the Park District Commissioners or the independent nature of the Park District as a separate governmental entity. Such agreement cannot be employed to give the Township Trustees authority over the Park Commissioners' levy authority under O.R.C. Section 1545.20 or to dictate the policies and procedures employed by the Park District Commissioners in their management of the Township Park. The Master Commissioner is directed to meet with the Township Trustees and Park District Commissioners to formulate an agreement that is consistent with and not in conflict with the authority of the Park District under O.R.C. Chapter 1545 and the initial Township application and judicial documentation forming the Park District.
8. Except as otherwise provided in this Judgment Entry, the Court adopts the findings and recommendations of the Master Commissioner submitted to the Court on August 25, 2014, as if those findings and recommendations were fully rewritten herein.

9. The Chester Park District Commissioners must comply with the statutory bonding requirement. O.R.C. Section 1545.05.
10. The Chester Park District Commissioners must submit all donations to the Probate Court for approval pursuant to O.R.C. Section 1545.11.
11. The Court orders and directs that the Chester Township Park District Commissioners (i) comply with all applicable Ohio laws and (ii) take the actions necessary to comply with the recommendations of the Master Commissioner to the extent required to maintain compliance with applicable Ohio law.
12. The Court urges the Chester Township Park District to consider the retention of legal counsel to advise and assist the Park District, as necessary from time to time, to maintain compliance with applicable Ohio law.
13. The cost of the Master Commissioner shall be borne 75% by the Chester Township/Chester Park District and 25% by the Court pursuant to its responsibilities under O.R.C. Chapter 1545.

Under Ohio law, the Chester Township Park District, as formed by the Township, is a separate government body, independent from the control of the Chester Township Trustees. The Chester Township Park District must maintain such independence and governmental autonomy. Funding for the Township Park and all contractual interaction with the Township Trustees also must respect and maintain the independence and governmental autonomy of the Chester Township Park District. The Park District and its Board must comply with all applicable Ohio laws.

FILED  
IN COMMON PLEAS COURT

2014 NOV 26 AM 8:14

You are hereby notified that on this date a Judgment Entry was filed that may be  
an "appealable" order.

PROBATE-JUVENILE  
DIVISION  
GEAUGA COUNTY, OHIO

IT IS SO ORDERED.

  
TIMOTHY J. GRENDALL, Judge

cc: Chester Township Trustees  
Chester Park Board Commissioners  
Master Commissioner Mary Jane Trapp  
*Prosecutor*

ELEVENTH DISTRICT COURT OF APPEALS  
DOCKETING STATEMENT

(To be attached to and filed with Notice of Appeal)

In the Matter of: Chester Township Park District, on behalf of  
Chester Township Board of Trustees,

**FILED**  
IN COURT OF APPEALS  
DEC 12 2014

Geauga County Probate Court

FILED  
COMMON PLEAS C  
2014 DEC 12 PM 2:  
CLERK OF COURT  
DIVISION  
GEAUGA COUNTY, OHIO

DEC 12 2014

DENISE MTKAMINSKI  
CLERK OF COURTS  
GEAUGA COUNTY

Plaintiff-Appellant

- vs -

Chester Township Park District Board of Commissioners,

Court of Appeals No. **14G03242**

Defendant-Appellee

**REGULAR CALENDAR**

Case should be assigned to the Regular Calendar with full briefing.

**ACCELERATED CALENDAR - (Check if this applies)**

I have read Loc.R.11.1. This appeal meets those requirements, and I request that it be briefed and decided on the Accelerated Calendar.

**EXPEDITED APPEAL**

This case should be heard as an expedited appeal as defined under App.R. 11.2 because: (State provision of App.R. 11.2 or applicable statute):

**ORAL ARGUMENT**

To expedite oral argument, I am willing to travel to whichever adjoining county in which the Eleventh District has the first available date.

I want oral argument in this appeal set in the county in which the appeal originates.

**CASE TYPE**

**A. Criminal**  
Specify nature of offense(s) (e.g., assault, burglary, rape):

(1) Is the defendant presently in jail?  Yes  No If the answer is "Yes," give date of incarceration  
When is he/she due to be released (if you know)?

