

VALLEY GOLF CLUB

TED OSSOFF, JR.
PGA GOLF PROFESSIONAL and OWNER
41784 CHERRY FORK RD.
COLUMBIANA, OH. 44408
330 482-9464

RECEIVED-DOCKET

2015 APR 29 PM 1:12

PUCO

April 23rd, 2015

Nicholas Walstra
PUCO
180 East Broad St.
Columbus, Ohio 43215

Case No. 15-508-RR-UNC

This letter is about opposition to the proposed R.R. Crossing TRI 704 Esterly Drive.
Case No. 15-508 RR-UNC requested by Norfolk Southern Railway Co.

My name is Ted Ossoff, Jr. I am the owner and operator of Valley Golf Course located about 500 yards from the R.R. Crossing. Esterly Drive crossing the R.R. is a route traveled by my customers to reach the golf course.

I am opposed to the closing of the R.R. Crossing / TR1704 and I believe the following reasons will support keeping the crossing open.

- First: Our elected Township Trustees voted not in favor of closing the crossing as a safety concern for diverted traffic, and motorists presently using St. Rt. 344.
- Second: Closing the crossing would divert traffic to one intersection S.R. 344 and Esterly Dr. This is a major safety concern. This intersection is a curve on a curve. Only one entrance onto Esterly Dr. for motorists. I believe The integrity of this intersection is in question now. Imagine what increased traffic at the intersection may expose everyday motorists as well as my customers to hundreds of trucks carrying 80 ton loads, turning at a curve on a curve appears to be an increased risk to me. I am sure you are going to hear that ODOT has stated the St.Rt. 344 and Esterly Dr. intersection is safe. However I believe an observation of the intersection in the middle of January, temperature 13 degrees below, and observing only 1 truck does not justify a credible traffic study. I have had to back up at the intersection on Esterly Dr. when making a turn onto St. Rt. 344 to avoid being hit by a turning truck. I have also had other motorists tell me that this happened to them. I am concerned for the motorists safety who may have only one entrance and exit to Esterly Dr.
- Third: The proposed R.R. crossing closing, in my opinion, is for economic

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician AW Date Processed 4/29/15

convenience for Norfolk Southern and Buckeye Transfer. The claim that the crossing is redundant is very questionable. Tell that to the motorists who use Esterly Dr. and the crossing because they feel safer than using the St.Rt. 344 and Esterly Dr. intersection. Why wasn't a proposal submitted over the past 35 years for closure? Local farmers, Valley Golf customers, R-Way Auto customers, local residents, general motorists, and Diebel Mfg. all use Esterly Dr. and the R.R. crossing. All of the in favor of the closing requests suggest that these motorists are not that important to have the right to use Esterly Dr. and the R.R. crossing.

- Fourth: The R.R. Crossing may be the highest ranked in safety
- Fifth: In case of a train explosion or hazardous spill an option to exit the area
Is quickly eliminated
- Finally, Esterly Dr. is the 1st access road to BMC. Cherry Fork Rd. and Diebel
Mfg. travelling west to east from St. Rt. 11/

In addition, I have submitted documents that support my concerns for the safety of motorists. You will find the supporters for the closing base their opinion on economics and Chamber of Commerce business. The majority of those in favor seldom use St. Rt. 344 and don't even know where Esterly Dr. is. Opponents are local 24 hour residents or constant users of the roads mentioned.

If anyone would like to talk to me I am available at 941 350 4140.

In closing I have one question: Is there a standard situation in which the personal safety of motorists is overshadowed by personal economic development?

Ted Ossoff
Owner, Valley Golf Club
PGA Golf Professional

**PETITION OPPOSING THE CLOSING OF THE NORFOLK SOUTHERN RAILROAD CROSSING ON
ESTERLY DR. - FAIRFIELD TOWNSHIP**

I, THE UNDERSIGNED OPPOSE THE CLOSING OF THE NORFOLK SOUTHERN R.R. CROSSING ON
ESTERLY DR. - FAIRFIELD TWP., BECAUSE IT WOULD ADVERSELY AFFECT THE SAFETY OF ALL
INDIVIDUALS THAT PRESENTLY USE THE ROAD, AND THE CLOSING WOULD NOT BENEFIT ALL
RESIDENTS OF FAIRFIELD TOWNSHIP OR VISITORS. THE CLOSING WILL DIVERT ALL TRAFFIC TO
A POTENTIALLY VERY DANGEROUS INTERSECTION, STATE ROUTE 344, CHERRY FORK RD.
(ESTERLY DR.)

THIS CLOSING WILL ENDANGER ALL MOTORISTS WHO PRESENTLY USE

ST. RTE. 344 & ESTERLY DR.

| NAME | PRINT NAME | ADDRESS |
|------------------------------|--------------------|---|
| 1. <i>Margaret O'Soff</i> | MARGARET O'SOFF | 41284 Cherry Fork Rd ^{Col.} 44448 |
| 2. <i>Richard A. Summers</i> | Richard A. Summers | 335 W. Salem St ^{APT. 302} Columbia OH |
| 3. <i>Jim Dattilio</i> | JIM DATTILIO | 863 SLATER RD. SALEM |
| 4. <i>Karen Orr</i> | Karen Orr | 70 Wilson Leetonia ⁴⁴⁴³ |
| 5. <i>Heidi Dailey</i> | Heidi Dailey | 10310 Roller Coaster Lisbon |
| 6. <i>Marti Orr</i> | MARTI ORR | 70 WILSON LEETONIA OH. |
| 7. <i>Ronald Bulford</i> | RONALD BULFORD | 1000 SOUTHEAST RD SALEM OH |
| 8. <i>Chuck Rube</i> | Chuck Rube | 636 W. 8TH SALEM OH |
| 9. <i>Greg Crosser</i> | GREG CROSSER | 1898 Monroe Salem OH |
| 10. <i>Tracy Bissell</i> | TRACY BISSELL | 1228 JENNINGS AVE Salem OH |
| 11. <i>Cheryl Depew</i> | Cheryl Depew | 925 Cherry Valley Rd Leetonia OH |
| 12. <i>Carl Shetler</i> | CARL SHETLER | 925 Cherry Valley Rd Leetonia OH |
| 13. <i>Sam Shetler</i> | SAM SHETLER | 720 County Line Leetonia |
| 14. <i>Terry Dattilio</i> | TERRY DATTILIO | 1651 KOSSELINE, TWISBUR |
| 15. <i>Michael Dattilio</i> | Michael Dattilio | 468 Columbia St, Leetonia, Ohio |
| 16. <i>William Kegel</i> | William Kegel | 375 Washell Leetonia |
| 17. <i>William Kegel</i> | William Kegel | 39015 Crestview RD Leetonia |
| 18. <i>Paul Phillips</i> | PAUL PHILLIPS | 38685 Old ST RT 3 |

| NAME | PRINT NAME | ADDRESS |
|-----------------------------------|--------------------------|---------------------------------|
| 19. Tim Hama | TIM HANNING | 218 STATE ST Leetonia OH |
| 20. Peter Thompson | Peter Thompson | 147 OAK ST |
| 21. Amy Randolph | Amy Randolph | 170 Bears Den Rd |
| 22. Jim Barnhouse | Jim Barnhouse | Leetonia |
| 23. Nash Jackson | Sarah Jackson | 309 Ridge St Leetonia |
| 24. Erin L. Wise | Erin L. Wise | 43925 Crestview Rd. Colum. |
| 25. David C. Wise | DAVID C. WISE | 43925 Crestview Rd. Cal. 446 |
| 26. Cindy Keefmeyer | Cindy Keefmeyer | 3956 Wadsworth St Leetonia OH |
| 27. Jeff Baker | JEFF BAKER | 3875 SR 14 Salem |
| 28. Richard McCall | RICHARD MCCALL | 2586 GRAFTON RD LEETONIA OH |
| 29. John W. Rohrer | John Rohrer | 493 Empire St Leetonia |
| 30. William L. Jackson | William L. Jackson | 765 W. Main St. |
| 31. David Brown | David Brown | 396 Wadsworth Rd |
| 32. Joe Billet | Joe Billet | 31 W MAIN Leetonia |
| 33. David Keeler | DAVE KEELER | 359 WALNUT LEETONIA OH |
| 34. Jackie Keeler | JACKIE KEELER | 359 WALNUT LEETONIA, OH |
| 35. Shirley Ferry | Shirley Ferry | 30 Woods Blvd Leetonia OH |
| 36. John R. Ferry Dr. | JOHN R. FERRY | 30 WOODS BLVD - LEETONIA |
| 37. Joe Ferry | Joe Ferry | 335 Somer St |
| 38. Amanda Mancusa | Amanda Mancusa | 396 Columbia St Leetonia |
| 39. Vincent Nicotera | Vincent Nicotera | 120 Prospect St Columbiana |
| 40. Sue Terzek | SUE TERZEK | 3020 ST Rt 164 Leetonia |
| 41. Marie Miller | Marie Miller | 1648 Lower Elkton Rd. Ch. Ohio |
| 42. Mike Miller | Mike Miller | 1648 Lower Elkton Rd. Cold |
| 43. Mark Attmore | Mark Attmore | 234 Walnut St. Leetonia OH |
| 44. Bill Fry | Bill Fry | 6058 Grafton Leetonia |
| 45. ARTHUR V. ALTOMARE | ARTHUR V. ALTOMARE | 28 LISBON ST LEETONIA |
| 46. Tom Ferguson | Tom Ferguson | 37 Village Ct Columbiana OH |
| 47. M. Howard | M. HARWOOD | 121 S. BAKER DR. COLUMBIANA, OH |
| 48. Terry Boulton | TERRY BOULTON | 531 OLD NORTH COLUMBIANA, OH |
| 49. Kirby Zeuser | Kirby Zeuser | 315 KINGWOOD, COLUMBIANA, OH |
| 50. Paul Filly | Paul Filly | 2800 SE 7 New Waterford OH |

NAME

PRINT NAME

ADDRESS

51. ~~Lynn Finley~~ LYNN FINLEY 2800 ST RT 7 ^{New}waterford
52. ~~Donna Dullats~~ DONNA DULLATS 104 CLAYBROOK DR. EAST PALESTINE
53. ~~Patricia Poulton~~ PATRICIA POULTON 531 OLD NORTH ST. COLUMBIANA OH
54. ~~FERRY DAVIDSON~~ FERRY DAVIDSON 470 TERRA VERDE COLUMBIANA OH
55. ~~James Hoop~~ JAMES HOOP 42032 EDWARD CIR COLUMBIANA OH
56. ~~Bob Hall~~ BOB HALL 351 KINGWOOD COL OH 44408
57. ~~Kathleen A. Millane~~ KATHLEEN A. MILLANE 4330 KELLEY PARK DR. 44408
58. ~~Michelle L. Davidson~~ MICHELLE DAVIDSON 470 TERRA VERDE AVE COL. OH 44408
59. ~~Tanya L. Davidson~~ TANYA L. DAVIDSON 32891 LAKE RD., AMER LAKE OH 44012
60. ~~Charles T. Coppi~~ CHARLES T. COPPI 180 DAY-ASME ST COLUMBIANA OH
61. ~~Charles Stefani~~ CHARLES STEFANICK 3140 W. GARFIELD COL OH 44408
62. ~~Bill Millane~~ BILL MILLANE 4330 KELLEY PARK DR COLUMBIANA OH
63. ~~Dave Reash~~ DAVE REASH 3253 CREEK RD #151 NEWATERFORD, OH
64. ~~Raymond H. Carsonell~~ RAYMOND H. CARSONELL 3289 LAKE RD AVON LAKE OH 44012
65. ~~Connie Stefani~~ CONNIE STEFANICK 3140 W. GARFIELD COL, OH 44408
66. ~~Rosemarie Johnston~~ ROSEMARIE JOHNSTONE 2055 MAPLE DR COL OH 44408
67. ~~Terry Hall~~ TERRY HALL 351 KINGWOOD DR COL OH 44408
68. ~~AL Jones~~ AL JONES 374 S MAIN COLUMBIANA OH 44408
69. ~~Tammy Fetherhoff~~ TAMMY FETHERHOFF 833 FAIRFIELD SCHOOL RD. COLUMBIANA OH
70. ~~John Haller~~ JOHN HALLER 321 OAK CT. COLUMBIANA, OHIO
71. ~~Linda Haller~~ LINDA HALLER 321 OAK CT - COLUMBIANA, OHIO
72. ~~Cathy Stanton~~ CATHY STANTON 315 OAK CT - COLUMBIANA, OHIO 44408
73. ~~Gerald Fleming~~ GERALD FLEMING 315 OAK CT. COLUMBIANA, OHIO 44408
74. ~~Betty G. Nordquist~~ BETTY G. NORDQUIST 407 OLD NORTH - COLUMBIANA, OHIO 44408
75. ~~Robert T. Nordquist~~ ROBERT T. NORDQUIST 407 OLD NORTH - COLUMBIANA, OHIO 44408
76. ~~Jack Nordquist~~ JACK NORDQUIST 307 E PARK AVE COLUMBIANA OH 44408
77. ~~Michelle Nordquist~~ MICHELLE NORDQUIST 307 E PARK AVE COLUMBIANA OH 44408
78. ~~Jessica Perry~~ JESSICA PERRY 215 MANOR DR. COLUMBIANA
79. ~~Tina Mills~~ TINA MILLS 41262 CHERRY FIVE RD LEPTONIA OH 44431
80. ~~Ray House~~ RAY HOUSE 11410 Y.E. SILEM RD SALAM, OH 44460
81. ~~Ray Mills~~ RAY MILLS 41262 CHERRY FIVE RD LEPTONIA OH 44431
82. ~~Adam Hufica~~ ADAM HUFICA 41920 ESTELY DR. COLUMBIANA OH 44408

