

IN THE SUPREME COURT OF OHIO

State of Ohio *ex rel.* Valeria E. Goncalves,
et al.,

Relators,

v.

Mahoning County Board of Elections, *et al.*,

Defendants.

Case No. 2015-1475

Original Action in Mandamus

Request for Expedited Relief

MAHONING COUNTY BOARD OF ELECTIONS AUGUST 26, 2015 MEETING

TRANSCRIPT (Part 1 of 2)

(Filed with RELATORS' MERIT BRIEF)

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September 11, 2015

THE MAHONING COUNTY BOARD OF ELECTIONS (MCBOE) held a Special Regular Meeting and Protest Hearing of the Board on Wednesday, the 26th Day of August, 2015, in the Board Room of the MCBOE Office, 345 Oak Hill Avenue, Youngstown, Ohio, 44502, beginning at 5:00 p.m.

PRESENT:

Chairman: Mr. Mark E. Munroe

Board Members: David J. Betras, Esquire
Mr. Robert J. Wasko
Ms. Tracey S. Winbush

Director: Ms. Joyce Kale-Pesta

Deputy Director: Mr. Thomas P. McCabe

Board Secretary: Mr. Raymond L. Butler

Petitioner: David Engler, Esquire

Petitioner's Counsel: Mark A. Hanni, Esquire
839 Southwestern Run
Youngstown, OH 44514
330-726-7777

PRESENT (CONTINUED):

Visitor's Sign-In Sheet:

- Don Hanni, III
- Don Holovatick
- Butch Taylor
- J. Slanina
- Lynn Anderson
- Rev. Young Tensley
- David Skolnick
- Randy Younkin
- Jackie Adair
- Jaladah Aslam
- Sheri Martz
- Susie Beiersdorfer
- Perry Alexandrides
- Alex Mangie
- Henrietta Bibbs
- Kathleen Berry
- Hattie Wilkins
- Carl Bright (Illegible/Spelling of name not verified)

Videographer: Mr. Dennis Roller

Court Reporter: Ms. Mary Carney

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1 MR. MUNROE: Well, a fine good evening,
2 everyone. Welcome to the Mahoning County Board of
3 Elections.

4 MR. BUTLER: Good evening, Mr. Chairman.

5 MR. MUNROE: It's about ten after five
6 on Wednesday, August 26. Director, please call the roll.

7 MS. KALE-PESTA: Mr. Munroe?

8 MR. MUNROE: Here.

9 MS. KALE-PESTA: Ms. Winbush?

10 MR. MUNROE: Here.

11 MS. KALE-PESTA: Mr. Wasko?

12 MR. WASKO: Here.

13 MS. KALE-PESTA: Mr. Betras?

14 MR. BETRAS: Here.

15 MR. MUNROE: We've all received copies
16 of the Special Regular Meeting from August 17, 2015. What
17 is the Board's pleasure?

18 MR. WASKO: Motion to approve.

19 MR. BETRAS: Second.

20 MS. WINBUSH: Second.

21 MR. MUNROE: There's a motion by
22 Mr. Wasko, second Mr. Betras. Discussion? Director, call
23 the roll.

24 MS. KALE-PESTA: Mr. Munroe?

1 MR. MUNROE: Yes.

2 MS. KALE-PESTA: Ms. Winbush?

3 MS. WINBUSH: Yes.

4 MS. KALE-PESTA: Mr. Wasko?

5 MR. WASKO: Yes.

6 MS. KALE-PESTA: Mr. Betras?

7 MR. BETRAS: Yes.

8 MR. MUNROE: Under Chairman's Report,
9 I've got nothing to report this evening. Ms. Kale-Pesta?

10 MS. KALE-PESTA: We have to certify the
11 write-in candidates for the November General Election
12 Ballot, and they are in front of you.