(2) Has a stay been filed in the trial court?  Yes  No If granted, what are the terms?

(3) Does the judgment entry comply with Crim.R. 32(C) by including the plea, verdict or findings, and a sentence?  
 Yes  No If the answer is "No," this is not a final appealable order.

**B. Post-Conviction Relief** Date of Conviction:

**C. Civil**  
Specify cause(s) of action: Investigation of Chester Township Park District

**App.R. 11.2 (Abortion, Adoption, or Termination of Parental Rights Appeal).**

PENGAD 800-631-6989  
**EXHIBIT**  
**B**

**PROBABLE ISSUE FOR REVIEW** Whether the Geauga County Probate Court has subject matter jurisdiction over Chester Township Board of Trustees in matter relating to the Chester Township Park District.

**THE FOLLOWING QUESTIONS APPLY TO ALL CIVIL AND ADMINISTRATIVE APPEALS**

**1. FINAL APPEALABLE ORDER**

(a) Has the trial court disposed of all claims by and against all parties?

Yes (Attach copies of all judgments and orders indicating that all claims against all parties have been concluded.)

No

(b) If the answer to (a) is "No," has the trial court made an express determination that there is "no just reason for delay," pursuant to Civ.R. 54(B), with respect to the judgment or order from which the appeal is taken?

Yes (Attach a copy of that order.)

No

(c) Is the judgment order subject to immediate appeal under R.C. 2505.02? If so, set forth the specific provision(s) that authorize this appeal:

\_\_\_\_\_

(d) Does the right to an immediate appeal arise from a provision of a statute other than R.C. 2505.02? If so, identify that statute:

\_\_\_\_\_

**2. MEDIATION**

(a) Would a pre-hearing conference or mediation assist in the resolution of this matter?

Yes

No

Maybe

Please explain (optional)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

CERTIFICATE OF SERVICE: I certify that I have mailed or otherwise delivered a copy of this Docketing Statement to all counsel of record, or to the parties if unrepresented. The following is a listing of the name, address and telephone number of all counsel and the parties they represent and any parties not represented by counsel: (attach extra sheet if necessary)

Chester Township Park District Board of Commissioners

12701 Chillicothe Road

Chesterland, Ohio 44026

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

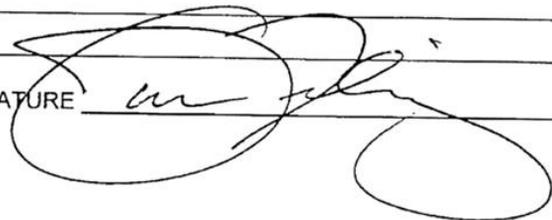
\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DATE December 12, 2014

SIGNATURE





that the Trustees, in the past, entered into an agreement that, in part, contravenes and conflicts with the prior order of then Geauga County Probate Court Judge Lavrich creating the Chester Township Park District. That agreement attempts to circumvent or improperly limit the statutory authority of the Park Board and the independent nature of the Park District as a separate governmental entity, in contravention of Judge Lavrich's 1984 order.

This Court has jurisdiction to make sure that Judge Lavrich's order creating the Chester Township Park District is complied with by the Township Trustees and the Park Board, as part of this Court's inherent authority to enforce its orders.

This Court's November 26, 2014 Judgment Entry Findings of Facts and Conclusions of Law is not a final appealable order that disposes of all issues, presently pending in this case. There are several issues still remaining to be decided in this case.

First, the Master Commissioner has been directed to meet with the Park Board and Trustees to address the 2015 funding and Court order- conflicting agreement issues.

Second, a hearing must be held on the Master Commissioner's fees issue. This hearing is scheduled for 11:00 A.M. on December 24, 2014.