330 482 4404

83. Penney Whitton Renee L. Hutto 4920 E. 1st Dr. Columbiana
84. Gene Hill Jane Hill 4944 Simon Rd. Boardman Ohio
85. Lynn Fair Lynn Fair 720 F Springfield Rd Columbiana Oh
86. Virginia Deal 1130 Boardman Confess Rd. Boardman
87. Mark Hill Mark Hill 4944 Simon Rd Boardman Ohio
88. Steve Schuler Steve Schuler 149 HOOD Confess Rd
89. Arthur R. Horn 6537 E. 6th Rd. Boardman OH 44451
90. Laurie P. Laurie P. 559 HAZELWOOD
91. Larry Miller Larry Miller 7006 Springfield Rd. Ohio
92. Sim DeJong Sim DeJong 207 W. Main Washington OH
93. Terry Pidgeon Envelope 1 41969 St Rt 344
94. Kenneth M. Hoy 3767 S. R 164 Leetown, OH 44431
95. William H. Saiter 5321 Carbon Hill Rd. East Palestine, OH 44413
96. Robert L. Daker 46442 St. Rt. 46 New Waterford OH 44445
97. David E. Bailey 241 W. FRIEND ST Columbiana OH 44408
98. Thomas A. Stanton 46398 St Rt 46 NEW WATERFORD OH 44445
99. David Riston 337 W. Salem St Columbiana Ohio 44408
100. Wendy Bingham 19 BITTERSWEET DR COLUMBIANA OH 44408
101. MARIE Dengler 19 BITTERSWEET DR COLUMBIANA, OH 44408
102. RICHARD BERGMAN 432 PARKVIEW DR COLUMBIANA OH 44408
103. Kirk Christman 28 1/2 W. SALEM ST COLUMBIANA, OH 44408
104. Kevin Holsky 425 E. Mt. Rd Columbiana OH 44408
105. Shirley F. Holsky 216 (Name) Dr. Columbiana, OH 44405
106. Linda Holsky 380 KINGWOOD Dr. Columbiana, OH 44408
107. James Holsky 700 E. Springfield Rd Columbiana Ohio 44405
108. Helen Gustafson 162 Lakeview Ct. China, MI 48440
109. Yvonne Holsky 502 Springfield Rd. Columbiana Ohio
110. Mrs. Daker 204 Holsky Dr. Columbiana OH 44408
111. Anita Pirone Anita Pirone 5305 Sycamore Hill Dr. New Middleton OH 44442
112. Rosemarie Jackson 703 Timberline Dr. Columbiana Ohio 44408
113. James Bohrer 1201 Timberline Dr " "
114. Helen Maurer 74 Carter Cr. Boardman OH 44502
115. Dorothy Michael 8220 A. Mountaint Dr. Boardman OH 44512
116. Paula Wenz 2915 Red Maple Poland Ohio 44514

117. Jay A. Pakosh 142 Storkhaven Dr. Columbiana OH 44408
118. Brian Hughes 185 Crislow Dr. Boardman OH 44512
119. Mary Ann Lydon 247 N. Bayshore Dr. Columbiana OH 44408
120. Marlene Linton Jurgens 27 Blue Lantern Dr. Eden OH 44460
121. Irene Ossoff Clara Ossoff 415 Parkview Dr. Columbiana OH 44408
122. ~~Terry Ossoff~~ Terry Ossoff 44405 Cherry Fork Rd, Leetonia OH 44131
123. Pam Matheny (Columbiana Napco Delivery Driver) 619 E. Park Ave Columbiana, Ohio 44408
124. Ted Ossoff TED Ossoff 41784 Cherry Fork Rd Co., OH
125. _____
126. _____
127. _____
128. _____
129. _____
130. _____
131. _____
132. _____
133. _____
134. _____
135. _____
136. _____
137. _____
138. _____
139. _____
140. _____
141. _____
142. _____
143. _____
144. _____
145. _____
146. _____
147. _____
148. _____
149. _____
150. _____

SENT TUES 4/15/14

**PETITION OPPOSING THE CLOSING OF THE NORFOLK SOUTHERN RAILROAD CROSSING ON
ESTERLY DR. - FAIRFIELD TOWNSHIP**

I, THE UNDERSIGNED AND AS A CUSTOMER OF VALLEY GOLF CLUB OPPOSE THE CLOSING OF
THE NORFOLK SOUTHERN R.R. CROSSING ON ESTERLY DR. - FAIRFIELD TWP., BECAUSE IT
WOULD ADVERSELY AFFECT THE SAFETY OF ALL INDIVIDUALS THAT PRESENTLY USE THE ROAD.
THE CLOSING WOULD **NOT** BENEFIT ALL RESIDENTS OF FAIRFIELD TOWNSHIP OR VISITORS.

WITH ALL THE ADDED TRUCK TRAFFIC THIS 4-STAGE MAJOR INDUSTRIAL PARK WILL BRING TO
THIS DANGEROUS INTERSECTION, STATE ROUTE 344, CHERRY FORK RD. (ESTERLY DR.) I AS A
CUSTOMER OF VALLEY GOLF CLUB, OBJECT TO BEING LEFT WITH NO OPTION BUT TO USE THIS
INTERSECTION.

| | NAME | PRINT NAME | ADDRESS |
|-----|---------------------|---------------------|--|
| 1. | Jayne Bengtson | WAYNE BENGTSON | Lisbon, Ohio 44432 308 61 Chestnut |
| 2. | Jayne Wiggins | Jayne Wiggins | 3440 ST. PT. IN A COLUMBIANA, OHIO |
| 3. | Bruce L. Wiggins | BRUCE L. WIGGINS | 3440 ST. PT. 14 APT COLUMBIANA, OHIO 44408 |
| 4. | Donald Oberholtzer | | 603 South Main St Columbiana, OH 44408 |
| 5. | Joe McAndrew | JOE McANDREW | 597 Green Garden Dr BOARMAN OH 44512 |
| 6. | Eric Davidson | ERIC DAVIDSON | 470 Terra Verde Avenue Columbiana, OH 44408 |
| 7. | Larry Miller | LARRY MILLER | 702 Springfield Rd Col. Ohio 44408 |
| 8. | David Liston | DAVID LISTON | W. Salem St Columbiana, OH |
| 9. | Alan Douglas | ALAN DOUGLAS | 19 BITTERSWEET DR. COLUMBIANA OHIO |
| 10. | James S. Ramon | JAMES S. RAMON | 222 Sunset Court Columbiana OH |
| 11. | Richard Berryman | RICHARD BERRYMAN | 432 PARKVIEW DR COLUMBIANA OH |
| 12. | John Fieldhouse | JOHN FIELDHOUSE | 154 Stanton Columbiana, OH |
| 13. | Donnie J. Trantham | DONNIE J. TRANTHAM | 216 VILLAGE COURT COLUMBIANA OHIO 44408 |
| 14. | Roger Taffini | ROGER TAFFINI | 113 Village Ct Columbiana OH 44408 |
| 15. | Richard A. Saunders | RICHARD A. SAUNDERS | 335 N. BAKER ST #302 COLUMBIANA OH |
| 16. | David E. Bailey | DAVID E. BAILEY | 241 W. FRIEND ST Columbiana |
| 17. | Michael McAndrew | MICHAEL McANDREW | 282 Blueberry Dr Columbiana OH 44408 |
| 18. | Ryan Gay | RYAN GAY | 70 Woodland Ave Columbiana OH 44408 |

| | NAME | PRINT NAME | ADDRESS | |
|-----|--------------------------------|---------------------|--------------------------------|--------------------------|
| 19. | Eugene A. Altomare | EUGENE A. ALTOMARE | 271 OAK ST. | LEETON OH |
| 20. | James DeJara Jr | JAMES DEJARA JR | 200 W. MAIN | WASHINGTON, OH 44406 |
| 21. | Don Miller | DON MILLER | FAIRVIEW AVE | SALEM OH 44460 |
| 22. | Timothy R. Merriman | TIMOTHY R. MERRIMAN | Western Reserve | CANFIELD OH 44406 |
| 23. | Susan D. Merriman | SUSAN G. MERRIMAN | 3438 West Western Reserve | CANFIELD OH 44406 |
| 24. | DATE A. KAMPLER | DATE A. KAMPLER | 39904 ST RT 517 | LISBON, OH 44432 |
| 25. | Charles M. Beckley | CHARLES M. BECKLEY | 206 N. 1st | SALEM OH 44460 |
| 26. | John M. Cambridge | JOHN M. CAMBRIDGE | 14413 MARIETTA RD | NEW SPRINGFIELD OH |
| 27. | ROBERT R. ADDEGATE | ROBERT R. ADDEGATE | 13501 BEARD RD. | NEW SPRINGFIELD OH 44443 |
| 28. | MARK RICHMOND | MARK RICHMOND | 13313 BVR. SPRNGFLD RD. | NEW SPRNGFLD OH 444 |
| 29. | MIKE PERSING | MIKE PERSING | 13603 BEARD RD. | NEW SPRINGFIELD OH 44443 |
| 30. | MIKE TRIMBLE | MIKE TRIMBLE | 4213 KIEK RD | COLUMBIANA OH 44408 |
| 31. | Michelle Neiser | MICHELLE NEISER | 4213 KIEK RD | COLUMBIANA OH 44408 |
| 32. | CHERYL KISSINGER | CHERYL KISSINGER | 44977 COLUMBIANA WATERFORD RD. | OH 444 |
| 33. | DAVE KISSINGER | DAVE KISSINGER | 7601 SCOTTS MILL RD. | ROGERS OH |
| 34. | THOMAS R. TROLL JR | THOMAS R. TROLL JR | 10130 SHAEROTT RD | NORTH LIMA, OH 44452 |
| 35. | BILL SCHUMM | BILL SCHUMM | 720 F ST | SPRINGFIELD OH 44408 |
| 36. | BYRON D. MEWA | BYRON D. MEWA | 4766 N. WATERFORD | OH 44445 |
| 37. | JACK DEPUTER | JACK DEPUTER | 2135 FOXDEN DR. | SALEM OH 44460 |
| 38. | DAVE KISSINGER | DAVE KISSINGER | 337 FAIRFIELD AVE. | COLUMBIANA OH 44408 |
| 39. | HARVEY SMITH | HARVEY SMITH | 4112 BOARDMAN ST | NEW WATERFORD, OH 44445 |
| 40. | JACK MEYER | JACK MEYER | 75635 CRISTVIEW RD | NEW WATERFORD, OH 44445 |
| 41. | JOHN H. HUBBARD | JOHN H. HUBBARD | 3905 BOARDMAN ST. | NEW WATERFORD OH 44445 |
| 42. | TOM H. HUBBARD | TOM H. HUBBARD | 42749 APPLE WY | OR LEETON OH 44431 |
| 43. | MARK W. HUBBARD | MARK W. HUBBARD | 5200 FAIRFIELD SCHOOL RD | COL OH 44408 |
| 44. | LODY LANDSBERGER | LODY LANDSBERGER | 5200 FAIRFIELD SCHOOL RD | COL OH 44408 |
| 45. | JASON A. BOOTH | JASON A. BOOTH | 46760 ALLENDALE AVE. | NEW WATERFORD, OH 44445 |
| 46. | JOHN L. LITTON | JOHN L. LITTON | 5234 CARROLL AVE | SALEM OH 44460 |
| 47. | ANTHONY ALTOMARE | ANTHONY ALTOMARE | 150 PARKVIEW ST | COLUMBIANA OH 44408 |
| 48. | COLEMAN | COLEMAN | 44829 HICK RD | COLUMBIANA OH 44408 |
| 49. | WAYNE W. WUBSHIE | WAYNE W. WUBSHIE | 8297 HUSKLOCK RD. | LISBON O. |
| 50. | JOHN KAMPLER | JOHN KAMPLER | | |

NAME

PRINT NAME

ADDRESS

51. B Van Horne B VAN HORNE 125 Hawkins Lane, Columbiana, OH 44402
52. Gary Wright GARY WRIGHT 2235 Wines Columbia, OH 44402
53. Chad Moresch Chad Moresch 147 S. main ST Columbiana, OH -
54. James P. Houpp JAMES P. HOUP 42032 EDWARDS CIR COLUMBIANA, OH
55. Ken Luceri KEN LUCERI 5903 ADAM SR Rpt OHIO 44195
56. William G. Reynalt William G. Reynalt 125 Country Green Dr. Aust. OH
57. Donald R. Cunningham Donald R. Cunningham 48771 ST. RT 14 New Water
58. Michael R. Hays MICHAEL R. HAYS 5164 JIM TOWN RD E. PALESTINE OH 4441
59. Otis T. Noles OTIS T. NOLES 6009 SR 170 E.P.O.
60. Don Curl DON CURL E.P.O.
61. Roy Smith Roy Smith 2017 Maple Dr. C.G. OH 44408
62. Jeffrey A. Seider Jeffrey A. Seider 9126 Black Rd Lisbon OH
63. Nicole Thompson NICOLE THOMPSON 9126 BLACK RD LISBON OH
64. Jack Ulansky JACK ULANSKY 3895 INDIAN RUN DR #9 CANFIELD OH 44402
65. Tony M. Ilchiff TONY M. ILCHIFF 451 Huntly Ln. Huron OH 44431
66. Jim Whenny JIM WHENNY 40601 St Rt 344 Lebanon OH 44431
67. Kevin McCormick Kevin McCormick 112 Main St. Leona OH 44431
68. Matthew McGrade MATTHEW MCGRADE 139 Garfield Avenue, East Palestine OH 44411
69. John Woods JOHN WOODS 1258 Pendurish Dr. Salem OH
70. Richard B. Frank RICHARD B. FRANK 4058 ST. 30th LEBANON
71. Todd Howlett TODD HOWLETT 46222 Walker Rd East Liverpool
72. Charles G. Hunt CHARLES G. HUNT 122 E. Washington Lisbon
73. Glenn Buckley GLENN BUCKLEY 38242 SR 518 Lisbon
74. John W. Smith JOHN W. SMITH 32294 FREELSON, LISBON OH 44432
75. Bruce D. Wiggins BRUCE D. WIGGINS 3440 ST RT 14 COLUMBIANA OH 44402
76. Kim Vollnoble KIM VOLLNOBLE 3815 SUE DR. LISBON OH 44432
77. Brian D. Hall BRIAN D. HALL 91481 Crean Ridge Rd.
78. Charles Straub CHARLES STRAUB 1306 N. LINCOLN SAELEM OH 44460
79. Francis Gredhardt FRANCIS GREDHARDT 3814 COLUMBIANA RD N.S.
80. John W. Riley JOHN W. RILEY 6067 E. So Rango Rd. Petersburg, OH
81. _____
82. _____

**OFFICIAL JOURNAL RECORD OF PROCEEDINGS****Fairfield Township Local Government District****FAIRFIELD TOWNSHIP TRUSTEES****APRIL 17, 2014**

The Minutes Of The Corporation Meeting

Township Trustee Journal No. 31

The regular meeting of the Fairfield Township Trustees was held in the Government Center, 3062 Fairfield School Road on April 17, 2014, 7:00 P.M.