13 MR. MUNROE: Is there a motion to
14 certify?

15 MS. WINBUSH: So moved.

16 MR. BETRAS: Well, one of them we didn't
17 certify; right?

18 MS. KALE-PESTA: Who?

19 MS. WINBUSH: Engler.

20 MS. KALE-PESTA: Well, he's -- we found
21 that certified.

22 MR. MUNROE: I think, yeah, I think
23 we're prepared to certify all of them.

24 MR. BETRAS: We didn't have a problem

1 with -- with doing his write-ins?

2 MS. KALE-PESTA: From what I learned
3 from the Secretary of State today, it's an ambiguous
4 ruling, so I think that it would be a hard-fought case. I
5 mean, I -- I just don't see any reason to --

6 MS. WINBUSH: Call for a --

7 MR. BETRAS: I thought you said if they
8 file petitions --

9 MS. KALE-PESTA: Well, we got a
10 directive in 2011, but the directive has changed since the
11 Supreme Court made a ruling, and the Secretary of State
12 has never changed the directive. So I feel that it would
13 be -- it would behoove us just not -- just to certify him.

14 MR. BETRAS: Okay.

15 MR. MUNROE: Yeah, we have not been
16 advised to disqualify that write-in.

17 MS. KALE-PESTA: Yes.

18 MR. BETRAS: All right, no problem.

19 MR. MUNROE: So on that basis I think we
20 should certify all the -- all the write-in candidates.

21 MR. BETRAS: But I wanted to disqualify
22 David.

23 MR. MUNROE: I understand.

24 MR. ENGLER: Now you're in trouble.

1 MR. MARK HANNI: And me while you're
2 talking.

3 MR. MUNROE: But you don't always get
4 what you want --

5 MR. BETRAS: Right.

6 MR. MUNROE: -- Mr. Betras. There's a
7 motion. Was there a second?

8 MS. WINBUSH: No.

9 MR. WASKO: I second.

10 MR. MUNROE: There's a motion and a
11 second to certify the write-in candidates as presented.
12 Any other discussion? Director, call the roll.

13 MS. KALE-PESTA: Mr. Munroe?

14 MR. MUNROE: Yes.

15 MS. KALE-PESTA: Ms. Winbush?

16 MS. WINBUSH: Yes.

17 MS. KALE-PESTA: Mr. Wasko?

18 MR. WASKO: Yes.

19 MS. KALE-PESTA: Mr. Betras?

20 MR. BETRAS: Yes.

21 MR. MUNROE: Item No. V, there was a --
22 there was an objection or a protest filed by Mr. Donald
23 Streamo regarding the residency of Mr. David L. Engler.
24 Is Mr. Streamo present? Is Mr. Streamo present? Well --

1 MR. BETRAS: Mr. Chairman, I move that
2 we dismiss the protest. I mean, that person should at
3 least be here.

4 MR. MUNROE: Well, he did file -- he did
5 file a written objection. I would at least like to read
6 his objection and give Mr. Engler a chance to respond
7 and --

8 MR. BETRAS: Okay.

9 MR. MUNROE: -- then move on.

10 In Mr. Streamo's letter he writes, "Please let this
11 letter reflect that I am formally challenging David
12 Engler's residency requirement to run for the position of
13 Austintown Township Trustee. Mr. Engler listed
14 property -- listed property address 1204 Meridian Road as
15 being his residence.

16 "Mr. Engler acquired this dilapidated property in
17 April 2015 according to the Mahoning County Auditor's
18 record. The house is currently being rehabbed. When the
19 property was visited on August 6, 2015, the house was
20 vacant.

21 "I have received information that Mr. Engler is
22 residing at 6832 Twin Oaks in Canfield, Ohio, and paying
23 Mr. Crawford \$500 a month rent. If the information above
24 is factual, then Mr. David Engler has not fulfilled his

1 residency requirement to run for Austintown Trustee and
2 should not be eligible to run."