The Trustees' Motion to Stay is denied for the following reasons:

1. The November 26, 2014 Judgment Entry Findings of facts Conclusion of Law is not a final appealable order. Therefore, the Township Trustees have no legal basis for their appeal, at this time.
2. Several actions and decisions remain pending by the Master Commissioner and the Court before an appeal is permitted.
3. The Trustees' are not likely to succeed an appeal because this Court had and has jurisdiction in this case (a) pursuant to its ongoing authority in Case No. 84PC139; (b) pursuant to R.C. 1545.06, as the Review raised issue with the performance of the Chester Township Park Board that required judicial review and consideration of possible Board member removal; (c) because this Court has the inherent power and jurisdiction to enforce Judge Lavrich's original order that created the Chester Township Park District and to prevent the contravention of that order by the Trustees; (d) because the Judgment Entry Findings of Facts and Conclusions of Law is not a final appealable order, as several issues remain to be adjudicated at the Probate Court level; (e) because enforcement of the pending interlocutory orders of this Court that the Trustees and Park Board meet with the Master Commissioner to address still

FILED  
COMMON PLEAS COURT  
2014 DEC 15 PM 3:41  
PROBATE - JUVENILE  
DIVISION  
GEAUGA COUNTY OHIO

pending issues will not cause adverse or prejudicial consequences to the Trustees or irreparable harm to the Trustees; and (f) because a hearing on the Master Commissioners fees issue is pending and scheduled for December 24, 2014.

4. On the other hand, a stay of the current interlocutory order of this Court requiring the Master Commissioner to facilitate funding for the Township Park District for 2015 would cause irreparable harm to the Park Board and the operation of the Park District.
5. The Trustees' Motion to Stay is not supported by any case law or any identified facts. The Trustees' stated reason for a Stay -- "to avoid adverse and prejudicial consequences" -- is not the legal standard for the granting of a Stay. The Trustees have stated no facts that a Stay is needed to prevent any irreparable harm or injury that cannot be remedied by an appeal, when timely, if appropriate.

It is well settled Ohio law and the law of this jurisdiction that a grant of jurisdiction implies the necessary and usual powers essential to effectuate the Court's orders. Pergande v. Pergande, 11<sup>th</sup> Dist. Ct. App. Case No. 90-A-1497 (April 26, 1991), citing and relying upon Hale v. Smith, 55 Ohio St. 210 (1896). Thus, a court has inherent authority to enforce its judgments and orders when such orders are not followed. Id. This Court has that authority with respect to Judge Lavrich's order creating the Park District.

Appellate Judge Cynthia Rice has succinctly recognized the inherent authority of a trial court to enforce its prior orders, stating: "The courts of Ohio have the 'inherent power' to do all things necessary to the administration of justice and to protect their own powers and processes. Omerza v. Bryant & Stratton, 2007-Ohio-5216 (11<sup>th</sup> Dist. Case No, 2006-L-147) (Judge Rice, dissent).

For each and all of these reasons, the Motion to Stay filed by the Trustees is denied.

Costs of the proceedings on the Motion to Stay are assessed to the Chester Township Trustees.

IT IS SO ORDERED.

  
TIMOTHY J. GRENDALL - JUDGE

cc: Chester Twp. Trustees  
Chester Twp. Park Board  
Geauga County Prosecutor



Conclusion of Law

As a matter of Ohio law and for the factual reasons found above, this Court has subject matter jurisdiction to make the findings of facts and conclusions of law as stated in its November 26, 2014 Judgment Entry and herein, and to issue further orders consistent therewith.

It is well settled Ohio law and the law of this jurisdiction that a grant of jurisdiction implies the necessary and usual powers essential to effectuate the Court's orders. Pergande v. Pergande, 11<sup>th</sup> Dist. Ct. App. Case No. 90-A-1497 (April 26, 1991), citing and relying upon Hale v. Smith, 55 Ohio St. 210 (1896). Thus, a court has inherent authority to enforce its judgments and orders when such orders are not followed. Id. This Court has that authority with respect to Judge Lavrich's order creating the Park District.

Appellate Judge Cynthia Rice has succinctly recognized the inherent authority of a trial court to enforce its prior orders, stating: "The courts of Ohio have the 'inherent power' to do all things necessary to the administration of justice and to protect their own powers and processes. Omerza v. Bryant & Stratton, 2007-Ohio-5216 (11<sup>th</sup> Dist. Case No, 2006-L-147) (Judge Rice, dissent).