Chairman Hum opened the meeting leading the group in reciting The Lord's Prayer and The Pledge of Allegiance.

Trustees present: Mr. Robert W. Hum, Mr. Carl R. Garwood, and Mr. Barry A. Miner.

Employees present: Melvin Miller

Guests present: Jason Steigerwald - CESO Inc., Mark Brothers, Arless Webb, Dave Crandall, Terry McCoy, Jeff Stoy, Dan Bekar, Mathew Morell, J.T. Gorman, Paul Jeffers, Lee Stoneburner, Maryann Ossoff, Lisa Wallace, Chuck Beiling, Mark Hutson, and Casey Talbot.

Media present: Larry Shields, Salem News and Bruce Rogers - Western Reserve News Videographer.

Minutes of the regular meeting of April 3, 2014 were approved as circulated on motion of Mr. Garwood and seconded by Mr. Miner. Minutes stand approved as presented.

Chairman Hum - we are going to do things in reverse tonight. Casey Talbot provided us with two (2) revised resolutions regarding the possible voluntary closure of the Esterly Drive rail grade crossing. There is additional money on the table for the closing of the Esterly Drive crossing. The second Resolution on page two (2) starts out at \$27,500.00, the \$15,000.00 and the \$5,000.00. This one has some strings attached to it, correct, Casey? Yes, the ORDC has stipulated that it has to be used for some purpose relating to highway or rail safety and it has a matching component that NS would be paying you. Hum - this resolution has more money on the table than the other one? Casey - Yes, the second (2nd) Resolution has \$7500.00 more.

Hum - to Trustees: Fellas, we need to decide which Resolution to put on the table. My suggestion would be this one, because it has more money and that only makes sense. Miner - my only question to Casey would be, the pre-approved highway safety project - what type of category would that fit into? Casey - regarding my history with Cathy Stout and her predecessor, Susan Kirkland with the ORDC, they will work with the township identifying a need the township has, such as painting roadways, signage, roadways themselves and things of that sort. Basically just have a constructive conversation with them and they will work with you. Other townships have been happy with that process and I have not seen a problem with it. Miner - the \$7500.00 from Norfolk-Southern could be spent in the same regard? Casey - if you go with the second (2nd) proposal, that's what adds the \$7500.00 to the Ohio Rail Development Commission as a matching component. Miner - so essentially, the \$15,000.00 would be for a highway safety project? Casey - yes sir. Hum - the trustees have agreed to put the second (2nd) Resolution on the table. Hum, also noted we normally do the public input at the end of our meetings, but I think that everyone that's here is here for the railroad crossing except for Jason Steigerwald of CESO. I don't want to turn this into another public hearing, but I want to give everyone an opportunity, like a minute or so, to say what you have to say.

Hum -called on Jason Steigerwald of CESO, Inc. - Jason presented a RUMA project proposal for the Columbiana Pipeline. The Columbiana Gathering Line now goes to Teegarden. It connects the Mellinger well to the Teegarden Gathering Line, right behind the Hartz pad. The roads included in this RUMA are Beeson Mill Road up to the Mellinger well and Crestview Road over to the Hartz well site. There is 500' of 6" pipe and 5000' of 8" pipe. There are no road crossings and only one (1) bore on that line. Hum requested Road Supervisor Miller look at the map and noted that Trustee Miner indicated this RUMA is pretty much the same as our other RUMAs... I believe the last time Access Midstream was here was for the Hartz well site itself off Crestview Road. So essentially they will be utilizing the same portions of Crestview and Beeson Mill Roads again. These two roads have been strengthened and reconstructed because of the wells. Crestview was

**OFFICIAL JOURNAL RECORD OF PROCEEDINGS****Fairfield Township Local Government District****APRIL 17, 2014 CON'T.****RUMA DISCUSSION CON'T.****PAGE 2**The Minutes of The Corporation Meeting
Township Trustee Journal No. 31

paved and Beeson Mill had the stone built up and chip-sealed. Jason -- we video-taped the roads about two weeks ago, so we know what the condition of the road is now and if there is any damage we can repair it. Hum - normally what we have done in the past, you drop off the RUMA and everybody has a chance to review the information and you come back the following meeting. But, Miner, if you are comfortable with this RUMA, that's okay? Miner - I'm comfortable and also, County Engineer Bert Dawson has signed off on this RUMA.

Trustee Garwood moved to adopt the following *Resolution #2014-44*.

A RESOLUTION AUTHORIZING ADOPTION OF THE ROAD USE AND MAINTENANCE AGREEMENT (AS PREPARED) BETWEEN FAIRFIELD TOWNSHIP and CARDINAL GAS SERVICES, LLC REGARDING PORTIONS OF TOWNSHIP ROADS (TR790) BEESON MILL ROAD and (TR857) CRESTVIEW ROAD

WHEREAS, Cardinal Gas Services, LLC, 7235 Whipple Ave., NW, North Canton, OH 44720, the Operator of certain oil and gas leaseholds, and intends to develop and operate the (Columbiana Gathering Line, Mellinger to Teegarden): and

WHEREAS, Cardinal Gas Services LLC has prepared and presented a Road Use and Maintenance Agreement (RUMA) for 0.69 miles of TR790 (Beeson Mill Road) and 0.40 miles of TR857 (Crestview Road) for consideration by the Fairfield Township Trustees; now

THEREFORE LET IT BE, the Trustees of Fairfield Township, Columbiana County OH, do hereby approve the Road Use and Maintenance Agreement (as prepared and presented) for portions of TR790 (Beeson Mill Road) and TR857 (Crestview Road); and

FURTHER, this Road Use Maintenance Agreement is between Fairfield Township, 3062 Fairfield School Road, Columbiana OH 44408 and Cardinal Gas Services, LLC, of 7235 Whipple Ave. NW, North Canton OH 44720; and

FURTHER, an attachment to this Resolution is a copy of the Road Use and Maintenance Agreement between Township and Operator for TR790 Beeson Mill Road and TR857 Crestview Road and is referred to as Attachment #1.

Trustee Miner seconded and the roll being called:
Mr. Hum, Yea; Mr. Garwood, Yea; and Mr. Miner, Yea.
Adopted, April 17, 2014

PUBLIC COMMENTS PRIOR TO VOTING ON THE PROPOSED CLOSING OF ESTERLY RAIL GRADE CROSSING

Chairman Hum -- I'm going to just go down the listing of persons who have signed in tonight. If you want to, you can make a brief comment as to your position concerning the tentative closing of the Esterly Drive rail grade crossing.

MARK BROTHERS -- Since the "public hearing" -- our facility is in Columbiana and we are at the end of the railroad in terms of deliveries out of Canton OH. We have had a dozen outages because of the railroads inability to be able to service our site. There was one (1) time they didn't deliver to us for a whole week. We screamed loud enough that Norfolk & Southern sent in people from Ravenna Corporate office and we had a very nice meeting with them. The bottom line is - that when I built that site twenty (20) years ago, there was approximately 65 to 70 trains a day running through there, but now there is closer to 130 trains a day. Because of the additional traffic, it puts



Year 2014 A.D.

Page No 6301

OFFICIAL JOURNAL RECORD OF PROCEEDINGS

Fairfield Township Local Government District

MAY 17, 2014 CON'T.

MARK BROTHERS COMMENTS CON'T.

PAGE 3

The Minutes of The Corporation Meeting
Township Trustee Journal No. 31

a restriction on the amount of time that is available for what they call – local deliveries. This project I am for because this will allow the Stoneburner site to be delivered with uni-trains. They can bring in 100 cars, drop off and go and that will free up delivery time on the track for the rest of us that are getting deliveries. There was twice that we had to shut down, because we ran out of material. Hum – that's what you mean by "outages?" Brothers - Yes.

ARLESS WEBB – nothing.

DAVE CRANDALL - "Thank You" for the opportunity to say just a couple words. I'm from Fairmount Minerals and we are an international and company and we are based in Geauga County outside of Cleveland. We have mines in Wisconsin, Illinois, Minnesota, and Ohio and we ship a lot of product to this terminal. Let me give you an example that we practice what we preach. Last year we planted 65,000 trees, we donated \$3,000,000.00 back to our community, every year we give every single employee 40 hrs. of paid-time off so that employee can go donate time to a charity of their choice. Last year we donated 9,000 hours of people time. That tells you a little bit about who we are. Why is this important to us? Let me tell you a little bit about the sand. This year we will be selling over a billion dollars of "frack sand." It can be moved by rail or barge, but we move it here by rail. You can do one of two ways - you can do it by manifest shipping –which means a train of less than 100 cars or you can do 100 cars at a time. When you do manifest shipping, the cars move 40, 50, or whatever along the track on their way to the destination. This takes longer to get there because it causes more switching by the railroad. By having a uni-train capability here in this town we can get our product to our terminal here and we can do it more efficiently, more cost effective and it allows us to cut down on the number of rail cars we have to use, because the turn is a lot quicker than when you use the manifest shipping. Using uni-trains saves a lot. "Thank You."

TERRY McCOY - I'm here representing the Columbiana Area Chamber of Commerce. We have been in favor of this project since day one. We support the railroad closing because of the uni-train. The uni-train is what this community needs. Just like it affects my brothers's company, it affects other people along that line, so it's beneficial to a number of people to have a uni-train come in and we can't get the uni-train unless we close the crossing. The Chamber is in support of this project and of closing the crossing.

JEFF STOY – no comment.

DAN BEKAR - Attended as an observer.

MATHEW MORELL - I'm here representing Zarbana Industries. I work right there near the crossing and I support closing the crossing. I actually live in the area, as well.

J. T. GORMAN - Thank You for your time. I'm employed at Buckeye Realty Transfer. This company has given me a job, as well as, a lot of other co-workers. We're here of support to what they are looking to do. I appreciate your time and "Thank You."

PAUL JEFFERS - I'm representing the Industrial Development Manager for the State of Ohio for Norfolk and Southern Railway. I'm here in support of closing the crossing.

LEE STONEBURNER - I want to "thank you" all for your time. It has been a long road trying to get to this point and I would appreciate your vote. "Thank You."

MARYANN OSSOFF - Well I'm here again, as I have been at every meeting this whole winter. I guess I'm a little bit confused. We've never been against anything Buckeye was wanting to do.



Year 2014 A.D.

Page № 6302

OFFICIAL JOURNAL RECORD OF PROCEEDINGS
Fairfield Township Local Government District

The Minutes of The Corporation Meeting

APRIL 17, 2014 CON'T.

Township Trustees Journal No. 31

MARYANN OSSOFF COMMENTS CON'T.

PAGE 4

As Lisa (Wallace) has said – we're neighbors. They're going to be there and we're going to be there. We've always tried to be neighborly and we've never had an issue with what Buckeye has wanted to do. We wish them all the luck in achieving their goals. I guess what I still don't understand and have been trying to find out is - if there is a uni-train - why does the railroad crossing have to be closed? Mr. Talbot says because of safety reasons. We see the safety concerns in the intersection (SR344 & Esterly Drive). Now if Mr. Stoneburner realizes his potential of building a four-stage Industrial Park, that's a heck of a lot of traffic for one intersection. That is our concern, not the uni-train. If it's in our front yard, I'm willing to live with that. I can adjust, but what I can't adjust to is the amount of people who don't even realize how they are going to be affected when that railroad crossing gets closed, if there is not something substantial done to that intersection. That's my concern. Go for it, building the uni-train, but do something about the other concerns. Mr. Talbot says they can close that crossing, because there is an alternate entry. Yes, but do these people talk to the people that are going to be affected by that and those are the people that I've talked to. "Thank You."

LISA WALLACE – I just want to "Thank" the trustees for your time and consideration over these last several months. I want to "Thank" the representative of Fairmount Minerals who came to support us, Casey (Talbot) who has been with us for months, the Columbiana Area Chamber of Commerce who has been supportive, and also Maryann (Ossoff) because she stuck to it and has been here doing what she thinks is the right thing to do and that's why it is the country that it is. As far as the development, I think it has been explained that N S cannot service us if the crossing is open. It's not an option. The only way we can build and grow is to get the crossing closed.