3 I note that Mr. Engler has withdrawn as a candidate.

4 MR. BETRAS: That's why I'm saying I
5 think the issue is moot.

6 MR. MUNROE: Well, he still -- he still
7 raised an objection regarding his residency.

8 MR. BETRAS: Well, but he hasn't voted
9 yet there. I mean, the time for the objection to his
10 residency is when he votes. Now that --

11 MR. MUNROE: That's not true. He's
12 registered at that address, and a voter's registration can
13 be challenged, which is what we're doing this evening. At
14 least, we're at least hearing the challenge. Mr. Engler?

15 MR. ENGLER: Well, thank you.
16 Appreciate that. The -- my residence is 1204 South
17 Meridian. I certainly take exception to someone calling a
18 property that I acquired in April of this year, a very
19 historic home site in Austintown that was the original
20 Burkey family homestead that was the entire west side,
21 which is now Austintown, now Austintown, was developed by
22 the Burkey family. Burkey Road is on the area there.
23 It's a home built in 1915.

24 When I acquired it, it was on the condemnation list

1 from the Township of Austintown because it was in somewhat
2 poor repair. Since that time I have invested \$35,000 into
3 that, have made repairs, large, some of them on my own,
4 some with contractors I have hired.

5 That's where I reside. That's where I intend to
6 reside. That's where I put my head down. You know, not
7 all the time while it's being rehabbed because it's dusty
8 and the hot water tank wouldn't work. There was a dead
9 bird in the flue, and the other problems that you come
10 across.

11 But, you know, part of the other thing that's -- I
12 appreciate the opportunity to actually be heard on the
13 issue is, when you -- this property also had \$15,000 of
14 delinquent taxes on it, and I had agreed with, through the
15 County Prosecutor's Office, to take over those \$15,000
16 delinquent taxes, pay those delinquent taxes back. Almost
17 all of those taxes go back to the Austintown Township
18 Schools.

19 So on August 6, coincidentally the same time this
20 fellow's peeking in my windows -- and I'd just ask that
21 they sweep up the next time they're on my porch 'cause
22 it's newly painted -- that, so paying back \$2,450 worth of
23 taxes on August 6, investing a significant amount of
24 money, residing at that location, changing my voter's

1 MS. WINBUSH: Second.

2 MR. MUNROE: Okay, under, under
3 discussion, Mr. Engler, is your current residence
4 1204 Meridian Road?

5 MR. ENGLER: South Meridian; correct.

6 MR. MUNROE: South Meridian Road. And I
7 understand that that property is under rehab and you
8 occasionally may temporarily reside somewhere else?

9 MR. ENGLER: No, I reside there.

10 MR. MUNROE: I mean, you may temp -- you
11 may occasionally spend the night somewhere else because of
12 construction?

13 MR. ENGLER: Oh, you can --

14 MR. MARK HANNI: Many places.

15 MR. ENGLER: Yeah, right. That's not
16 exactly true either.

17 MR. MUNROE: So, but when you are
18 absent, you intend to return to this address?

19 MR. ENGLER: Always.

20 MR. MUNROE: On South Meridian Road; is
21 that correct?

22 MR. ENGLER: Always.

23 MR. MUNROE: Very good, sir.

24 MR. ENGLER: Directly across from the

1 ghost lights of Youngstown, if anyone's familiar with the
2 ghost lights.

3 MR. MUNROE: Thank you.

4 MR. ENGLER: No?

5 MR. MUNROE: Any other comments?

6 There's a motion and a second that the protest regarding
7 Mr. Engler's residency be dismissed. Director, call the
8 roll.