This Judgment Entry relates back to and supplements this Court's Judgment Entry Findings of Facts and Conclusions of law filed on November 26, 2014.

IT IS SO ORDERED.

  
TIMOTHY J. GRENDALL - JUDGE

cc: Chester Twp. Trustees  
Chester Twp. Park Board  
Geauga County Prosecutor

FILED  
COMMON PLEAS COURT  
2014 DEC 15 PM 12:45  
PROBATE - JUVENILE  
DIVISION  
GEAUGA COUNTY, OHIO

Dec 23, 2014

3:18PM

ELEVEN DISTRICT COURT OF APPEALS

No. 1101 P. 2/3

STATE OF OHIO

COUNTY OF GEAUGA

**FILED**  
IN COURT OF APPEALS

DEC 23 2014

IN THE COURT OF APPEALS

ELEVENTH DISTRICT

IN THE MATTER OF THE DENISE M. KAMINSKI  
CREATION OF A PARK DISTRICT OF COURTS  
WITHIN CHESTER TOWNSHIP GEAUGA COUNTY

JUDGMENT ENTRY

CASE NO. 2014-G-3242

Appellant, Chester Township Park District Board of Trustees, by and through counsel, filed a motion for stay with this court on December 16, 2014. Appellant appeals a November 26, 2014 "Judgment Entry Findings of Fact Conclusions of Law," issued by the trial court.

Upon a review of the appealed judgment and the docket of this case, this court has concerns as to whether a final appealable order exists.

Thus, it is ordered that within 10 days from the date of this entry the parties in this matter shall file memoranda on the issue of jurisdiction and, in particular, whether the November 26, 2014 trial court entry is a final appealable order.

It is further ordered that failure to file such memoranda may result in the dismissal of this appeal on the court's own motion for failure to prosecute without further notice.

As to the motion for stay, we find that a temporary stay is warranted. It is therefore ordered that all proceedings below shall be stayed until further order of this court. Appellee, Chester Township Park District Board of Commissioners', response to the motion to stay shall also be due within 10 days from the date of

14/605

this entry. Upon receipt of appellee's response, this court shall render a final determination on the motion to stay.



ADMINISTRATIVE JUDGE TIMOTHY P. CANNON

THOMAS R. WRIGHT, J., concurs.

14/665

IN THE COURT OF COMMON PLEAS  
PROBATE DIVISION  
GEAUGA COUNTY, OHIO

FILED  
IN COMMON PLEAS COURT

2015 MAR 31 AM 9:32

PROBATE-JUVENILE  
DIVISION  
GEAUGA COUNTY, OHIO  
**DOCKETED**

IN THE MATTER OF )  
 ) CASE NO. 84 PC 139  
 )  
 )  
CHESTER TOWNSHIP PARK DISTRICT )  
 ) JUDGE TIMOTHY J. GRENDALL  
 )  
 )  
 ) **NOTICE OF HEARING**

**YOU ARE HEREBY NOTIFIED** that a Status Conference has been set on all pending matters.

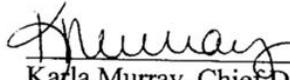
SAID CONFERENCE WILL BE SET BEFORE THIS COURT AT GEAUGA COUNTY  
PROBATE COURT, HOUSE ANNEX 2<sup>ND</sup> FLOOR, 231 MAIN ST., CHARDON, OHIO 44024  
ON THE 28<sup>th</sup> day of April at 2:00 pm.

PLEASE APPEAR AT THIS TIME

Given under my hand and seal of said Court **March 31, 2015.**



TIMOTHY J. GRENDALL, JUDGE



Karla Murray, Chief Deputy Clerk

Cc: Chester Twp. Park Board  
✓ Chester Twp. Trustees  
✓ Mary Jane Trapp, Master Commissioner  
✓ Chester Twp. Clerk  
✓ James Gillette  
✓ Prosecutor  
✓ Frank Scailone

NOHE\_P

IN THE COURT OF APPEALS  
ELEVENTH APPELLATE DISTRICT  
GEAUGA COUNTY, OHIO

IN THE MATTER OF THE CREATION OF : MEMORANDUM OPINION  
A PARK DISTRICT WITHIN CHESTER  
TOWNSHIP :  
CASE NO. 2014-G-3242

Civil Appeal from the Geauga County Court of Common Pleas, Probate Division.  
Case No. 84 PC 000139.

