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## Summit County files suit against sewer district

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Summit County and seven of its northern communities filed a lawsuit Wednesday to try to prevent the Northeast Ohio Regional Sewer District from imposing a new storm-water fee on local property owners.

The district doesn't have legal authority to impose the fee in Summit County, where the county engineer has the exclusive authority to deal with storm-water issues, county Assistant Prosecutor Brad Gessner said.

The suit, filed in Common Pleas Court, argues that "at no time did any of these . . . communities agree to or contract for storm-water services."

The Cuyahoga County-based sewer district is expected to vote next week on a plan to create a storm-water management program to deal with long-standing flooding, water-quality and erosion problems in the region.

All property owners within the district, which includes northern Summit County communities, would be required to fund the program through the new fee — \$57 a year for the average homeowner and much more for commercial property owners. The fee is expected to generate up to \$38 million a year.

"We're not surprised that they filed, but we clearly believe it's premature because our board has not taken any action and it presumes they are going to," district Executive Director Julius Ciaccia Jr. said.

If approved by the board, the district had planned to seek a ruling on its authority from Cuyahoga Common Pleas Court anyway, "and hopefully amicably resolve all of our issues," he said.

"We're not sure exactly what the motivation is here at this stage," Ciaccia said.

He disputed the county's stance that the engineer has the exclusive authority to handle storm-water issues.

The county has done nothing to tackle the problem, he said, pointing to a Nov. 13 memo in which Summit County Engineer B. Alan Brubaker says his office "has been unable to respond to storm-water issues" because of a lack of funding.

"It's one thing to claim authority, but if you don't use it, you have no authority," Ciaccia said.

Local critics have complained that money the district raises in Summit County would go to fix problems in Cuyahoga County, and that there is no representative from Summit on the district board.

The lawsuit names as plaintiffs the county, Bath Township, Boston Heights, Hudson, Macedonia, Northfield Center Township, Richfield and Sagamore Hills Township.

For more details about the proposed storm-water program, go to <http://www.neorsd.org/stormwater.php>.

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