9 MS. KALE-PESTA: Mr. Munroe?

10 MR. MUNROE: Yes.

11 MS. KALE-PESTA: Ms. Winbush?

12 MS. WINBUSH: Yes.

13 MS. KALE-PESTA: Mr. Wasko?

14 MR. WASKO: Abstain.

15 MS. KALE-PESTA: Mr. Betras?

16 MR. BETRAS: Yes.

17 MR. MUNROE: Thank you. Thank you,

18 Mr. Engler.

19 MR. ENGLER: Thank you.

20 MR. DON HANNI, III: Great job, Mark.

21 MR. MARK HANNI: Thank you. Wait until
22 you're up next.

23 MS. KALE-PESTA: You may want to stay,
24 Mark.

1 MR. MARK HANNI: I might want to watch.
2 Do we have any videos for it? We'll watch one of his
3 videos.

4 MR. DON HANNI, III: We'll be needing
5 you to go to court.

6 (David Engler, Esquire and Mark A. Hanni, Esquire
7 exited the meeting room.)

8 MR. MUNROE: Item No. VI, to
9 consider the certification of Youngstown City Charter
10 Ordinance 15-283, Section 122, also known as the Community
11 Bill of Rights, to the November 2015 General Election
12 Ballot. Well, there's certainly been some controversy
13 about this issue.

14 I note that it's been on the ballot four times
15 before, and this board has consistently held that, that we
16 really didn't have much, much latitude -- I think, I think
17 there was a certain suspicion that possibly the -- that
18 this charter amendment might be unenforceable; it might be
19 illegal; it might be unconstitutional.

20 But -- but given the state of the law over this past
21 four election cycles, we really felt we had not -- we
22 didn't have any latitude. And we did certify that issue
23 to the ballot four times.

24 Since then there have been some changes with a couple

1 of court cases, and I'd like a chance to discuss that
2 today. Mr. Betras, you want to lead off first?

3 MR. BETRAS: I do. First of all, let me
4 clearly say this. I do not agree that the State of Ohio
5 has taken local control away from the people in the City
6 of Youngstown or any community. I do not agree with it.

7 However, I am a lawyer, and I took an oath to uphold
8 the Constitution. And under the way we do business in
9 this country, a Supreme Court is the final say of what
10 the law is.

11 Recently the United States Supreme Court legalized
12 gay marriage, and there was a lot of people that didn't
13 agree with that. But whether you agree with it or don't
14 agree with it, it is the law of the land, and we all have
15 to accept it. That's what living in a concept of ordered
16 liberty provides, that we will accept a final judgment by
17 the highest court as to what the law is.

18 I am compelled by three things in this case. One,
19 and I want to pass this out to my fellow board members.

20 MS. WINBUSH: Oh.

21 MR. WASKO: More reading.

22 MS. WINBUSH: More reading.

23 MR. BETRAS: And I have one extra one.

24 MS. WINBUSH: Thank you.

1 MR. BETRAS: The first is a decision
2 that we got from Secretary John Husted, who is in all
3 senses my boss, our bosses as we sit as board members
4 here. And I am compelled by one paragraph in this
5 decision he rendered where he says, and it's on Page 3, it
6 says, "I maintain, instead, that the unrestricted language
7 of the sole statute governing this protest plainly and
8 unambiguously authorizes me to examine every aspect of
9 these petitions in more than just a 'ministerial'
10 fashion."

11 I think what he's saying there is that the language
12 for the county charter amendments is, plainly and
13 unambiguously authorizes me to act more than just a
14 ministerial fashion.

15 I would then cite my fellow board members to a case
16 that I do not agree with, State ex rel. Morrison versus
17 Beck Energy Corporation. I read a lot of decisions as a
18 lawyer, but I would like to put into the record the
19 conclusion of the Court.

20 And the court says, and I'm quoting directly from the
21 decision, "Article II, Section 36," that's of the Ohio
22 Constitution, "vests the General Assembly with the power
23 to pass laws providing for," quote, "'regulations of
24 methods of mining, weighing, measuring and marketing coal,

1 oil, gas and all other minerals,'" end quote.

2 "With the comprehensive regulation scheme in Revised
3 Code Chapter 1509, the General Assembly has done exactly
4 that. We hold that the Home Rule Amendment to the Ohio
5 Constitution, Article XVIII, Section 3, does not allow a
6 municipality to discriminate against, unfairly impede, or
7 obstruct oil and gas activities and operations that the
8 state has permitted under Chapter 1509."