Judgment: Appeal dismissed.

*Todd M. Raskin and Frank H. Scialdone*, Mazanec, Raskin, Ryder & Keller Co., L.P.A.,  
100 Franklin's Row, 34305 Solon Road, Solon, OH 44139 (For Appellant Chester  
Township Park District, Board of Trustees).

*James M. Gillette*, City of Chardon Police Prosecutor, PNC Bank Building, 117 South  
Street, Suite 208, Chardon, OH 44024 (For Appellee Chester Township Park District,  
Board of Commissioners).

TIMOTHY P. CANNON, P.J.

{¶1} Appellant, Chester Township Park District, Board of Trustees, appeals  
from the judgment of the Geauga County Court of Common Pleas, Probate Division,  
holding it responsible for 75% of uncertain sums in the form of fees and costs accrued  
by the Master Commissioner presiding over the underlying matter.

{¶2} The underlying case apparently resulted in the creation of the Chester  
Township Park District, pursuant to an application from appellant in 1984. The case

was reopened in March 2014, sua sponte, by the probate court, apparently for the purpose of appointing a Master Commissioner to investigate various issues pertaining to the operation of the Chester Township Park District. The Master Commissioner, thereafter, conducted a full review of the issues and prepared a report with recommendations.

{¶3} The probate court subsequently held a public hearing at which the Master Commissioner presented and delivered her report to the court. The court invited comments from appellant as well as from Chester Township residents. Appellant submitted comments, and on November 26, 2014, after reviewing the report and comments, the probate court issued a judgment with findings of fact and conclusions of law. In its entry, the court concluded, inter alia, the cost of the Master Commissioner shall be borne 75% by appellant and appellee, Chester Township Park District, Board of Commissioners, and 25% by the court.

{¶4} Appellant filed a notice of appeal of the probate court's judgment. Appellant moved the lower court to stay the proceedings pending the instant appeal, which was denied. Appellant subsequently moved this court for a temporary stay of the proceedings, which was granted. Appellee filed a motion to dismiss the appeal. This court additionally ordered the parties to file all memoranda on the issue of jurisdiction; namely, whether the November 26, 2014 judgment was a final, appealable order. The parties complied. Pursuant to the following analysis, we dismiss the instant appeal.

{¶5} "Pursuant to Article IV, Section 3(B)(2) of the Ohio Constitution, courts of appeals have jurisdiction only to 'affirm, modify or reverse judgments or final orders of the courts of record inferior to the court of appeals within the district.'" *State v.*

*Strickland*, 11th Dist. Trumbull No. 2014-T-0049, 2014-Ohio-5622, ¶13. If a lower court's order is not final, then an appellate court does not have jurisdiction to review the matter and the matter must be dismissed. *Gen. Acc. Ins. Co. v. Ins. Co. of N. Am.*, 44 Ohio St.3d 17, 20 (1989).

{¶6} Furthermore, standing to appeal a final order lies only on behalf of a party aggrieved by the order from which the appeal is taken. *Ohio Contract Carriers Assn., Inc. v. Pub. Util. Comm.*, 140 Ohio St.160 (1942), syllabus. A party is "aggrieved" if his or her present interest in the litigation's subject matter is "immediate and pecuniary, and not a remote consequence of the judgment." *Id.* at 161, quoting 2 American Jurisprudence, Appeal and Error, Section 50, at 942 (1936); see also *Midwest Fireworks Mfg. Co., Inc. v. Deerfield Twp. Bd. of Zoning Appeals*, 91 Ohio St.3d 174, 177 (2001). "[A] future, contingent or speculative interest is not sufficient" to confer standing to appeal. *Id.*

{¶7} First, because no cost amount has been finally fixed, the order being appealed is, in effect, inchoate. It is clear, at this point, the trial court intends to hold appellant and appellee responsible for 75% of the Master Commissioner's eventual fees and costs. To the extent that figure has not been approved and ordered into execution, however, the underlying order does not fully and finally resolve the issue appellant challenges. The judgment is functionally akin to a finding of liability without a determination of damages. In this respect, it is not a final, appealable order. See, e.g., *CitiMortgage, Inc. v. Roznowski*, 139 Ohio St.3d 299, 2014-Ohio-1984, ¶13 ("generally an order that determines liability but not damages is not a final, appealable order").

