

**RESOLUTION TERMINATING A CONTRACT WITH ROCK CREEK VILLAGE FOR OPERATIONAL AND TECHNICAL SERVICES (WASTEWATER AND WATER SERVICES)**

**WHEREAS**, on April 14, 2009, by Resolution No. 2009-17SEWA, a contract was approved by and between the Ashtabula County Board of Commissioners and the Village of Rock Creek for the County to provide temporary operational and technical services to the Village, including day-to-day monitoring and operational adjustments in the water distribution system and wastewater treatment plant, as well as the preparation of required Ohio EPA reporting documents; and

**WHEREAS**, pursuant to the terms of the agreement, the Board of Commissioners provided written notice to the Village of Rock Creek of its intent to terminate the contract in accordance with the Term of Agreement provision, stating that the County would continue to serve as Operator of Record until August 8, 2025; and

**WHEREAS**, the Village of Rock Creek subsequently submitted a written request to the Board for immediate termination of the contract, which the Board agreed to during its Work Session held on Tuesday, July 8, 2025 at 2:00 p.m. and by written letter dated July 8, 2025 addressed to the Village of Rock Creek; and

**WHEREAS**, it is now necessary to formally declare the termination of said contract by resolution; now

**THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of Ashtabula County, Ohio, that the contract with the Village of Rock Creek for operational and technical services (Wastewater and Water Services) is hereby terminated, effective retroactively to July 8, 2025.

**BE IT FURTHER RESOLVED**, that the Clerk of the Board is hereby directed to provide a certified copy of this resolution to the Village of Rock Creek and all other interested parties.

**ASHTABULA COUNTY COMMISSIONERS  
CERTIFICATION PAGE**

**Resolution No. 2025-318**

**July 15, 2025**

**RESOLUTION TERMINATING A CONTRACT WITH ROCK CREEK VILLAGE FOR OPERATIONAL AND TECHNICAL SERVICES (WASTEWATER AND WATER SERVICES)**

Upon the motion of Kathryn L. Whittington, seconded by Casey R. Kozlowski.

**VOTE:**

**J.P. Ducro IV**

**Aye**

**Casey R. Kozlowski**

**Aye**

**Kathryn L. Whittington**

**Aye**

**CERTIFICATE OF CLERK**

IT IS HEREBY CERTIFIED that the foregoing is a true and correct transcript of a resolution acted upon and duly passed by the Board of County Commissioners of Ashtabula County, Ohio, on the date noted above.



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Lisa Hawkins, Clerk of the Board  
Board of County Commissioners  
Ashtabula County, Ohio

ASHTABULA COUNTY  
COMMISSIONERS  
J. P. Ducro IV  
Casey R. Kozlowski  
Kathryn L. Whittington



25 W. Jefferson St.  
Jefferson, OH 44047-1092  
Phone: (440) 576-3750  
Fax: (440) 576-2344  
commissioners@ashtabulacounty.us

May 8, 2025

Village of Rock Creek, Ohio  
Attn: Mayor Suzanne Hayes  
P.O. Box 92  
3081 West Water Street  
Rock Creek, OH 44084

RE: Operational and Technical Services Contract with Rock Creek Village (Wastewater and Water Services) – Term of Agreement

Dear Mayor,

This letter serves as notice that Ashtabula County is expressing its intent to exercise the agreement termination outlined in the Term of Agreement section per our Operational and Technical Services Contract with Rock Creek Village, signed April 1, 2009 by Rock Creek (Ordinance 09-04-01) and on April 14, 2009 by the Ashtabula County Board of Commissioner's (Resolution 2009-17 SEWA).

**This letter serves as notification to the Village of Rock Creek of our three (3) month notice of termination of the agreement. We will continue to be the Operator of Record through August 8, 2025.**

The agreement states *"the term of this contract shall be temporary. Either party may terminate this contract, however, by giving the other party notice in writing three (3) months in advance of termination or by mutual agreement of the parties to terminate."* We would like to outline several issues and concerns that contributed to our decision.

Despite numerous attempts to work collaboratively with the Village of Rock Creek staff to address requirements related to the Schedule of Compliance with Ohio OEPA—as well as various other concerns involving the collection system and plant operations—these matters have not been addressed in a timely or effective manner. Some of the most recent and pressing concerns are:

1. The lack of effort to address the removal of solids on an ongoing basis. Levels have continued to be around 60 to 90 percent. This is unacceptable and your solids should be maintained around 20 percent for normal and optimal operations. Your high solid levels have contributed to violations from the OEPA and multiple plant malfunctions including plugging returns, plugging sand filters, low dissolved oxygen-OEPA violation and high ammonia-OEPA violations.
2. Lack of timeliness in repairing plant equipment has led to additional OEPA violations.
3. Lack of having and keeping a steady supply of operational chemicals on hand, such as chlorine and de-chlorination chemicals during disinfection season, which began on May 1, 2025. The lack of supplies has also added to OEPA violations. Our operators have documented these requests in the log book required at the plant by OEPA and discussed these items with your staff several times in an effort to improve the Village's plant operations. The current agreement also does not allow for

any increases in cost, and the County is now providing some of the staffing for your wastewater operation at a loss. This arrangement is unsustainable and unfair to our ratepayers.