9 This is dated December 17, 2015. So the Ohio Supreme
10 Court is unambiguously saying --

11 MS. WINBUSH: February.

12 MR. BETRAS: February. Is unambiguously
13 saying, municipalities, you are not allowed to regulate
14 the operation of any mineral rights within your
15 localities. We are preempting you from doing so.

16 I would then cite to you two cases out of the
17 Cuyahoga County Common Pleas Court, basically the same
18 case. But the City of Broadview Heights has passed a
19 Community Bill of Rights, and the courts have struck it
20 down on the exact sort of language that they had there.

21 I understand the frustration of the people that are
22 bringing the issue of the Community Bill of Rights, but
23 your remedy is not to challenge the Ohio Supreme Court
24 with a law that to me is clearly unconstitutional exercise

1 of the thing.

2 So I have gotten an opinion from our Prosecuting
3 Attorney, who says that we must act only in a ministerial
4 duty and we must follow it. And I have talked to
5 Mr. Gains and to Sharon Hackett, and I am not going to
6 follow their recommendation because, as I read their
7 decision, for a number of reasons.

8 The case they're relying on is a 2014 case decided
9 prior to the 2015 case. Plus, the Supreme Court was
10 talking to City Councils, not Board of Elections. Plus,
11 in that decision, the Court said, nor can the City Council
12 assess the constitutionality of a proposal because that
13 role is reserved for the courts. I agree. That role is
14 reserved for the courts.

15 The courts have clearly said, the state legislature
16 has acted. They have preempted local control, local
17 say-so. I cannot believe that when I took my oath of
18 office to be a member of this Mahoning County Board of
19 Elections, when I raised my hand and put my left hand on
20 the Bible and I said, I will follow the laws and the
21 Constitution of -- the laws of the State of Ohio and the
22 Constitution of the State of Ohio, that they wanted me to
23 then say, well, Mr. Betras, you know something's clearly
24 unconstitutional, so let the people of the City of

1 Youngstown vote on it.

2 I don't think that's my job. I don't think that's
3 the law. And I make it akin to this. If someone in the
4 City of Youngstown -- because this is oil and gas,
5 everyone wants to kind of blow it off, but the principle
6 is the same -- if someone brought us a petition that said,
7 African-Americans cannot sit at lunch counters in the City
8 of Youngstown, there isn't one board member in this city,
9 in this county, on this board, that would allow that to go
10 to be voted on. Not one board member.

11 UNIDENTIFIED SPEAKER: But at one
12 time --

13 MS. BIBBS: But at one time it was the
14 law.

15 MR. BETRAS: Right; at one time it was,
16 but it is no longer. Therefore --

17 UNIDENTIFIED SPEAKER: That's a --

18 MR. MUNROE: Whoa, whoa, please.

19 MR. BETRAS: Therefore --

20 MR. MUNROE: Mr. Betras has the floor,
21 please.

22 MR. BETRAS: Therefore, based upon my
23 reading of the law, based upon my understanding of the
24 law, I will not allow the people of the City of Youngstown

1 to vote on a measure that is clearly and unambiguous
2 unconstitutional. And therefore, I'm just saying if we
3 put it up for a vote, I am going to vote no.

4 As much as it pains me to do so, and as much as I
5 don't want to do so, I feel my duty as a member of the Bar
6 and as my oath of this office, that I cannot allow people
7 to vote on something that is clearly unconstitutional.
8 There's what I had to say.

9 MR. MUNROE: Thank you Mr. Betras. Now,
10 this may come as no shock to anybody, but I -- I do not
11 agree completely with Mr. Betras. I -- I take his -- I
12 take exception to his characterization of Page 3 of
13 Secretary Husted's decision. I think there he was
14 speaking specifically to the issue involving a referendum
15 involving a county charter, not a -- not an amendment to
16 a --

17 UNIDENTIFIED SPEAKER: That's right.

18 MR. MUNROE: -- municipal charter.
19 However, however, I do think that when these petitions
20 came to City Council, I don't think they had any
21 discretion. They had to -- they had to -- they had to
22 certify those to the Board of Elections for our
23 consideration. But I think we've got more flexibility
24 than City Council does, because under Title 35 we have an

1 additional duty to review the sufficiency and validity of
2 petitions and nomination papers.