{¶8} Furthermore, the probate court has declared appellant responsible for a percentage of the Master Commissioner's costs. As just noted, that amount has not yet been determined. Because the trial court has not yet approved and ordered payment of the Master Commissioner's fees and costs, there is no actual, immediate specified amount for which appellant is responsible. The pecuniary interest at issue is therefore "future, contingent, and speculative." *Midwest Fireworks, supra*, at 177. Accordingly, appellant lacks standing at this time to challenge the issue on appeal.

{¶9} For the foregoing reasons, the instant matter is dismissed.

CYNTHIA WESTCOTT RICE, J.,

THOMAS R. WRIGHT, J.,

concur.

THE STATE OF OHIO, )  
COUNTY OF GEAUGA. ) SS:

- - -

IN THE COURT OF COMMON PLEAS  
PROBATE DIVISION

- - -

IN THE MATTER OF: ) CASE NO.  
 ) 84 PC 139  
CHESTER TOWNSHIP PARK ) JUDGE TIMOTHY  
DISTRICT ) J. GRENDELL

- - - o0o - - -

Transcript of the Status Conference  
held in the above-captioned matter, before  
the Honorable Timothy J. Grendell, and taken  
before Angelika P. Shane, on Tuesday, the  
28th day of April, 2015, at 2:05 p.m., at  
the Probate Court of Geauga County, 231 Main  
Street, Chardon, Ohio.

- - - o0o - - -

1 APPEARANCES:

2

3 ON BEHALF OF CHESTER TOWNSHIP TRUSTEES:

4

5 Mazanec, Raskin & Ryder Co., LPA

6 Todd M. Raskin, Esq.

7 34305 Solon Road

8 100 Franklin's Row

9 Solon, Ohio 44139

10 440-248-7906

11 traskin@mrllaw.com

12

13

14 ON BEHALF OF CHESTER TOWNSHIP PARK

15 BOARD:

16

17 James M. Gillette, Esq.

18 117 South Street

19 Chardon, Ohio 44024

20 440-286-7195

21

22

23 ALSO PRESENT:

24 Ken Radtke, Jr.

25 Bud Kinney

- 1 Michael J. Petruziello
- 2 Craig Richter
- 3 Joseph Weiss
- 4 Ruth Philbrick
- 5 Clay Lawrence
- 6 Mary Jane Trapp, Master Commissioner
- 7 John Karlovec, newspaper reporter

8

9

- - -

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 P-R-O-C-E-E-D-I-N-G-S

2 - - -

3 THE COURT: We are here  
4 in the matter of the Chester Township Park  
5 District, Geauga County, Case Number 84 PC  
6 139. I'll start with Mr. Weiss. You want  
7 to introduce yourself, please.

8 MR. WEISS: Joe Weiss,  
9 member of the Chester Township Park  
10 Commission.

11 MR. GILLETTE: Jim Gillette,  
12 attorney for the Chester Township Park  
13 Commission.

14 MR. RASKIN: Todd Raskin  
15 on behalf of Chester Township and its  
16 Trustees.

17 MR. RICHTER: Craig  
18 Richter, fiscal officer for Chester  
19 Township.

20 MR. RADTKE: Ken Radtke,  
21 Chester Township Trustee.

22 MR. PETRUZIELLO: Mike  
23 Petruziello, Chester Township Trustee.

24 MR. KINNEY: Bud Kinney,  
25 Chester Township Trustee.

1 MS. PHILBRICK: Ruth  
2 Philbrick, Park Commissioner.

3 MR. LAWRENCE: Clay  
4 Lawrence, Chester Township Park  
5 Commissioner.

6 MS. TRAPP: Mary Jane  
7 Trapp, Master Commissioner.

8 THE COURT: Okay. This  
9 is set for a status conference. The Court  
10 has read the Eleventh District Court of  
11 Appeals dismissing the appeal in this matter  
12 for lack of standing. The Court is not  
13 aware of any stay having been issued as of  
14 2:10 today from the Ohio Supreme Court, so  
15 the Court intends to have a status  
16 conference.