BUCK BEILING – The way this is on the books right now and the way you propose it, there is only 2 options. One deals with more money than the other. They both deal with closing the crossing. Isn't there a third one – Let's leave it open. Isn't that an option, yet? Hum – what's the third (3rd) one? Beiling – That's what I'm saying, let's leave it open. I personally think it should be voted two (2) ways. If you're going to vote to close it, then close it. Then there has to be a contingency in there where they have to put in a satisfactory, adequate truck traffic entrance. Whether it comes off of SR14 and they build up the road. If the intersection can't handle it off SR344, which there is a possibility that it could be designed to handle it, then there has to be some way to alleviate all the pressures that's going to come from the truckers. So, right now, it is my understanding the trucks come across the railroad crossing and go into the businesses. If you close where are the 700+ trucks a day going to come and go? Are they going to come in off SR344? If they do that, you have 3 or 4 businesses right there and it's not the most desirable intersection because it is on a little bit of an angle. It can be revamped but, I think it should be voted, "That if we close the railroad crossing, then it has to be tied into them (Buckeye) building a separate entrance for the truck traffic into the businesses they have." Chesapeake, for example, has had to rebuild township roads in our county and some in our township, also. Bob Durbin (Chief Deputy Engineer - Columbiana County OH) approves these and they could probably build an entrance in off SR14. It might not be the most convenient and also, in the Conditional Use Permit, it is my understanding, that you have to follow a certain guideline in that "Conditional Use" and we don't want to bother with that either. So, my thought is, vote it both ways. If you're going to close it, then they've got to put in an entrance to control the traffic or if you're going to leave it open, then the traffic can still come across the tracks. Thank You.

MARK HUTSON - There was a published "Letter to the Editor" from Mr. Ossoff and I just want to make a couple of things clear with that letter. We've been here more than several times and the proposal that is before the Trustees is for the voluntary closure of a grade crossing. (This is not an involuntary closure of a rail grade crossing.) Last December, 2013 there was a public hearing regarding voluntary closure of the Esterly Drive rail grade crossing and everybody that spoke was

**OFFICIAL JOURNAL RECORD OF PROCEEDINGS****Fairfield Township Local Government District****APRIL 17, 2014 CON'T.****MARK HUTSON COMMENTS CON'T.****PAGE 5**The Minutes of The Corporation Meeting
Township Trustee Journal No. 31

speaking towards the intersection - you need to upgrade that intersection. (the east intersection of SR344 and Esterly Drive). That evening, other than Cathy Stout of the ORDC, no one rarely spoke to the closure of the grade crossing. These two (2) projects go hand-in-hand, there is no doubt. At the first mention of closing the grade crossing, over a year ago, is when we first started talking about upgrading the intersection. Mr. Miner is well aware of that, he spearheaded the upgrades. Now, there are those that feel there is additional work that needs to be done to the intersection. Don't forget there has already been a project out there. A project that was funded through the jobs created by my client, Buckeye Transfer and for the additional jobs that can be created. That's what has paid for the upgrades to the intersection, thus far. ODOT does not see the need for any further upgrades to that intersection. Again, I think that is something that everyone needs to consider. When you start talking about dangerous intersections, nobody has talked about the grade crossing, again except ORDC, Cathy Stout. Her job is close rail crossings that are unnecessary and possibly poses a safety hazard. I think the rail grade crossing is a much more potentially dangerous situation than the intersection. I believe the closure of this grade crossing will actually benefit the township, not hurt it. Yes, it will benefit my client, who will help bring other business. I would like to encourage the Board of Trustees to vote in favor of the rail grade crossing closure.

CASEY TALBOT - "THANK YOU" - Mr. Hum, Mr. Garwood, and Mr. Miner. I had the opportunity to rehash the ORDC's position regarding the grade crossing from a safety perspective. They feel the grade crossing should be closed to eliminate the opportunity for a car and train to intersect and divert the traffic to the overpass. There were about 20 to 25 people that spoke at the public hearing and there was approximately half that was in support of closure. The other half expressed some concerns. There was only one (1) that truly opposed closure and that a gentleman named, Drew Deibel. He noted that closing would negatively affect the ability to ingress and egress his property. Following that meeting, we were charged with several things that the township wanted and needed to see. One was to confirm Norfolk & Southern's position and we did that on two (2) fronts.

First, from a rail safety perspective we whole heartedly agree that this crossing needs to be closed. Secondly, on an economic development front - we can't provide uni-train service to Buckeye Transfer without closure. From an efficiency, operational, and safety aspect we just can't do it. We'll service the facility, we've done it in the past and we'll service them in the future. But for Buckeye Transfer to be competitive in this marketplace, the uni-train is critical to their future.

Secondly, we also, were charged with the Deibel situation. We had a real constructive conversation with him and he was very forthcoming about what his concerns were and we worked through it with him. The short of it is, we entered into an agreement with him that in the event of voluntary closure we're going to contribute towards improvements of his facility. In light of that, Mr. Deibel withdrew his opposition to the closing.

The third thing was trying to facilitate some discussions regarding the intersection. A brief history - this intersection was not designed for truck traffic way back in its day. The township did secure some grants - about \$280,000.00 toward improving the SR 344 and Esterly Drive roadway intersection. We were asked if we could do something more. So what we did was facilitated a conversation with ODOT and got them out here. There were three (3) positives.

1. They believe it is fine, as is.
2. They believe it is functioning as designed.
3. In the future, if there are things they need to take a different look at, they will do it.

We didn't just stop with ODOT; we facilitated constructive discussions with ORDC to see if we couldn't do something a little better with the intersection. Through discussion with the ORDC,



OFFICIAL JOURNAL RECORD OF PROCEEDINGS
Fairfield Township Local Government District

The Minutes of The Corporation Meeting
APRIL 17, 2014, CON'T. Township Trustee Journal No. 31
CASEY TALBOT COMMENTS CON'T.
PAGE 6

through Cathy Stout's office, they will commit to paying an additional \$58,000.00, if we put together the voluntary closure of the crossing. This is the estimate to improve the intersection. This the ORDC's commitment.

Lastly, we are in support of closing the rail grade crossing on Esterly Drive for two (2) reasons.

1. Safety.
2. Economic Development.

My last comment – I'm not sure to whom the recent article published in the paper was directed toward, but it was very disappointing to read. I feel our conversations have been very constructive.

TRUSTEE BARRY MINER COMMENTS:

A lot has been said this evening, but from the perspective of a Township Trustee: We had a public hearing on December 12, 2013 and we had very solid comments from both sides of the issue. The comments that most concerned me and the board was the intersection, so what did we do with that? The ORDC has stated many times that it is a redundant crossing and we'd like to see it closed. So with that information, the ORDC stepped up to the plate and are willing to contribute \$58,000.00 to widen the intersection. We worked with the County Engineer's office, who agrees with the pavement that is out there. With the pavement widths today- there is 127' apron to apron at the beginning of the throat of the entrance. Today there is 24' in an area of hard surface. There is also, an area that is 26' of hard surface and an area that is 24' on down to the second drive at Specialty Ceramics. With the additional widening we were at 12' of pavement. One area of hard surface will be at 36' of pavement, along with an 8' berm. So from today's conditions we will go from 24' to 44' in that intersection. Site distance from Columbiana to that intersection is at 1,136'. Site distance from the railroad overpass to the intersection is at 981'. ODOT's criteria for an intersection is 400 feet site distance. So that criteria is met.

Through this process we have worked diligently as a Board. As we have stated, we have not made hasty decisions. This process has taken 1½ years. We've worked with Jobs & Commerce, Jobs Ohio, OMEGA, Norfolk & Southern, and the Ohio Rail Development Commission. If you look at, in comparison, Columbiana Industrial Park on SR14 - over 10,000 cars a day travel that road. I measured that intersection where R & L Transfer goes in and out. That intersection, throat width, is 134' and the pavement width is 36'. We will be 36' plus 8' of berm. So, we match or exceed the Columbiana Industrial Park, that services R & L Trucking which is a 24/7 operation. So, we have done a lot of work with this process. Miner to Maryann, I applaud your efforts. You brought light to an issue that we have sat back, pondered it, adjusted it, and improved it. I "thank you" for that. Beiling - how wide will the road be after you make these changes? Barry - that road is 22' - 4" wide - hard surface. Beiling - how wide will that be when you get done? Miner - that will not change. That roadway used to be SR344 and was designed back in the 1960's. The road today is 22' - 4" wide with a foot berm on either side and that roadway will not change. Beiling - that will need to be addressed at some time, it needs to be widened. I think it is too narrow, personally. Is there 100 trucks a day coming in there? Barry - I think the truck traffic will fluctuate. The truck traffic will be on a 24-hour cyclical time frame. If you would take, for example, SR558, it is a legal highway but, it is narrower than 22' - 4", I can guarantee it and that is a first class road. I've spent 33 years in the transportation business and I have little bit of knowledge of how things work. SR 344 and Esterly Drive is not on the list of the DSRT (District Safety Review Team), it is not even close. There are two (2) intersections in this township that are on that list - the intersection of SR 7 & Heck Road and also, the intersection of SR164 & SR558. Those are the two intersections that are dangerous in this township.



Year 2014 A.D.

Page No 6305

OFFICIAL JOURNAL RECORD OF PROCEEDINGS

Fairfield Township Local Government District

APRIL 17, 2014 CON'T. The Minutes of The Corporation Meeting
PAGE 7 Township Trustee Journal No. 31

TRUSTEE HUM COMMENTS:

It's been 17 or 18 months since we were first here. I just never expected this to be such a difficult decision. How simple can it be to just close a railroad crossing? But then we started dealing with, for lack of a better description, the unexpected consequences. I need to "Thank You" Casey, because you solved Mr. Deibel's problem. I've spoken with him several times and he is pleased that we would talk to him and help him out. I don't golf and I don't have any personal or business relationships with anyone out in that part of the township. But, I feel like I've been living there for the past year. I'm surprised the Highway Patrol hasn't come up behind me when I'm parked up on SR11 looking over your project. I've been in Envelope One's parking lot, I'm in the used car parking lot, the Ceramic parking lot, and I'm sitting in Maryann's parking lot, and I'm down underneath the bridge just watching the, coming and going. Sometimes there is a lot of trucks, other times there is just one or two. The ones from the square seem to come down next to the old furniture plant and the ones from SR11 seem to go across the tracks. Most of Urbana's traffic seems to go across the tracks. I've seen so many other different companies going in and out. I said this at the very beginning, you folks have a very nice project and I firmly believe that. I also, firmly believe that with the oil & gas, this is just the tip of the iceberg. It's probably hard to imagine what will be five years from now and ten years from now. We're clueless. I've got friends in Washington, PA and I've seen what has gone on over there at that development and if that could potentially go on in this area, once they find the "sweet spot," this area is just going to boom. Our kids are going to appreciate what's happening here. This is good. When I first starting sitting up on SR11, I thought, if we could just get an exit off SR11, that would be great. I don't understand when you (Beiling) made that comment about Old 14? Beiling - where Beeson Mill comes in off Old 14 there at the sandbanks. Hum - I had this hair-brained idea that down in the flat lands, that would be great - just shoot right across there, but you would still have to cross the tracks. There is no way to get to this place that is basically south of the tracks. You've got to make sure you are north of the tracks and that's where Esterly Drive is. You have to be north of SR344. We spoke about Envelope One & their .03 piece of acreage. It's kind of over in the corner there where the stop sign is and it doesn't impede too much of the rest of the property.

What you are asking us to do: We've got three (3) roads right now - 1) Cherry Fork comes in from the back and that's not suitable for truck traffic. I'm not sure a fire truck could go across that bridge, because of the weight. Miner - it will hold the weight. 2) Esterly Drive we've got trucks going across the tracks. 3) Esterly Drive - off SR344 we have trucks coming that way. Those two (2) exits and entrances will handle commercial trucking and what we're being asked to do is reduce it to one exit & entrance. I think that is really the question. There has been improvements made to that intersection. I'm impressed with what Barry was able to do with getting the grant money. For some reason I thought it would just be bigger.

We've been looking at the drawing with the additional information that Norfolk & Southern and the Rail Commission have been able to partner up and offer. But, we're still taking two (2) entrances and two (2) exits and we're shoving it all into one and I don't want to be here five (5) years from now with issues that pop up. I've been thinking about this for a long time. So now is the time to vote:

Trustee Miner moved the adoption of the following:

RESOLUTION NO. 2014-45

**A RESOLUTION ACCEPTING THE PROPOSAL OF THE OHIO RAIL
DEVELOPMENT COMMISSION (ORDC) AND NORFOLK SOUTHERN RAILWAY
COMPANY (NS) FOR THE CLOSURE OF A PUBLIC GRADE CROSSING ON
ESTERLY DRIVE, TR1705**

**OFFICIAL JOURNAL RECORD OF PROCEEDINGS****Fairfield Township Local Government District**

APRIL 17, 2014 CON'T. The Minutes of The Corporation Meeting
 RESOLUTION #2014-45 CON'T
 PAGE 8 Township Trustee Journal No. 31

To provide consent for the permanent closure to vehicular and pedestrian traffic of a public grade crossing as recommended by the Ohio Rail Development Commission (ORDC), and Norfolk Southern Railway Company (NS).

WHEREAS, a proposal has been made to modify Esterly Drive, TR1705, DOT #502 903Y by prohibiting through vehicular and pedestrian traffic over the at-grade, NS crossing thereby benefiting the safety of the traveling public; and

WHEREAS, if vehicular and pedestrian traffic at the grade crossing is discontinued, the Board of Trustees of Fairfield Township, Columbiana County, Ohio, and ORDC have agreed to arrange for the accommodation, funding, and installation of improvements to the Fairfield Township highway system; and

WHEREAS, the Board of Trustees of Fairfield Township agrees with the foregoing and desires to provide its consent to permit permanent closure of the aforementioned public grade crossing subject to the terms and conditions set forth herein; and

WHEREAS, the proposal has been submitted to the Board of Trustees of Fairfield Township and the Board of Trustees of Fairfield Township finds the proposal to be in the best interest of the community in that it will enhance the safety of the traveling public;

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of Fairfield Township, Columbiana County, as follows

Section 1. The Board of Trustees of Fairfield Township hereby authorize and approve the modification of Esterly Drive, by barricading and prohibiting vehicular and pedestrian traffic across the at-grade railroad crossing traversing the street.