3 And in light of the Beck Energy case, it is clear to
4 me that the petitions that were circulated, while they had
5 sufficient signatures, that the -- that the issue was that
6 that amendment was a proposal to regulate an activity that
7 is clearly preempted by state law. It's unenforceable,
8 and it conflicts with the Ohio Constitution. And thus the
9 petitions that were circulated and the resulting charter
10 amendment that resulted from that are not sufficient and
11 are invalid.

12 I note that in the previous four elections, this
13 board always had doubts about the legality of this issue.
14 We are not a court and we could not have made that
15 determination. But now the courts have ruled. The
16 Constitution does not allow municipalities to discriminate
17 against, impede, or obstruct oil and gas activities that
18 are permitted under Revised Code 1504. We should not
19 certify a ballot issue the Supreme Court has clearly said
20 is not allowed.

21 This board does not abuse its discretion when it
22 refuses to certify an issue that is unenforceable,
23 illegal, and unconstitutional. That's my take.

24 Ms. Winbush? Mr. Wasko? Is there a motion?

1 MS. WINBUSH: I --

2 MR. BETRAS: Do we have to,
3 Mr. Chairman, do we have to put it up to vote it down, or
4 do we just not pass it, is my question?

5 MR. MUNROE: We could do it either way.
6 We could -- we could have a vote to not certify it to the
7 ballot. That would be appropriate.

8 MR. BETRAS: I would make a motion that
9 we not certify the Community Bill of Rights to the ballot
10 because it's an unconstitutional law.

11 MS. WINBUSH: Second.

12 MR. MUNROE: There's a motion; there's a
13 second. Any --

14 UNIDENTIFIED SPEAKER: Oh, no.

15 MR. MUNROE: Any additional discussion?

16 MS. WINBUSH: I would like to say, it
17 is -- it's difficult. I kid you not, it's a difficult
18 decision for a lot of us here. But it is true. It's
19 unenforceable because state law supersedes local law. So
20 to pass a law at the local level that is just, it's there
21 just in paper, and -- and it's kind of just, we're just
22 putting it in there, and then when you go to do it and
23 enforce it in the city charter, it's going to be null and
24 void because you can't enforce it. And so there's a

1 problem there.

2 And with that said, you know, we've got to do that
3 which we know, because the state is going to just come
4 back in and say, you can't get that done. And so we need
5 to do it right.

6 MR. BETRAS: I would just add that, had
7 this Beck Energy case not ruled the way it did --

8 MS. WINBUSH: Yeah.

9 MR. BETRAS: -- and had it been not so
10 unambiguous, I mean the Supreme Court of Ohio says
11 clearly, the Home Rule Amendment to the Ohio Constitution
12 does not allow a municipality. I don't know how any
13 clearer that can be. I don't agree with it, but it's the
14 law, and I have to follow it.