17 The Court intends to issue no  
18 rulings here today in deference to the  
19 Supreme Court still reviewing this matter,  
20 but I do have a couple things that I've been  
21 trying to address since last December if the  
22 trustees will allow me.

23 First of all, there was three  
24 items left over at the end of my findings of  
25 facts and conclusions of law. One was the

1 issue of 2015 funding for the Park District.  
2 One was a question of an apparent conflict  
3 between the trustee/commissioner agreement  
4 in Judge Lavrich's original 1984 order, and  
5 the third was the question of Master  
6 Commissioner fees.

7                   It was the Court's hope that  
8 we can address these issues. It is the  
9 Court's hope that we could stop the cost of  
10 external lawyers for taxpayers for  
11 collateral matters and simply address these  
12 issues in these proceedings as the Court  
13 believes this is the correct way of going,  
14 and apparently so does the Eleventh District  
15 Court of Appeals.

16                   And my original goal was to  
17 ask the Master Commissioner to meet with the  
18 Township Trustees and Park Board to see if  
19 they could address the issues on 2015  
20 funding, if there is any, and this issue of  
21 the potential or alleged conflict between  
22 the agreement and the Lavrich order.

23                   I guess I'll ask Mr. Raskin,  
24 is there a problem with having that  
25 meeting?

1 MR. RASKIN: There is a  
2 problem, Your Honor, with the Court  
3 exercising what we consider to be a lack of  
4 subject matter jurisdiction over Chester  
5 Township, its residents and the Trustees,  
6 and your order compels such a meeting to  
7 take place.

8 As the court's docket  
9 reflects, Your Honor, I've entered a limited  
10 appearance today on behalf of my clients for  
11 the specific purpose of objecting to the  
12 subject matter of jurisdiction of the Court  
13 to take any action at all on any of the  
14 three matters that are referred to in the  
15 findings of fact of your judgment entry as  
16 it relates to Chester Township, its  
17 residents and the Trustees.

18 THE COURT: This Court  
19 addressed that issue in the denial of the  
20 stay on December 15th, 2014. You appealed  
21 that to the Eleventh District Court of  
22 Appeals. The Eleventh accepted the fact of  
23 jurisdiction for purposes of taking your  
24 motion.

25 You spent thousands of

1 taxpayers' dollars and the suit was  
2 dismissed for lack of standing, so I will  
3 ask this another way maybe more politely.

4 Will the Trustees, at the  
5 suggestion of the Court, meet with the  
6 Master Commissioner and the Park Board to  
7 address the two issues that I discussed?

8 MR. RASKIN: No.

9 THE COURT: Okay. Next.

10 The Court has read the Revised Code Section  
11 2101.07 dealing with Master Commissioner  
12 fees, and that statute clearly says that  
13 Master Commissioner fees shall be taxed as  
14 costs.

15 The Court is also aware of  
16 the case of State versus Joseph, 125 Ohio  
17 St. 3rd 76 that says costs are a civil  
18 obligation and any litigant becomes liable  
19 for court costs if taxed by the court.

20 The Court feels that it was  
21 actually being generous to the Township  
22 Trustees in having them split part of the 75  
23 percent portion of the costs.

24 The Court is firmly of the  
25 belief that under 2107, the costs can be

1 taxed completely to this case as costs, and  
2 under State versus Joseph, since the  
3 Trustees have been the parties that started  
4 this litigation in 1984 with their  
5 application, which has been a continuous  
6 jurisdiction in the case of this court, the  
7 Court could assess 100 percent of the costs  
8 of the Master Commissioner to the parties.  
9 In this case, those parties would be the  
10 Township Trustees.