Section 2. The Board of Trustees of Fairfield Township hereby accept the following incentive offer of the ORDC and NS in exchange for the permanent closure of the Esterly Drive crossing:

- \$27,500.00 from NS that may be used by the Board Trustees of Fairfield Township for any purpose; and
- \$15,000.00 being \$7,500.00 from NS and \$7,500.00 from ORDC, that may be used for a pre-approved highway safety project; and
- Up to \$5,000.00 reimbursement the Board of Trustees of Fairfield Township for the actual cost of barricades and pavement removal; and
- Roadway modification at the intersection of SR 344 and Esterly Drive to be performed or contracted by the Columbiana County Engineer and funded by ORDC.

Section 3. The Board of Trustees of Fairfield Township is hereby authorized to execute any and all documents and to do all other things they may deem necessary to effectuate the purposes of this legislation, including entering into any contractual agreement with NS and ORDC.

Trustee Hum seconded the motion and the roll was called on the questions of its adoption.

The vote was as follows:

Mr. Hum, *No*; Mr. Garwood, *No*; and Mr. Miner, *Yes*.

RESOLUTION #2014-45 WAS NOT ADOPTED - April 17, 2014

**OFFICIAL JOURNAL RECORD OF PROCEEDINGS****Fairfield Township Local Government District**

APRIL 17, 2014 CON'T. The Minutes of The Corporation Meeting
PAGE 9 Township Trustee Journal No. 31

PATRICIA A. HOFFMASTER, FISCAL OFFICER'S REPORT:

Fiscal Officer presented copies of the following to Trustees on 4-15-2014.

1. Tentative/unapproved minutes of April 3, 2014.
2. Information from Jon Husted, Ohio Secretary of State regarding Issue 1 – Proposed Constitutional Amendment: To Fund Public Infrastructure Capital Improvements by Permitting The Issuance of General Obligation Bonds. This Issue 1 will be on the May 6, 2014 Primary Election Ballot.
3. OTA's Grassroots Clippings- April 2014
4. Letter, dated April 1, 2014 from Bill Johnson, Member of Congress – House of Representatives – Letter inviting trustees to attend the 2nd annual "Ohio Sixth Congressional District Collaboration Forum." being held on May 14, 2014, from 9:00 A.M. to 3:00 P.M. at Undo's, located just off I-70 in St. Clairsville.
5. Letter from Nick Barborak, dated 4-3-2014 re: a meeting being held at the Train Station in Lisbon on 4-24-2014 from 3 P.M. to 5 P.M. to provide information about the Ohio Mid-Eastern Government Association (OMEGA).
6. Verbal information - received per phone call – 11:00 A.M. on 4-14-2014 from Jason Steigerwald, representing Access Midstream. He would like to be put on the agenda for Thursday 4-17-2014. He wants to discuss a RUMA for Access Midstream for access to the Mellinger & Hartz wells and the Columbiana Gathering Line. (Columbiana Pipeline). The two (2) roads are a south portion of Beeson Mill Road and Crestview Road from SR164 west to Township line. These two roads already have a RUMA in place for the same sections of roads. He said it shouldn't take long and he would like to be put on the agenda first, if possible. Steigerwald's phone # is 330-312-2678.

Copy of the following to Trustees on 4-17-2014

1. Leetonia Fire Department 1st Qtr. 2014 Fire Calls (20) listed. There is one (1) fire call and the rest are ambulance calls.
2. Information from Columbiana County Health Dept. – Emergence of potential exposures to zoonotic and vector borne disease and the need for workers and residents to protect themselves.

Verbally informed trustees about the voting precincts. The precincts have been taken care of and the form submitted to Board of Elections. Phil's is considering whether to continue having a voting precinct in their facility and after talking with Adam Booth he is going to see if we can hold two (2) precincts at the Government Center. If that would be okay with the Trustees? I personally like the idea of exposing the public to their Government Center

MELVIN MILLER ROAD SUPERVISOR'S REPORT:

1. Finished sweeping with the pick-up broom.
2. Cleaning ditches with the rotary ditcher.
3. Patching holes in roads as necessary.
4. Following the winds of April 4, 2014, there were two (2) trees we had to attend to – one (1) on Short Road and one (1) on Signal Road (this one was entangled in the electric lines, so we had to wait on Ohio Edison for that one).
5. Received 250 tons of asphalt millings.
6. Hauling #57, #304, and #617 limestone from East Fairfield to be used for summer projects.
7. Have been trimming trees and grading the lot at Southern Avenue property so we can stock materials at that site. We will be working in that section of the township with the road projects this summer.
8. Installed a set of brakes on the 2007 – F450.
9. Submitted our salt contracts to ODOT. Confirmation has been received.
10. Submitted the specs for Crestview Road to Bob Durbin along with the # of intersections, driveways, as well as, a sketch of in front of Crestview School and SR7 intersection.



OFFICIAL JOURNAL RECORD OF PROCEEDINGS

Fairfield Township Local Government District

APRIL 17, 2014 CON'T.

PAGE 10

The Minutes of The Corporation Meeting
Township Trustee Journal No. 31

11. It is time for the yearly tire collection program:

Trustees discussed and following: Trustee Garwood moved to adopt the following **Resolution #2014-46.**

**A RESOLUTION AUTHORIZING A TIRE COLLECTION FOR
FAIRFIELD TOWNSHIP RESIDENTS**

WHEREAS, the CCH Group (Carroll, Columbiana, Harrison Counties) has scheduled a used tire collection for Columbiana County townships and municipalities between May 1, 2014 and June 30, 2014 and entities must transport the tires in government-owned vehicles to Liberty Tire Services of Ohio, 14864 Lincoln Street, SE, Minerva, OH; now

THEREFORE LET IT BE, the Trustees of Fairfield Township do hereby invite township residents to drop off old automobile tires and light pickup tires (up to a maximum of 10 tires per household), clean, dry and without rims, at the Township Government Center, 3062 Fairfield School Rd., from noon until 5:00 P.M., on Thursday, May 1, 2014.

Trustee Miner seconded and the roll being called:
Mr. Hum, Yea; Mr. Garwood, Yea and Mr. Miner, Yea.
Adopted, April 17, 2014

12. Also, I need authorization to submit to the county the selection of roads for line-striping. I only have one (1) road listed and that is Old Fourteen and it can be done after we chip-seal it. If we pave Crestview Road the line-striping would be included in that project. This year we don't need to redo any of previously line-striped roads. I've spoken with the Yankee Clipper Representative and they will apply the road symbols for the same price as last year. This will be approved at a later time. Yankee Clipper is cheaper than the County program, so we will not submit that program to the County, just the line-striping of Old Fourteen. Trustees discussed and following :

Trustee Garwood moved to adopt the following **Resolution #2014-47.**

A RESOLUTION AUTHORIZING THE 2014 LINE STRIPING OF ROADS PROGRAM

WHEREAS, the Columbiana County Engineer's office has invited Fairfield Township to participate in a contract to be let for the line striping of township roads; now

THEREFORE LET IT BE, the Trustees of Fairfield Township, Columbiana County, OH, do hereby authorize Road Supervisor Miller to prepare and submit a request to the Columbiana County Engineer for the line-striping of Old Fourteen Road following the 2014 chip-seal program.

Trustee Miner seconded and the roll being called:
Mr. Hum, Yea; Mr. Garwood, Yea, and Mr. Miner, Yea.
Adopted, April 17, 2014.

13. I continued my talks with AT&T about getting wireless internet. I met with the gentleman and he gave us a price to change our service. Currently we are spending approximately \$140.00 monthly for two separate phone numbers. One line is for the township office and one line is for the road department. AT&T is able to give us better phone service. Currently we are charged for any long distance calls that are made from the township's #330-482-2695. That would no longer be that way and we would have faster internet services and also, it would be Wi-Fi.

**OFFICIAL JOURNAL RECORD OF PROCEEDINGS****Fairfield Township Local Government District****APRIL 17, 2014 CON'T.****PHONE SERVICE CHANGES CON'T.****PAGE 11**The Minutes of The Corporation Meeting
Township Trustee Journal No. 31

HUM – I think we need to talk about something else. There is this tech/guru, by the name of Miller, that works for Crestview Schools and I think we're getting to the point that we need to get somebody who can be on call and somebody we can talk to. We are going to get laptops and I don't want them messing with the new copier, because it is still under warranty. All this stuff needs to be integrated. It is Mel's brother, but if he's good enough for Crestview School District he can handle what we would need. He lives just down the road and my suggestion is to ask him for some kind of a proposal and we can take a look at it. Mel – it would be nice to have the help so we are not just piecing something together and we get started in the right direction.

Hoffmaster – Today Mel spent some time with me by taking the UAN computer from my house to the Government Center and setting it up – so the State's UAN tech could get my computer up and running again. When it was finished he then took the computer back to my house and set it back up again. "Thanks" Mel. Hum - we're fortunate, because Mel & Kym are very techy. Hum noted that Kym set up the web-site and we didn't pay a dime for that. We have some good people working here.

Mel – is it okay to move forward with the AT&T service?

Trustee Garwood moved to adopt the following Resolution #2014-48.

**A RESOLUTION AUTHORIZING ROAD SUPERVISOR MILLER TO MOVE
FORWARD WITH UPGRADING THE AT&T PHONE SERVICE AT THE
GOVERNMENT CENTER**

WHEREAS, the Trustees have discussed and recognize a need for upgrading the telephone service at the Township's Government Center facility; and

WHEREAS; the Trustees would like to have faster internet service by utilizing AT&T's U-Verse and additionally having Wi/Fi capability; now

THEREFORE LET IT BE, the Trustees of Fairfield Township, Columbiana County, OH do hereby authorize Road Supervisor Miller to move forward and work with AT&T for improved service and acquire a proposal to be submitted to the Trustees for their consideration.

Trustee Miner seconded and the roll being called:

Mr. Hum, Yea; Mr. Garwood, Yea; and Mr. Miner, Yea.

Adopted, April 17, 2014

14. Mel noted he met with Jesse Wilson from the City of Columbiana and I am working on and discussed the paving of the Government Center's parking area. He will work with us on this project. The two of us measured off the area going square off the back of the area between the Government Center and the steel storage building. In round numbers to put about a 2" thickness on that area it will be around \$15,000.00 in materials. Hum – is that enough. Mel- I feel it is and so does Jesse. There is an area that should have a "scratch coat" applied, prior to the top coat being applied. Mel - delivery trucks use both entrances to and from this property. Miner - we've been here about 8 years and it has a pretty solid base and I wouldn't worry too much about where the trucks enter & exit. I don't have a firm date for when this project will take place.
15. I've been working with Lafarge and there is a possibility they will have some 6M available. We are going to near the end of Columbiana County's chip-seal program, so I'm going to see how some things play out before we make any decisions about stone, etc.



Year 2014 A.D.

Page No 6310

OFFICIAL JOURNAL RECORD OF PROCEEDINGS

Fairfield Township Local Government District

APRIL 17, 2014 CON'T. The Minutes of The Corporation Meeting
PAGE 12 Township Trustee Journal No. 31

BARRY MINER, TRUSTEE'S REPORT:

1. Requested Road Supervisor Miller contact Joe Sec, of Central Allied, regarding the final surface treatment that is to be applied to complete the Esterly Drive Road Improvement Project.
2. I had a nuisance complaint from a township resident. Should Kym (Zoning Inspector) handle this complaint or should I just call the Health Department? Hum - what kind of complaint? Miner - It's garbage and debris on Columbiana Lisbon Road. Hum - I think we should contact both Kym & the Health Department.

The following bills were approved for payment on motion of Mr. Garwood.
Seconded by Mr. Miner.

| | | | |
|------|---------|---------------------------|--------------------------------------|
| 8723 | 1680.22 | Melvin Miller | Net Wages Ending 4-15-2014 |
| 8724 | 1499.62 | John Rankin | Net Wages Ending 4-12-2104 |
| 8725 | 1196.34 | Richard Burbick | Net Wages Ending 4-12-2014 |
| 8726 | 1017.45 | Shawn Butler | Net Wages Ending 4-12-2014 |
| 8727 | 2500.00 | Gentile Trucking | 250 tons Asphalt Grindings-delivered |
| 8728 | 115.10 | Bolt-Biz-Nuts | Nuts & Bolts- 1pr Windshield Wipers |
| 8729 | 72.16 | AT&T Mobility | Cell Phone Roads 36.08-Zoning 36.08 |
| 8730 | 4916.57 | OH Bureau of Workers Comp | Liability for Wages of 2013 |
| 8731 | 237.19 | Columbia Gas of Ohio | Annex - Natural Gas |
| 8732 | 924.00 | Treasurer State of Ohio | 2 nd Qtr 2014 UAN Fees |
| 8733 | 51.61 | Kymberly Seabolt | Reimbursed Postage |
| | | | CU #1406 Raschilla |
| 8734 | 304.63 | Anthem Dental | Roads Dental Insurane |
| 8735 | 115.45 | Ohio Edison | Street Lights |
| 8736 | 2453.49 | East Fairfield Coal | #57 & #304 Slag |
| 8737 | 246.32 | Anthem Life | Group Life Insurance |

There being no further business, the meeting adjourned at 8:30 P.M. on motion of Mr. Garwood.
Seconded by Mr. Miner.

Chairman

Trustee

Trustee

Fiscal Officer



Year 2013 A.D.