15 MS. ANDERSON: Are we allowed to speak?

16 MS. WINBUSH: No, not until after.

17 MS. ANDERSON: Where does it say that we
18 want to regulate oil and gas? Where does it say that in
19 that petition?

20 MR. MUNROE: There's a motion and a
21 second.

22 MS. ANDERSON: It's a fair question.

23 MR. MUNROE: There's a motion and --
24 there'll be opportunity for public comment.

1 UNIDENTIFIED SPEAKER: Before or after
2 the vote?

3 MR. MUNROE: There's a motion and a
4 second.

5 UNIDENTIFIED SPEAKER: Yeah, after you
6 vote; right?

7 MR. MUNROE: Director, please call the
8 roll.

9 MS. KALE-PESTA: Mr. Munroe?

10 MR. MUNROE: Yes.

11 MS. KALE-PESTA: Ms. Winbush?

12 MS. WINBUSH: Yes.

13 MS. KALE-PESTA: Mr. Wasko?

14 MR. WASKO: Yes.

15 MS. KALE-PESTA: Mr. Betras?

16 MR. BETRAS: Yes.

17 MR. MUNROE: Motion carries.

18 MR. YOUNKIN: Oh, man.

19 MS. BEIERSDORFER: Democracy in action.

20 UNIDENTIFIED SPEAKER: Yeah, democracy
21 in action.

22 MR. MUNROE: Is there any unfinished
23 business to consider, Joyce?

24 MS. KALE-PESTA: Well, before you and in

1 your packet I have a new layout for our app and our --

2 MR. MUNROE: It looks nice.

3 MS. KALE-PESTA: Yes, it's very nice.

4 For our app and for our new, we're going to have a new web
5 page. They need to create the web page and then the app
6 off the web page, so if you want to take a look at it.
7 We're, you know, tweaking as we go along. We're doing
8 different things. We're working with a company, but I
9 just wanted to give you an idea of what it's going to look
10 like --

11 MR. MUNROE: Looks nice.

12 MS. KALE-PESTA: -- when, when we
13 actually get it all finished. You also have in your
14 packet a list of the candidates, all the candidates,
15 nonpartisan and, for every election, and the write-ins in
16 front of you. So you might want to look at that. And
17 that's about it for me.

18 MS. WINBUSH: Thank you. Looks nice.

19 MR. MUNROE: Is there any new business
20 to consider? Any board communications?

21 MR. BUTLER: None received by the
22 Secretary, Mr. Chairman.

23 MR. MUNROE: Any public comment this
24 evening?

1 MS. ANDERSON: Yes.

2 MR. MUNROE: Please step forward and
3 state your name, please.

4 MS. ANDERSON: Okay, where do I have to
5 speak from?

6 MR. MUNROE: Right here.

7 MS. ANDERSON: Okay.

8 MR. MUNROE: And if you could hold your
9 comments, please, to maybe three minutes or so, we'd sure
10 appreciate --

11 MS. ANDERSON: No, I can't hold them to
12 three minutes. Okay, what you have done is misinterpreted
13 the law pretty egregiously.

14 MR. BUTLER: State your name, please.

15 MS. ANDERSON: This is Lynn Anderson. I
16 live on Glacierview, Youngstown, Ohio.

17 UNIDENTIFIED SPEAKER: In the city.

18 MS. ANDERSON: In the City of
19 Youngstown, unlike a lot of people here.

20 UNIDENTIFIED SPEAKER: Right.

21 MS. ANDERSON: And you have a conflict
22 of interest. You are all on the Mahoning Valley Job
23 Growth and Investment Coalition, and then you changed your
24 name because there are no jobs, so you changed it to the

1 Voter, whatever, Ballot Integrity Group or whatever you
2 did.

3 What this Community Bill of Rights is about is
4 protecting our drinking water. We have five operating
5 frack wells in the protected drinking water area of the
6 Meander Reservoir. This is unsafe.

7 The Ohio Constitution states that citizens can change
8 the law when the law is dangerous. H.B. 278 indeed,
9 Mr. Betras, did take away local control of zoning, the
10 ability for communities in Ohio to zone one industry away
11 from their homes, and that one industry is the fracking
12 industry.

13 Now, why do you think that happened? It happened
14 under Tom Niehaus, who is now a fracking lobbyist. He was
15 the president of the Ohio legislature. He was with ALEC.
16 Kasich is also ALEC, the American Legislative Exchange
17 Council. Lieutenant Governor Mary Taylor is also ALEC,
18 the American Legislative Exchange Council.

19 We are having such a dangerous time in this state, it
20 is unbelievable. I'm sure John Husted is ALEC. Most of
21 our state legislators are ALEC.

