

Board of Township Trustees

Minutes of Meeting Held September 19, 1960

A. D. 19

Special Meeting

A special meeting of the Board of Trustees of Boston Township was held on Monday, Sept. 19 with the following members present: Geo. E. Fisher Jr. C. L. Truxell and Vernon Boodey.

The Clerk read a letter received from John Ballard, Summit County Prosecuting Attorney, which referred to Mr. Truxell's inquiries in reference to the obstruction of a water course. The letter is attached to these minutes.

After a lengthy discussion by the Trustees a Motion was made by Truxell, seconded by Boodey instructing the Clerk to send notice to remove obstruction pursuant to Sec. 5589.06 of the Revised Code to N. S. Bertach. Voting Yes: Boodey
Voting Yes: Fisher
Voting Yes: Truxell

The Notice was to read as follows:

To: N. S. Bertach

You are hereby directed to immediately remove the obstruction of the ditch, drain or watercourse along, upon or across the public highway known as Wheatley Rd., Boston Township. This obstruction is further described and located as follows:

Being approximately 500 ft. East of the Richfield Township East Line and on the north side of Wheatley Rd. at the opening of an established Road Drain.

If you do not WITHIN FIVE DAYS FROM THE RECEIPT OF THIS NOTICE proceed to remove such obstruction and complete the removal within a reasonable time, the Township Trustees of Boston Township, Ohio, shall proceed according to law.

BY ORDER OF THE BOARD OF TOWNSHIP
TRUSTEES OF BOSTON TOWNSHIP, OHIO

Clerk

I certify that I served the within notice upon the above-named by personally handing to him a copy of this notice on the _____ day of _____ at _____ o'clock.

The Clerk was instructed to have the Constable serve the above notice.

The meeting adjourned at 8 P.M.

Chairman

Clerk



JOHN S. BALLARD
PROSECUTING ATTORNEY

COUNTY OF SUMMIT

AKRON, OHIO

OFFICE OF THE
PROSECUTING ATTORNEY

CLERK OF COURT
JACKSON B. MORRIS
DANIEL S. GULLIN
JOSEPH D. EDULMAC
GEORGE PAPAS
JOHN D. SMITH
JOHN McCULLOUGH
THEODORE SCHNEIDERMAN
BERNARD A. RAFFAYN
DEPUTY CLERK
JOHN W. REESE

September 16, 1960

Mr. John R. Chessar, Clerk
Boston Township Trustees
6152 Stanford Road
Peninsula, Ohio

Dear Mr. Chessar: In re: Obstruction of Watercourse

Mr. Charles Truxall, one of your Trustees, has sought our advice as to the manner of proceeding where a watercourse has been obstructed to the detriment of the public highway. The Section which covers this is Section 5589.06, Revised Code. Since your Township Manual does not contain this Section, it is quoted in full as follows:

"No person shall wrongfully obstruct any ditch, drain, or watercourse along, upon, or across a public highway, or divert any water from adjacent lands to or upon a public highway. Whenever the township highway superintendent learns of any obstruction of any ditch, drain or watercourse along, upon, or across a public highway, or diversion of any water from adjacent lands to or upon a public highway, he shall notify the board of township trustees, which shall cause written notice thereof to be personally served upon the person, firm, or corporation, or upon any agent in charge of the property of the person, firm, or corporation causing such obstruction or diversion. Notice may be served by a constable of the proper township or any person authorized and deputed therefor by the board of township trustees, and shall describe and locate said obstruction or diversion and direct its immediate removal. If the person, company, or corporation does not within five days from the receipt of written notice proceed to remove such obstruction and complete the removal within a reasonable time, the township highway superintendent, upon the order of township trustees, shall remove the obstruction. The expense incurred shall be paid in the first instance out of any money levied, collected, and available for highway purposes and shall then be collected from the person, company, or corporation by civil action by the board of township trustees, and paid into the highway fund of the township."

Mr. John R. Chessar, Clerk

- 2 -

September 16, 1960

The penalty for the violation of this Section is a fine of not less than \$5, nor more than \$100. Your Board may either proceed by filing a criminal affidavit in Municipal Court, or by proceeding to remove this obstruction yourself, or both. If you choose to avail yourself of the remedy of removal of said obstruction, I enclose a form of notice which I think would fill your needs. If you need any further assistance in this matter, we would be more than happy to cooperate to the fullest extent.

Yours very truly,

JOHN S. BALLARD
Prosecuting Attorney

~~William L. Quillen~~
DANIEL B. QUILLIN
Assistant Prosecuting Attorney

DBQ:cr

Enc.

cc: Mr. Ralph Van Brimmer, Chief Deputy
Summit County Engineer's Office