Page No 6203

OFFICIAL JOURNAL RECORD OF PROCEEDINGS

Fairfield Township Local Government District

FAIRFIELD TOWNSHIP TRUSTEES

DECEMBER 12, 2013 - 7:00 P.M. The Minutes of The Corporation Meeting
Township Trustee Journal No. 31

**"PUBLIC HEARING" FOR THE POTENTIAL CLOSING OF THE HIGHWAY-RAIL
GRADE CROSSING ON ESTERLY ROAD TR#1705 - (DOT# 502 903Y)**

*This "Public Hearing" was authorized per Resolution #2013-110, Adopted on November 7,
2013 and there will be no action taken following the "Public Hearing"*

Resolution #2013-110 was adopted as follows:

Trustee Garwood moved to adopt the following *Resolution #2013-110*.

**A RESOLUTION AUTHORIZING A "PUBLIC HEARING" BE HELD REGARDING THE
POTENTIAL CLOSING OF THE HIGHWAY-RAIL GRADE CROSSING
ON ESTERLY ROAD TR#1705 - (DOT# 502 903Y)**

WHEREAS, the Fairfield Township Trustees are scheduling a Special Meeting to hold a Public Hearing regarding the possible closing of the Norfolk and Southern Rail Grade Crossing on TR1705 Esterly Road * DOT 502 903Y, and

WHEREAS, this public hearing will be held on December 12, 2013, at The Government Center, 3062 Fairfield School Road, at 7:00 P.M.; and

WHEREAS, the Trustees will notify all adjacent property owners, emergency agencies, and affiliated school systems; and

WHEREAS, this "public hearing" will be advertised in a local newspaper for two (2) consecutive weeks beginning November 15, 2013 and again on November 22, 2013, and

WHEREAS, "no action will be taken" following this public hearing being held on December 12, 2013; now

THEREFORE LET IT BE, the Trustees of Fairfield Township, Columbiana County, OH do hereby schedule a Special Meeting to hold a "Public Hearing" at The Government Center, 3062, Fairfield School Road at 7:00 P.M. on December 12, 2013 to address the possible closing of the Norfolk and Southern Rail-Grade Crossing on TR1705 Esterly Road * DOT 502 903Y, as referenced above.

Trustee Miner seconded and the roll being called
Mr. Hum, Yea; Mr. Garwood, Yea; and Mr. Miner, Yea.
Adopted, November 7, 2013.

The Fairfield Township Trustees met in "open" session on December 12, 2013 to hold a "Public Hearing" for the potential closing of the highway-rail grade crossing on Esterly Road.

Media present: Larry Shields of the Salem News.

Chairman Hum opened the Public Hearing leading the group in reciting The Lord's Prayer and The Pledge of Allegiance.

Trustees present: Mr. Robert W. Hum II, Mr. Carl R. Garwood, and Mr. Barry A. Miner.

Chairman Hum introduced the Fairfield Township personnel: Pat Hoffmaster is in charge of the minutes and the records and she is also the Fiscal Officer; Kym Seabolt, Zoning Inspector; Melvin Miller, Road Supervisor, Barry Miner, Carl Garwood and myself (Bob Hum), are the Township Trustees.



Year 2013 _____ A.D.

Page No 6204

OFFICIAL JOURNAL RECORD OF PROCEEDINGS

Fairfield Township Local Government District

DECEMBER 12, 2013 CONT.

PAGE 2

The Minutes of The Corporation Meeting

Township Trustee Journal No. 31

**7:05 P.M. - PUBLIC HEARING FOR POTENTIAL CLOSING OF THE HIGHWAY
RAIL-GRADE CROSSING ON ESTERLY DRIVE**

GUESTS PRESENT: Media: Larry Shields, Reporter for Salem News.

Lisa Wallace - Buckeye Transfer; Jerry Stoneburner - Owner Buckeye Transfer;

Atty. Casey Talbot - Norfolk & Southern Railway; Atty. Mark Hutson - Buckeye Transfer;

David Barbee - Columbiana Chamber of Commerce; and Cathy Stout of ORDC;

Lance Williard, Manager City of Columbiana. Bill Garlough, Dan Vargo, Cec Jones,

Ralph Wisler, Larry Burns, Don Wisler, Virginia Perkins, April Brinker, Larry Hephner, Jr.,

Adam Hutira, Renee Hutira, Norm Spiker, Patty Spiker, Tina Mills, Ray Housel, Mark Brothers,

Rich Berryman, John Fieldhouse, Drew Deibel, Mark Mellinger, Margaret Mellinger, Wayne

Wise, Sherene Adair, R. F. Wilkes, Jr., Maryann Ossoff, Ted Ossoff, Randy Hart, and

Robert Campbell.

Trustee Chairman Hum announced that today is a "public hearing" regarding the tentative closing of the railroad crossing on Esterly Drive. What I would like to do is, we'll have Mark Hutson and Mr. Stoneburner make their presentations. Cathy Stout of the ORDC is in route, but Casey Talbot who represents Norfolk & Southern is here. Hum - what we are going to do is let them speak first and then open it up to everybody. I will just go down the list of attendees. I guess the word tonight is "civility". Direct your comments and presentations to the Trustees. I don't want anybody to get personal about this. Ultimately it is the Trustees that are going to vote on this issue and even our vote isn't the final say. Because you have the PUCO involved and bigger people than just us. This starts the process, so if you could just direct your comments to us. We'll get along just fine.

Trustee Miner noted he appreciates you people being here tonight. I hope we have good conversation.

Casey Talbot - Outside Counsel for Norfolk & Southern - I'm here tonight on behalf of Norfolk & Southern. Whether you are in support of the crossing closure or whether you are opposed to it, we very much appreciate you coming out. Cathy Stout with the State of Ohio Rail Development Commission (ORDC) will be here later. She will be able to answer some questions, too. Talbot spoke about the grade crossing safety perspective. The federal government, a number of years back approached the big railroads and the States asking them to make a concerted effort to identify and close 25% of the railroad crossings. One reason is for safety. This situation is good because you have the potential of redirecting traffic to the overpass and eliminate a crossing, therefore, having no interaction between the vehicles and the trains. The State is not here to pick on Fairfield Township. They are doing this throughout the State. They are trying to identify "redundant" crossings. This means crossings that are not as vital to a community as other crossings are. You cannot close a crossing if it will land lock a business or a home. The Esterly crossing is being considered from the redundancy standpoint. From the State's perspective this is a crossing that would be appropriate for closure. Reasons being, the road is relatively lightly traveled and most of the travel is from Buckeye Transfer and you have the perfect scenario that you don't have in most communities is that you have the ability to redirect the traffic to the overpass. Norfolk & Southern's records show there are around 127 trains a day. It is a double main line and it is vital and critical to the railroad. Included in that is Amtrak traffic. Amtrak travels upwards of 70 mph. but I don't know what the speed is here. It is a double track with lots of train traffic and if we could find a way to eliminate this crossing and redirect the motor traffic to the overpass the ORDC is highly in support of this and we view this as a crossing that is appropriate for closure.

**OFFICIAL JOURNAL RECORD OF PROCEEDINGS****Fairfield Township Local Government District****DECEMBER 12, 2013 CON'T****PUBLIC HEARING COMMENTS CON'T****POTENTIAL CLOSING OF ESTERLY DRIVE RAIL-GRADE CROSSING****PAGE 3**

Casey Talbot noted that from an economic standpoint, the possibility remains that if we don't support the Buckeye Transfer site, they could relocate elsewhere.

Atty. Mark Hutson noted he represents Jerry Stoneburner (Buckeye Transfer). Hutson gave a history of the businesses that have operated on the site where Stoneburner is now operating a transfer loading business. Kaiser Refractories and National Refractories operated from that site for a number of years prior and upon final closure of those businesses the land was classified as a brown field, polluted and not fit for anything.

Then Jerry Stoneburner came along and worked with the Columbiana County Port Authority and basically cleaned up that site. There are a number of companies now operating there and providing jobs. What is going on now for the last couple of years in Eastern Ohio is something we never heard of - which is oil & gas. Oil and gas has been around here forever, but not like it is today and not the way it may be in the future. This site, because of the railroad location next to a main line for Norfolk & Southern has some value. The value is as a transportation point or hub for different aspects of the oil & gas industry. If you look out there today some of that has already started. They are bringing in frack sand in which is used in the fracking and the drilling process of oil & gas wells. They are actually hauling condensate out of the facility. This is another part of the oil & gas industry. That's what is happening right now.

Jerry Stoneburner actually got the ball rolling, but he has had to partner up with Norfolk & Southern and some other companies to try to basically expand this facility. For a couple of years they chased everybody to try and get them to look at this site - here's what we can do in the oil & gas industry. Low & behold, about 1 1/2 year ago, others started showing up at their door, instead of them chasing, they were actually being pursued. This was because the people in the oil & gas industry saw what the potential for this site. One of the other companies has proposed the idea of bringing in unitrains into the facility. A unitrain is basically a 100 car train. They want to bring in frack sand and other oil & gas type products and unload & load over a couple day period. That process needs to have the existing track expanded that goes into the facility, to do the unloading of unitrains you need a lot more track than there currently is there now. At this point, there has been a several million dollar investment in doing just that. This creates a little bit of a problem with the existing rail- grade crossing. This becomes a safety concern more than anything else. You have a main-line track and you have some additional track that is on private property and they are going to be side by side. You can't have the gates open with cars on the private track and logistically Norfolk & Southern can't control what is on private property and private property can't control what is happening on the east-west line. We have, not only freight trains, but passenger trains. There are safety concerns with that. One of the things that have to be considered is - is this a necessary grade crossing? Some of you in this room will say, "Yes, it is and always has been" But you also have to consider that 50 years ago the State of Ohio built an overpass and at that point, a lot of the traffic that used the Esterly rail-grade crossing has now been diverted to the overpass. From a safety concern, what we have to look at is, at this point, as the use of this facility expands it becomes even more of a concern - safety wise. Because of the fact that you got this crossing and we're not sure how many people per day use it. Is it seasonal use more than anything else? When we talk about closing that crossing, who it's going to affect more than anyone else is Mr. Stoneburner and any of the companies that operate there now. As a result of that, Township Trustee Miner really got the ball rolling to improve the intersection of Esterly Drive and St. Rt 344. That project costs a little less than \$300,000.00 and the project is well underway. This will improve the intersection and with the thought that if that Esterly rail grade crossing is closed certainly that will create additional traffic coming into Esterly Drive. This is not just to help one business; the hope is other businesses will choose to locate out there. There is a lot of other property that could be developed. A lot of it is presently farm land, but in the next 10 to 15 years it may not be farm land. We are being told every day that the oil & gas is here and will be for a long time.



OFFICIAL JOURNAL RECORD OF PROCEEDINGS

Fairfield Township Local Government District

DECEMBER 12, 2013, CONT.

PUBLIC HEARING COMMENTS CONT.

POTENTIAL CLOSING OF ESTERLY DRIVE RAIL-GRADE CROSSING
PAGE 4

LISA WALLACE, BUCKEYE TRANSFER – We have been working on this project since October, 2012. At that time, we came before the Fairfield Township Zoning Board and obtained a conditional use – variance, so that we could develop Mr. Stoneburner's property into a full service truck and transfer terminal serving the gas & oil industry. I would like to give some quick thoughts and figures and I think that my spot would be better if I speak last. I'd be happy to answer questions. (A drawing was put on display) and Wallace showed the audience where the development is that they are talking about on Esterly Drive. The development we are talking about is the expansion of the loop track that will someday have three lines and that brings additional safety concerns. There will be 7500' of new track and there would be visibility issues. When we were developing this track, Norfolk & Southern raised the idea that the track we want developed cannot be done if the Esterly rail-grade track is left open. Cathy Stout, of the Ohio Rail Development Commission will tell you that once we got this crossing off their radar, they don't really care about us anymore. I'm not going to steal their thunder, but we brought something to their attention that they would carry forward whether we were standing here tonight hoping to be able to develop this or not. I can't tell you, as I stand here, that this is a guarantee. It's not. Mr. Stoneburner has spent a lot of his own money in developing this. We had to have gas lines relocated and had to do a lot of different things to get this property ready for expansion if expansion comes. That's where our interest lies. But I can't tell you that if you close this crossing we will be shovel ready and laying track in a month or two months. This is a couple million dollar project. It will take time to develop. This area that was a brownfield is now a private industrial park and there are seven (7) companies on site that employs 170 people and that is all being done with private dollars. Using the overpass to get to the golf course will add an additional 1285 feet longer.

Hum - Looking at the map - How do these railroad cars get in here? Stoneburner – there is a switch under route 11.

7:35 P.M.

Fiscal Officer - *This part of the tape was very hard to understand.*

Cathy Stout of the Ohio Rail Development Commission (ORDC).

In the 1990's The Federal Railroad Administration established a nationwide goal of reducing the redundant grade crossings by 25%. A crossing is considered redundant when there are nearby alternate routes and closing the crossing will not cause undue hardship to members of the community. When I saw the Esterly Road crossing, a lightly travelled road with grade separations on either side, I saw a potentially viable candidate for closure. Nobody wants to close a road, because they don't want to go that extra distance. But if we close the road there are incentives that we can provide to the community that would help out. When the ORDC closes a redundant crossing, it is specifically for safety. There is always risk involved at any intersection, but with an intersection of a railway and a highway it is especially dangerous. When a train impacts a motor vehicle, the impact is with a force similar to a motor vehicle hitting an empty pop can. Motor vehicle and trains collisions are generally catastrophic.

The advantage of doing this is the ORDC has safety funds from the Federal Highway Authority that is used for grade crossing safety. When a community agrees to close a crossing it can use these funds to make improvements at other grade crossings in the community. There are four (4) grade crossings on the Norfolk & Southern line through Fairfield Township. One crossing has flashing lights, but no gates - this is the Creek Road crossing. Under the formula program, crossings are selected based on a hazard ranking formula. The formula ranks crossings relative to each other.