22 So what is happening now is, H.B. 278 was written by
23 and for the fracking industry and passed at the state
24 level, and it stated no localities can zone the chemical

1 pits, the pipelines that explode, and the frack wells that
2 pollute the air 24/7 and pollute the ground water 24/7.

3 You cannot zone that away from your homes.

4 This is totally unacceptable. They hid the chemical
5 makeup. H.B. 315 at the state level put a gag order on
6 physicians so you cannot tell anybody what chemicals made
7 the person sick.

8 May I read the results from the Kleese injection
9 well? We are the designated dump of Ohio, plus 22 other
10 sites. Youngstown is designated by Kasich as the dump for
11 the Marcellus frack waste. That's why we have the D&L
12 injection well. That's why we have downblending going on
13 down at 240 Sinter Court today and every day.

14 Downblending has been declared illegal by the Nuclear
15 Regulatory Commission. We are having it done in
16 Youngstown.

17 What it is, they bring the Marcellus frack waste in
18 liquid form and solids. They evaporate it and they mix it
19 with dirt in open air 1,000 feet from the Youngstown City
20 School Bus Garage.

21 This is what the Community Bill of Rights is about,
22 protecting ourselves. We're the only ones that can
23 protect ourselves. Clearly you are not representing the
24 people, so the people have to represent themselves.

1 Here's some of the chemicals that are in the Kleese
2 well that have migrated through the ground water. They
3 had an underground pipe leak. A pipefitter may know that
4 you can't go way underground and find the pipe and fix it
5 when it's leaking chemicals into the ground water.

6 Here's some of the chemicals: Barium, benzene,
7 sec-butylbenzene, ethylbenzene, n-hexane,
8 isopropylbenzene, okay.

9 MR. BUTLER: Thirty seconds,
10 Ms. Anderson.

11 MS. ANDERSON: Isopropyltoluene,
12 n-propylbenzene toluene, 1,2,3-trimethylbenzene,
13 1,3,5-trimethylbenzene, and xylene. All cause cancer in
14 humans.

15 Now, if you will all come on Thursday at 7 p.m.,
16 please attend -- and write this down -- 7 p.m. to 9 p.m.
17 Thursday evening.

18 UNIDENTIFIED SPEAKER: Tomorrow night.

19 UNIDENTIFIED SPEAKER: Tomorrow.

20 MS. ANDERSON: This is tomorrow night,
21 yes. It's at the Unitarian Church. Please, we want all
22 the electeds and all the appointeds and all the Board of
23 Elections, the union people who funneled the money from
24 the Koch brothers against the Community Bill of Rights, we

1 want everybody. Butch, we want pipefitters. We want them
2 all. We want everybody coming down to see the facts.

3 By Thursday we're going to have the radioactivity
4 report. So what TENORM is, it's technologically enhanced
5 naturally occurring radioactive material. See, shale is
6 radioactive.

7 MR. BUTLER: Time, Mr. Chairman.

8 MS. ANDERSON: So TENORM readings with
9 this same analysis of the Kleese well will be released at
10 this town hall. It's an educational town hall. We've
11 been giving these educational town halls since 2011.
12 We've invited every elected, every appointed, all the
13 union heads, everybody who has anything to do with this,
14 the pipefitters, everybody, to come and see this because
15 it's not about jobs. We aren't getting the jobs.

16 There's about 55 jobs. What are they? You built the
17 cryogenic plant so they can make this product, the frack
18 product cold so it will run through a pipeline so it can
19 be exported in New Orleans. So that's the pipelines.
20 That's the pipeline infrastructure.

21 The Sunoco Limited Liability Company pipeline that
22 now runs under our Mill Creek Park, because the Park
23 Commissioners took the money, so they paved the way;
24 Kasich paved the way with money and he rewrote the laws

CERTIFICATE OF SERVICE

I certify that on September 11, 2015, I sent a copy of the foregoing document by email to:

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