We would also like to provide recent examples that highlight our ongoing concerns. For instance, on the morning of May 2, 2025 our staff found:

1. Sometime since Wednesday morning, the portable bubbler ACDES installed in the contact tank was unplugged. This caused a low dissolved oxygen (DO) violation. When the bubbler was installed Rock Creek staff was informed that the bubbler had to stay in operation to maintain DO limits for the time being.
2. No chlorine was in the tablet feeder for disinfection. If the plant is not attempting to disinfect this would be a violation. Our operator added chlorine tablets from what was found in the garage.
3. The de-chlorination pump was plugged in and turned off. It was also improperly installed backwards. Our operator corrected this and turned it on. If the de-chlorination pump is not running, a high chlorine residual would occur and cause a violation.
4. They found both tertiary filters are still plugged from Wednesday and need cleaned.
5. Rock Creek was supposed to have sludge hauled out on May 1, 2025. There is nothing written in the log book or on the sludge hauling clipboard to indicate this happened. Also, if sludge was hauled, a sample for percent total solids was not grabbed and this is a requirement of your NPDES permit.
6. Ammonia levels continue to be high above limits according to our process control tests. Our staff doesn't believe this issue will be corrected until solids are heavily removed. Until corrected, this will result in more violations

On May 5, 2025 our staff found:

1. Bubbler for DO still not plugged in. This was written in the log book to do and staff was texted to plug it in as well. This results in low DO violations for Sunday May 4<sup>th</sup> and Monday May 5<sup>th</sup>.
2. Both filters at the plant were found to be plugged and the plant is puking. Rock Creek never contacted our staff Sunday or Monday regarding this.
3. Our staff has still not received any indication of hauling sludge or if a sample was taken.
4. When our staff arrived this morning, Rock Creek staff had been there since 5:30 am, yet hoses were flowing discharge in multiple directions and totally bypassing filters.
5. Ammonia continues to be in violation based on process control testing being done by our staff.
6. Your staff continues to not reach out for guidance or to notify ACDES of any problems.

Our operators take great pride in their work to maintain and exceed the expectations of the OEPA and our customers that we serve. The additional time and effort needed to get the Village of Rock Creek to an acceptable level continues to be a struggle without the commitment of the Village to prioritize funding needs, upgrades, general maintenance and proper staffing.

For the reasons outlined above, this letter serves as notification to the Village of Rock Creek that the County is exercising its contractual option of three (3) months notice to terminate the agreement. We will continue to be the Operator of Record through August 8, 2025.

In addition to this notice of termination of our current agreement, we have enclosed a draft Operations Agreement for your consideration. This proposed draft outlines a framework under which Ashtabula County would assume full responsibility for all staffing needs to operate the Village's wastewater facility. It also includes a suggested time frame to begin negotiations for the County to assume ownership of the facility. Please note that this draft is intended solely as a starting point for discussions should the Village be interested in pursuing this option.

This proposal does not address water operations at this time. However, should the Village express interest, the County would be open to engaging in a similar discussion regarding the Village's water facilities.

Please let us know if you would like to discuss any of these options further.

Sincerely,

Ashtabula County Board of Commissioners



J. P. Ducro IV, President



Casey Kozlowski, Vice President



Kathryn Whittington, Commissioner

CC:

Chloe Forristal, Interim Administrator

Pam Forristal, Fiscal Officer

David McCombs, Solicitor Village of Rock Creek

Janet Discher, Ashtabula County Administrator

Doug Starkey, Director ACDES

Noah Pierce, Wastewater Superintendent ACDES

Brianne Workman, OEPA

ASHTABULA COUNTY  
COMMISSIONERS  
J. P. Ducro IV  
Casey R. Kozlowski  
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July 8, 2025

Rock Creek Village  
Attn: Suzanne Hayes, Mayor  
3081 W. Water St.  
Rock Creek, OH 444084

Re: Termination of Agreement for Operational and Technical Services Contract

Dear Mayor Hayes,

The Ashtabula County Board of Commissioners is in receipt of your letter dated July 1, 2025, requesting the immediate termination of the Operational and Technical Services Agreement originally approved by both parties in April 2009 between the Village of Rock Creek and the Board of Commissioners. This termination will result in Rock Village becoming the operator of record.

After consideration of your request, the Board agrees to terminate the agreement effective immediately as of July 8, 2025.

Additionally, we have not received any updates regarding the status of the revised Bulk Water Agreement. Please advise on the Village of Rock Creek's intentions in this regard.

Sincerely,

Ashtabula County Board of Commissioners

Handwritten signature of J. P. Ducro IV in blue ink.

J. P. Ducro IV, President

Handwritten signature of Casey Kozlowski in blue ink.

Casey Kozlowski, Vice President

Handwritten signature of Kathryn Whittington in blue ink.

Kathryn Whittington, Commissioner

CC: Brianne Workman, OEPA  
Pam Forristal, Rock Creek, Fiscal Officer  
Brian Kinkopf, Rock Creek, President Pro-Temp  
David McCombs, Rock Creek, Village Solicitor  
Janet Discher, County Administrator  
Doug Starkey, ACDES, Director

July 1, 2025

Ashtabula County Commissioners  
Commissioner, J.P. Ducro, IV  
Commissioner, Casey R. Kozlowski  
Commissioner, Kathryn Whittington  
25 West Jefferson Street  
Jefferson, Ohio 44047

In re: Operational and Technical Services Contract Dated April 1, 2009 by Rock Creek Village, and on  
April 14, 2009 by the Ashtabula County Board of Commissioners

Commissioners:

After consideration of your notification to Rock Creek Village to terminate the Operational and Technical Services Contract with Ashtabula County on August 8, 2025, this letter serves as notice that Rock Creek Village desires to immediately terminate the contract with the county and to become the operator of record.

The village understands that the county and the village must agree to such immediate termination of the contract and change of operator of record. The village therefore asks the county to promptly respond.

Sincerely,

A handwritten signature in cursive script that reads "Suzanne Hayes".

Suzanne Hayes, Mayor