**OFFICIAL JOURNAL RECORD OF PROCEEDINGS****Fairfield Township Local Government District****DECEMBER 12, 2013 CONT.****PUBLIC HEARING COMMENTS****POTENTIAL CLOSING OF ESTERLY DRIVE RAIL-GRADE CROSSING****PAGE 5**The Minutes of The Corporation Meeting
Township Trustee Journal No. 31

There are 5800 crossings in Ohio with #1 being the most hazardous and #5800 being the least hazardous. The most recent list of crossings selected for lights & gates under this formula program had hazardous rankings up to around #1200. Creek Road is currently at #1722, so it would not be likely to come up for evaluation for gates for a very long time. If you close the Esterly crossing we can put electric gates at the Creek Road closing.

The decision as whether to close Esterly Road rail-grade crossing is up to the community, but I strongly urge you to make a decision to close the crossing and avoid a possibility of a crash at this location in the future.

AUDIENCE QUESTIONS AND COMMENTS;

WILLIAM GARELOUGH - Village of Leetonia Fireman - I am speaking on behalf of "fire safety" especially if the rail-grade crossing on Esterly Drive gets closed. He addressed the distance and time it would take from the east end of Leetonia using various roads to get to the sites on Cherry Fork Road and Esterly Drive, noting that would be a recognizable safety issue. Also, once a rail-grade crossing is closed, they will not open it back up.

DAN VARGO - Noted he teaches for the Columbiana School System and also, is the school's golf coach. My concern is for the safety of our kids and the other schools teams that travel to Valley Golf Course. Valley Golf is located at the intersection of Esterly Drive & Cherry Fork Road. My kids are good kids, but they are not the best drivers. There will be traffic there 24 hours a day, seven days a week and 365 days of the year. If the rail grade crossing is closed, the closest way to the golf course is by entering Esterly Drive at the east intersection with SR344. This is a hazardous intersection. It slopes away from you, it's on a curve and it is a hazardous intersection. I'm not certain it is best to close the Esterly Drive rail-grade crossing.

CEC JONES - Noted she is a resident of Fairfield Township and also, a member of the Columbiana Chamber of Commerce. I believe in jobs for our township. She has watched Jerry (Stoneburner) develop this effort over a number of years and he does it very responsibly. He cleans thing up and makes it better and provides jobs and that is extremely important to our area.

RALPH WISLER - As a neighbor, I have no objection to the closing of the railway crossing.

DON WISLER - I would like to have it closed. It would stop all the traffic, trucks etc. from going in there. But, I would like to have the dust controlled more.

VIRGINIA PERKINS - Is in attendance representing the Columbiana Chamber of Commerce and supports Jerry with all his efforts.

APRIL BRINKER - Is here also to support Jerry in his efforts to provide jobs for this community. She is also, a member of the Columbiana Chamber of Commerce.

ADAM HUTIRA - My major concern is about the roads. I live on Esterly Drive. You mentioned the road improvements - are they going to complete it or not? *Trustee Miner - they are about 3/4 the way done, but had to postpone it because of the weather. They will be back in the spring to complete.* Hutira - I'm concerned about the safety. Are there going to be guard rails or any kind of barriers going to be put up? I'm concerned with the drop off along the road. If a truck slips off the road, there is no way they will get back on it. Are there any plans for guard rails or barriers of any kind? Road Supervisor Miller - there is more berm to put on, but I'm not aware of any barriers to be installed.



OFFICIAL JOURNAL RECORD OF PROCEEDINGS

Fairfield Township Local Government District

DECEMBER 12, 2013 CONT.

PUBLIC HEARING COMMENTS

POTENTIAL CLOSING OF ESTERLY DRIVE RAIL-GRADE CROSSING

PAGE 6

RENEE HUTIRA - Expressed her major concerns to be with the east intersection of SR344 and Esterly Drive. This is a safety issue.

LARRY BURNS III - I am the area Director of Columbiana Chamber of Commerce. I'm in support of closing the crossing, as well as, the rest of the Chamber. By doing the closing there and extending the track by 7500', I believe it will bring more growth, attract more companies and bring more jobs to the area.

LARRY HEPHNER, JR. - Fire Chief of Leetonia Fire Department, my concerns were addressed when Bill Garlough spoke. Safety is our major concern.

NORM SPIKER - Concern is the amount of traffic that will be on SR344 onto Esterly Drive and the additional traffic, bikers etc. You mentioned 175 cars a day (in & out), as well as, sand trucks, condensate trucks, etc. that I see go up and down Main Street every day. We are just seeing the beginning of this oil & gas thing. When you count how many wells are in production in Mahoning and Columbiana Counties, the ingress and egress, on a slope, on a curve, and the other side on a slope, on a curve, I think I would be awful hesitant of closing the Esterly Drive Railway crossing.

PATTY SPIKER - I came to get information. I'm not too familiar with the area.

TINA MILLS - Lives on Cherry Fork Road and has concerns about the congestion at the intersection if you close the railway crossing. I don't think anybody in here is against anything for promoting business, but I don't see that intersection at SR344 and Esterly Drive being a very good area. I have trouble pulling out myself, now. With that much more traffic it will be even more difficult.

RAY HOUSEL - Co-owner of R-Way right down the road. My main concern is the traffic at the intersection of SR344 & Esterly Drive. The road improvements seem to make that intersection smaller than what it was. When the trucks try to make a right turn off of Esterly onto SR344 they actually take up the whole road and traffic actually has to stop to let the trucks out.

MARK BROTHERS - I have a couple comments from a different direction. My family owns a company called Century. One of issues from a perspective is we own injection facilities in Columbiana and we have a blessing here with the Norfolk & Southern tracks. But it is also, somewhat of a curse, because all feeder trains come out of their Akron rail yard and we get service in Columbiana three (3) days a week. This is a very positive thing for this community - the business development - but, we need to be looking at the ability to bring in larger trains. This will improve the level of service. Presently we are the last delivery point by Norfolk & Southern to the east from Canton. They actually have to shut down a line to make the local deliveries and we've missed deliveries about 1/2 dozen times in the last 2 months. The ability to bring in larger trains would be a tremendous advantage. That is a wonderful thing with the development of that piece of property.

RICH BERRYMAN - My thing is what the Chamber of Commerce has already mentioned - bringing in jobs to the area. I also, was the Columbiana School Golf coach and understand where Dan Vargo is coming from. As Mr. Spiker said, that situation is going to be tough where Esterly Drive comes out onto to SR 344. I think that intersection needs to be studied very carefully before closing any railroad crossing.

JOHN FIELDHOUSE - My main concern would be the accessibility of the intersection of SR 344 and Esterly Drive - mostly the trucks being able to manipulate that turn. The visibility is not the easiest thing, right now, coming from both sides of the street.



Year 2013 A.D.

Page No 6209

OFFICIAL JOURNAL RECORD OF PROCEEDINGS

Fairfield Township Local Government District

DECEMBER 12, 2013 CON'T

PUBLIC HEARING COMMENTS ³¹Minutes of The Corporation Meeting

POTENTIAL CLOSING OF EASTERLY DRIVE RAIL-GRADE CROSSING
PAGE 7

DAVID BARBEE - I'm here on behalf of the Chamber of Commerce. I'd like to give a different perspective on a few of the comments. About the safety issues, with respect to the new road, I'm no Civil Engineer, but I do know that substantial improvements have been made to the intersection out there. The increased truck traffic at that intersection is going to happen, whether or not this railroad crossing is closed. It would seem to me, they are going to want to have their trucks come around the new improved road rather than crossing a railway crossing and having safety concerns. There was a comment made that here has never been an accident at that railway crossing. Therefore is a safety concern? It is a problem, but it can be alleviated. No one would begrudge anybody the ability to maximize the use of their property. I don't think anybody in this room would want to use the leverage of government or power to prevent somebody from maximizing the use of their property. We can continue to grow or we can fall back. Oil & gas is coming to the community whether we like it or not. From the perspective of the Chamber, this development is exactly what we are looking for in this community.

DREW DIEBEL - I own Diebel Manufacturing on Esterly Drive located adjacent to the Norfolk & Southern Railway and also, the Esterly Drive Railway Crossing. We do steel fabrications. I too, am bringing in tractor trailers up to 50' long and 80,000 #'s. Most of the time trucks come from the north and go south across the railroad tracks to get to our business. Now if you close that crossing, it will hinder my business, because the trucks will use my business to turn around. This closing will cause me a lot of hardships. We'll have to spend a lot of money to take up my front yard to put a turn-around in. I tend to agree with comments regarding the east end of Esterly Drive and SR344 intersection.

MARK MELLINGER - My concerns are similar to what others have expressed. I'm not against anything that's going on here, but with the increased truck traffic at the Esterly Drive and SR344 intersection (across from "Envelope One") a truck that is leaving the site and is turning right to get back to SR11 is going to be a problem.

MARGARET MELLINGER - I have nothing more to add, but I do want to thank everybody for the invitation. This has been helpful.

LANCE WILLIARD - I'm the City Manager for the City of Columbiana and am here gathering data for City Council. From the city's aspect we are trying to be industrial friendly and get a nice industry base and development is very important. I do know that Columbiana County did a traffic study at Esterly Drive and SR344 and they didn't have a major concern before the increased truck traffic other than widening the intersection.

SHERENE ADIAR - I'm a resident on Cherry Fork Road - my major concern is the intersection. I work at National Refractories - I take care of the truck traffic and transportation there. So I pretty well know what trucks come in and out of that facility. If a truck is loaded with frack sand it can weigh 80,000# or more. So now you are sticking a heavy loaded truck on the only way in and out of there - that is through the intersection of SR344 & Esterly Drive. You take a heavily loaded truck down that hill and into a bend on Esterly Drive to go down in. I drive that road and it is horrible. The grade now is steeper than it was before. It is a shame a truck driver didn't come in tonight to let you know what they say about that. That intersection is an accident waiting to happen. You trustees were elected to keep us safe. How many accidents has there been at that intersection already? There has never been an accident at the other intersection (west intersection of SR344 & Esterly Drive) where the railroad is at, nor has there been any accidents at the train crossing. For any of you that are not familiar with Cherry Fork Road, I encourage you to go drive it out to SR14. It is very windy. I think you have to really think about this. Once that crossing is closed - it will never open back up again.



OFFICIAL JOURNAL RECORD OF PROCEEDINGS

Fairfield Township Local Government District

DECEMBER 12, 2013 CONT.

PUBLIC HEARING COMMENTS

POTENTIAL CLOSING OF EASTERLY DRIVE RAIL-GRADE CROSSING
PAGE 8

WAYNE WISE - I'm just a "community want- to-know."

R. F. WILKES JR. - I commend Buckeye Transfer for coming in and developing this. I own several companies in this area and I employ as many people as that whole complex employs. I've never asked for a penny's help from the government. The Chamber is here endorsing all of this and I've been here for 20 years and no one from the Chamber has ever walked on my porch. Why is that? Why are they so interested now in helping this? But, they never helped me and possibly never helped Mr. Diebel and they've helped Century. It's interesting that you are so interested taking care of this, but you just ignore the rest of us. This crossing is not a safety issue. I've had three (3) very close calls of getting hit at SR344 and Esterly Drive. I've had trucks in my yard. You notice I've got big stones there. I'm trying to keep trucks out of my yard. Trucks grab those stones with their trailers and drag them 20, 30 or 40 feet and tear my yard up. One of their trucks came through my yard recently and to their credit, Stoneburner did fix the damage. There was a truck that got buried in the yard and they got a wrecker to pull it out and slipped away and never even told me. A neighbor saw it and called me and provided info and it was finally taken care of. That is an extremely dangerous intersection. Trucks cannot make a right hand turn onto SR344 without stopping oncoming traffic. It's impossible. They say they fixed the road, but it looks more narrow and steeper to me. They are still tearing my yard up. This intersection is too dangerous to put all traffic through here and close the other one. I want to see people grow and industry come, but they won't pull out if this doesn't happen. They've made a commitment and they are here to stay and they will provide and do what they need to here. It's a money-maker for them and I'm here to stay as it's a money-maker for me, too.

ROBERT CAMPBELL - I have no objections to growth in the community. The problem I see is the closing of an intersection that has a "good" record, as far as, not having any accidents. The problem at the east end intersection of Esterly Drive and SR344 is that there is a curve on a curve and that's why the trucks are having trouble making the turn. To me, that is a much more hazardous intersection than the other one. I see that the railroad wants to save money, however where they want to put the gates has no comparison to that intersection. It is a bad intersection to get in and out of especially with a rig.

MARYANN OSSOFF - My husband, Ted and I own Valley Golf Club. We are located at the intersection of Esterly Drive and Cherry Fork Road. Valley Golf Club has been a business for 83 years and Ted & I have owned and lived right here for the last 34 years. I'm quite familiar with the neighborhood. I'm glad people came tonight to talk about safety, because that's what I came to talk about and speak about my concerns. I'm also glad that people came to talk about bringing business and enterprise to this area. We definitely are all for that. Ted & I have always tried to live by the "good" neighbor policy. We were happy to see Buckeye Transfer come in there. We want everybody to be successful. We have never tried to deter anything that you wanted to do. Our safety concerns are not with the railroad crossing. We think that is quite safe. SR 344 is a major east/west thoroughfare and a lot of people travel that road going to and from wherever, using SR344. SCI and Envelope One are two (2) major companies in our neighborhood and they have just as much right to get to work safely into their parking lot. Zarbana also, has employees that need to get to work every day, too. They are now going to use this intersection. No matter how many there is going in - that means the same amount must go out. Sherene Adair gave a number of upwards to 170 vehicles a day that would/could come and go to and from work for the businesses at the "red brick" building (the old Kaiser Refractories site). Some of these are truck drivers that do leave their personal vehicles on site while they are out on the road and would not travel in and out every day. Then we have local residents on Esterly Drive and Cherry Fork Road that also, now are going to be forced to use the east intersection of SR344 & Esterly Drive and haven't even mentioned our seasonal customers that can be 100 plus a day.