11           If any party wants to brief  
12 that issue to the Court, they shall have 10  
13 days from today's date to do so.

14           Anything else on that issue  
15 that comes before the Court?

16           Mr. Gillette, do you have  
17 anything that comes before the Court?

18           MR. GILLETTE: No, Your  
19 Honor, I do not.

20           MR. RASKIN: Your Honor,  
21 may I be heard on that issue, please?

22           THE COURT: Sure.

23           MR. RASKIN: I would ask  
24 that the Court not impose a 10 day time  
25 limit for the briefing of that issue and,

1 indeed, delay the briefing of that issue  
2 until such time as the Ohio Supreme Court  
3 rules on the merits of the writ of  
4 prohibition. I don't want anything to be  
5 construed by an appellate court as  
6 submitting the Township and the Trustees to  
7 the jurisdiction of the Court.

8           By establishing a 10 day time  
9 limitation, you put my clients in the  
10 catch-22 of either risking a conclusion that  
11 they have submitted to the jurisdiction of  
12 the Court or not being heard on that issue,  
13 and I think that that's patently unfair and  
14 I would ask that the Court delay any  
15 briefing schedule until after we know  
16 whether or not the Ohio Supreme Court will  
17 address the writ of prohibition on the  
18 merits.

19           THE COURT:           Counsel, that  
20 would be in effect of granting you a stay  
21 where one doesn't exist. First of all, as  
22 this Court is of the firm belief that it has  
23 jurisdiction, the Court is confident that  
24 the brief that was filed in response to the  
25 facially frivolous prohibition action will

1 prevail and I will not grant a stay when one  
2 hasn't been granted by the Supreme Court, so  
3 you would have 10 days to address the issue  
4 or don't address the issue, Counsel. That  
5 is your choice.

6 Mr. Gillette, do you wish to  
7 be heard?

8 MR. GILLETTE: Your Honor, I  
9 would agree with the Court's position.

10 THE COURT: Anything else  
11 to come before the Court? If not, it's the  
12 Court's intention to address these matters  
13 in due course, but I will take no action  
14 today other than giving you the opportunity  
15 to respond to why the Trustees shouldn't pay  
16 100 percent of the Master Commissioner's fee  
17 pursuant to the statute in the State versus  
18 Joseph case.

19 Anything else to come before  
20 the Court? Then we are adjourned. Thank  
21 you.

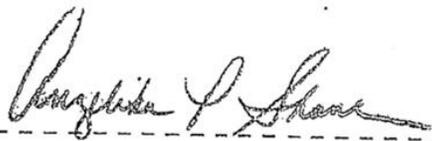
22 - - -  
23 (Status conference concluded at 2:18 p.m.)

24 - - -  
25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

C-E-R-T-I-F-I-C-A-T-E

I, Angelika P. Shane, do hereby certify that I took the foregoing hearing, wrote the same in stenotype, and that this is a true and accurate transcript of my stenotype notes, in their entirety.



-----  
Angelika P. Shane

My Commission Expires: 6-21-15



that initiated this ongoing Probate Court case by filing the statutory application to form the Chester Township Park District, could be the responsible litigants to pay those costs pursuant to the Ohio Supreme Court's ruling in State v. Joseph, 125 Ohio St. 3d 76, 2010-Ohio-954, 926 N.E. 2d 278 ("By being involved in court proceedings, any litigant, by implied contract, becomes liable for payment of court costs if taxed as part of the court's judgment.")

Counsel for the Township Trustees objected.

Counsel for the Park Board disagreed with that objection.

The Court addressed the objection and overruled it.

Counsel for the respective parties may (but are not required to) file a brief as to the Master Commissioner's Court cost issues described above by May 8, 2015 (4:30 P.M.).

The Court will defer further action pending receipt of the above mentioned briefs.

You are hereby notified that on this date a Judgment Entry was filed that may be an "appealable" order.

IT IS SO ORDERED.

  
TIMOTHY J. GRENDALL, Judge

cc: ✓Chester Township Trustees  
✓Chester Park Board Commissioners  
✓Master Commissioner Mary Jane Trapp