HE IS TALKING
ABOUT ST RT 344-
ESTERLY DRIVE
CHERRY FORK
INTERSECTION.)
ESTERLY
RUNS TO CHERRY
FORK ENTRANCE
TO GOLF COURSE)



Year 2013 A.D.

Page Nº 6211

OFFICIAL JOURNAL RECORD OF PROCEEDINGS

Fairfield Township Local Government District

DECEMBER 12, 2013 CON'T

PUBLIC HEARING COMMENTS

POTENTIAL CLOSING OF ESTERLY DRIVE RAIL-GRADE CROSSING

PAGE 9

A large percent of our customers get off of SR11 and exit onto SR344 and turn left onto Esterly Drive- and cross a perfectly good railroad crossing. Now these people are going to be forced to use SR344 and turn left at the east intersection of SR344 and Esterly Drive. Our contention is that intersection is already an unsafe intersection. We feel it is not fair for our people to be involved in a dangerous intersection. This is a safety issue. Some of you are looking at the safety issue of the railroad crossing. We're looking at the east intersection of SR344 & Esterly Drive being a safety issue. Recently there was a truck jackknifed at that intersection and it was amazing how quickly the traffic backed up. The railroad people say "oh boy" we closed a railway crossing so we wouldn't have any accidents. But what happens when, all of sudden, this becomes twice as dangerous as it already is. (East intersection of SR344 and Esterly Drive). *The township is responsible for the safety of all people, whether they are Fairfield Township residents, visitors, or people traveling thru the township.* Your job is to protect everybody, not create a safety hazard. Our customers should not be subjected to a hazardous, unsafe intersection. My husband and I are for no other reason, but to state our belief that by closing this railroad crossing it's going to create a real wild situation. When traveling east on SR344 towards the east intersection of Esterly Drive and SR344 the "speed limit" is 55mph. That is a dangerous situation. We're not here to try and stop Mr. Stoneburner from doing anything that is going to be successful for his business. We want everybody to be able to do what they need to do to make money and bring jobs into the community. But we feel that he can do what he needs to do and still keep his property open. By having his continuous loop, that's fine, let them do what they need to do to be successful in their business, but they can do it without closing this railroad crossing. Butech Inc. in Salem has three (3) loops across three (3) major roads in Salem and they operate fine with a continuous loop across these roads. We can learn to live with that and our customers can learn to live with that, but don't close a safe railroad crossing and funnel and force everybody to use an already unsafe intersection.

8:40 P.M.

TED OSSOFF - I have a web-site that says in 1991 the railroad made a decree to close 45% of the railroad crossings. Also, anyone of you that has not seen that site out there, we have given you a virtual tour of what goes on - traffic wise, - so you can see the options/alternatives. Ted presented a petition to Mr. Hum (Fairfield Township Chairman of Trustees) and is signed by 124 people that says ----

I, THE UNDERSIGNED OPPOSE THE CLOSING OF THE NORFOLK SOUTHERN RR CROSSING ON ESTERLY. - FAIRFIELD TWP., BECAUSE IT WOULD ADVERSELY AFFECT THE SAFETY OF ALL INDIVIDUALS THAT PRESENTLY USE THE ROAD, AND THE CLOSING WOULD NOT BENEFIT ALL RESIDENTS OF FAIRFIELD TOWNSHIP OR VISITORS. THE CLOSING WILL DIVERT ALL TRAFFIC TO A POTENTIALLY VERY DANGEROUS INTERSECTION, STATE ROUTE 344, CHERRY FORK RD.

(ESTERLY DRIVE).

THIS CLOSING WILL ENDANGER ALL MOTORISTS WHO PRESENTLY USE ST. RTE. 344 & ESTERLY DR.

I'm sure you will take this into advisement, if this is an open minded hearing. This is not a finality, this is just the start. The PUCO has the final authority to close that railroad crossing. We may have to go through this in another meeting. I can talk to you about the law or from some common sense feelings from the heart. There is information in the ORC as what is permitted in closing a railroad crossing. There are 9 sections that the PUCO must take into consideration in closing a railroad crossing. If the PUCO closes the railway then there are no offsets to add gates etc. to another crossing. The township has no authority to close a railroad crossing. *Casey Talbot of Norfolk & Southern asked - do you want me to speak to that?* Ossoff - Sure.



Year 2013 A.D.

Page No 6212

OFFICIAL JOURNAL RECORD OF PROCEEDINGS

Fairfield Township Local Government District

DECEMBER 12, 2013 CONT.

PUBLIC HEARING COMMENTS

POTENTIAL CLOSING OF EASTERLY DRIVE RAIL-GRADE CROSSING

PAGE 10

Casey Talbot - There are two (2) ways that Ohio can close a crossing. One is voluntarily and that's where the ORDC (Ohio Rail Development Commission) would have the interested parties sign off on a voluntary agreement to close a crossing. That, in this instance, would be the township, the railroad, the PUCO and the ORDC can enter to voluntary agreement to close a crossing. The plus is close to a win/win situation as you can come - the railway and the State of Ohio benefit from the safety perspective; whereas, the community gets some incentives. If a voluntary agreement is not reached, then the railway has the ability to petition the PUCO directly. We can say to the PUCO - "We met with the community and we thought it was in the best interest of the community to close the crossing from a safety perspective and we offered incentives with the ORDC to close the crossing, but the community opted to take a pass. So, PUCO, we would ask that you close (now the incentives are not available) and we would ask that you direct this to be closed." We don't do that loosely. We've closed crossings throughout the State of Ohio and just about every community we've told this has agreed to close a crossing. We don't come in unless we think it is a good-faith viable closure- we don't go there. There are two (2) ways to close. One is voluntarily entering into an agreement and everybody signs off or we can go to the PUCO and ask them to close the crossing.

OSOFF in the ORC 519.211 - b519.02 and c 519.025 says that no power of Board of Township Trustees or any Board of Zoning Appeals, in respect to location, erection, construction, reconstruction, change, alteration, maintenance, renewable use of any building or structures of any public utility or railroad. Talbot - my response to that is - there is well established Case Law in the State of Ohio that communities have the authority to do this, and they have done it for generations. The PUCO in the past year has signed off on 10 of these Norfolk & Southern agreements. Ossoff continued readdressing many of the same concerns as previously was mentioned. Expressed concern that all this is being shut down for one entrance and exit at the east intersection of SR344 and Esterly Drive. You say you re-paved it and it's a little wider, but no blinking lights or no turn lanes. It's a great job of paving. I have concerns too, about the farmers taking their farm equipment on this road also. Presently local farmers use the portion of Esterly Drive where the railroad crossing is. This country is about progress, but we are also about safety. If you for one moment think that an 80,000# truck gross weight truck, making a left hand turn off a curve and going down another curve to the left is not going to be pushed and have a possibility for a jackknife situation ----- Truck drivers don't understand why the railroad crossing would be closed and expose them to a lot more dangerous intersection than the one currently in use. I'm not here to stop progress, but for the public safety. Many potential hazardous scenarios were reviewed. I don't think that you (Stoneburner) are going to leave without closing the crossing.

LISA WALLACE - you are giving the impression that something can be done, but if the crossing is not closed, Norfolk & Southern will not service us with a unitrain. So we cannot develop the property with the crossing open. You've expressed that you feel we will still build the loop and this is just some inconvenience for us. We can build the loop, but we cannot put any trains on it. If we cross the road, they (N&S) will not service us. Stoneburner- in order for us to build this loop track, we have three (3) private tracks going across a very short distance to the main line. N&S says, absolutely not. We will not service this- it is too dangerous to have this loop track on private property that close to a major right of way. Wallace -we can continue to operate on our current side of the road, but we can't build enough track on that side of the road to service a unitrain which is what we need to do to bring in some real business. I'm not discounting anything else that you are saying, I just wanted to get that out there that it's not accurate to say, that we will do what we need to do. If we could still do things and leave that open, we would love it. Stoneburner - the other fact is, if we do not complete this, we lose the opportunity for a unitrain. Trumbull County and Youngstown can take the business away.

**OFFICIAL JOURNAL RECORD OF PROCEEDINGS****Fairfield Township Local Government District****DECEMBER 12, 2013 CONT.****PUBLIC HEARING COMMENTS****POTENTIAL CLOSING OF ESTERLY DRIVE RAIL-GRADE CROSSING****PAGE 11**

RANDY HART – I am also here with the Columbiana Area Chamber of Commerce. I think it should be mentioned that the Chamber is here to support the Columbiana area in any commerce that takes place. We are not here hoping to support one project. The Chamber of Commerce is here to support the businesses of this area. Mr. Stoneburner came to the Chamber and presented what he was working on very respectfully and asked for our support on this. That is why we are here. All the comments are well taken and I have every confidence that the Fairfield Township Trustees, as well as, the City of Columbiana Manager and possibly even the State of Ohio, will address that intersection in any manner that it can be done.

LISA WALLACE – asked to speak - I just want to address some comments that have been made tonight. There was a comment made, that there is some government money coming our way. We have not received one cent of government money, not one penny. The only government money that we participated in was because of some information that we could provide to the trustees to help them get some government money. I want to “thank” the Chamber and point out that Mr. Stoneburner is very active in the Chamber. He also supports all the other local businesses in the area. We suggest you join the Chamber, because they have been very helpful to us.

Right now, the maximum level of trucks that can cross our scale is six (6) per hour. The maximum number of trucks that Centennial Energy is using a day is two (2). So, the most trucks that can leave our facility in a day is eight (8). While we do have around 200 loads coming in and out over a 24 hour day, it really is spaced out and we are not causing these projections of traffic jams, etc. Wallace asked Trustee Miner to speak about the road improvement project. Miner – ODOT issued us a permit knowing full well what was going to happen with the widening of that SR344 & Esterly Drive intersection. I'd like to do some studying and present it at the township meeting of the 19th. Wallace – part of the process was, that we would help the township get the money to improve the intersection and to make certain the intersection would be improved before we ever approached closing the crossing. This intersection has been studied and Mr. Miner will speak to that when he's had a chance to review all the information. Thank you all for coming and thank you all for being nice.

CASEY TALBOT – I want to “thank you” all for coming. For the most part you have been very cordial, even though we've had some different opinions here. Thank you for expressing them the way you did. I have never worked for anyone who expected me to do anything except tell the truth. So, I do my very best anytime I speak. I am going to address several different concerns that were raised. I am speaking from my notes of this meeting. Re: the train track, there are upwards to 127 trains per day, including Amtrak @ 79 mph; This is actually a positive and the cheapest way to move heavy goods long distances is through train traffic and keeps them off the highway. There is a movement toward train traffic. Trains keep the cost of goods down and do a valuable service and train traffic is expected to increase. The concerns about the intersection – the people of The State of Ohio get paid to evaluate those kinds of intersections and I believe, the people of ODOT came out here and evaluated that intersection. If there are on-going concerns about that intersection ODOT will expect to deal with us. Regarding the cell phones – I travel the turnpike a lot and almost every young driver you see travelling that road is using a cell phone. Trust me it doesn't matter if they are using cell phones on Cherry Fork or Esterly or the turnpike they will get into an accident. The loop installation for operating trains is a very difficult thing to do. Norfolk & Southern just simply cannot do it if you have this loop track that comes into the immediate proximity of a double main line railroad. From a safety standpoint and an operations standpoint they simply cannot do it. The ORC is not picking on Fairfield Township, this is a state-wide and system-wide issue with regard to reduction. The Federal Government has asked the States to decrease the number of crossings. It has been mentioned that the Leetonia crossing will be studied too.



Year 2013 A.D.

Page No 6214

OFFICIAL JOURNAL RECORD OF PROCEEDINGS

Fairfield Township Local Government District

DECEMBER 12, 2013 CONT.

PUBLIC HEARING COMMENTS

POTENTIAL CLOSING OF ESTERLY DRIVE RAIL GRADE CROSSING
PAGE 12

Talbot con't. - From a grade crossing safety perspective for a redundant crossing, we think we should do this voluntarily. We've had the ORDC support from the very beginning and they feel it should be closed. If not, the PUCO could close it and the incentives are off the table.

There are 5 persons who sent correspondence via mail, they are as follows:

1. John A. Haller, 321 Oak Court, Columbiana OH 4440
2. Daniel Valentine, 5179 N. Glenview Lane, Leetonia OH 44431
3. John Saldano, Police Chief - Leetonia Police Department m- 300 E. Main Street , Leetonia OH 44431
4. Richard B. Reash of 40550 St Rt 344, Leetonia OH 44431
5. Cynthia L. Reash of 40550 St Rt 344, Leetonia OH 44431

Chairman Hum: This will bring a conclusion to this public hearing. I'm fine with all these folks. Nowhere else but United State of America can we sit down and have a meeting like this (applause) I'm proud of all of you. Our next township trustee meeting is December 19, 2013 at 7:00 P.M. If any of you want to contact any of us three (3) trustees, you are more than welcome to. I think that within the next week it will give us some time to digest everything that occurred here tonight. Hopefully, if it's alright with you two trustees, we can call the question and if you guys aren't comfortable with calling the question at the December 19th meeting, we can do it the following meeting. This is an important decision and I want to make sure we give it the proper review.

Trustee Miner - I'm very proud of the audience that we had tonight. It's makes me proud to be a Fairfield Township Trustee when we can all sit down and discuss an issue such as this in a very professional manner. I want to thank you all.

Motion to adjourn:

Trustee Garwood made a motion to adjourn this "Public Hearing" at 9:30 P.M. Seconded by Mr Miner.

Chairman

Trustee

Trustee

Fiscal Officer