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September 18, 2009

## **VIA EMAIL**

Mark S. Finamore, Esq.  
258 Seneca Avenue  
Warren, Ohio 44481

Re: Village of Windham, et al.  
vs.  
Windham Township, et al.  
Case No. 2007 CV 1774  
Our File No. 100-4061B

Dear Mark:

I am writing as a follow-up to the meeting held in Ravenna on Thursday, September 17, 2009 following the apportionment of assets by the County Auditor. As you are aware, the Mayor sat with you and a representative of the trustees to discuss the possibility of a resolution of this case. Both the Mayor and I made very clear to Howard Furl that council was insistent upon the District having a five member board. The Village believes that the District should have a five member board in order to take politics away from the fire department (leaving a majority of three residents against the two politicians: one council member and one trustee). The Village also believes that the five member board brings greater opportunities to establish quorums on a monthly basis, provides greater

diversity of thought, and provides an opportunity to bring a wealth of knowledge and skill to the management. Despite our explanation of council's position and the reasoning behind it, the Township trustees unanimously passed a resolution at their meeting on Thursday, September 17, to accept only a three member board of Fire District trustees as the governing body. Obviously, the trustees either did not listen to what the Mayor and I had to say on this issue or don't care about the implications of this rejection.

In addition to the issue of the five member board, the Township continues to make unreasonable demands upon the Village for payment in addition to those levy monies which would be applied equally to all property owners of the District regardless of where the property is located. To this point, the Village has provided free dispatching and free water to the Township. The Township continues to insist that it extracts a pound of flesh from the Village when the true future costs of fire protection should be incurred by the District, as opposed to the Village and Township.

Therefore, and as a result of the Township's most recent actions, the Mayor intends to proceed forward with the operation of a Village Fire Department.

1. Please be advised that the Village will have all apparatus and equipment removed from the fire station by October 1, 2009. The Township will be responsible for the operation of the station in accordance with the lease agreement.
2. Effective October 1, 2009, the Township will no longer be able to utilize dispatch services from the Village. Furthermore, because of the possible confusion between the two departments, the Township will no longer be permitted to use the Village's radio frequency, which was issued to the Village by the Federal Communications Commission. Please make arrangements to have your radios reprogrammed to a separate (Township) frequency. On a similar note, the Village dispatchers will no longer utilize the lock system or siren activation device for the fire station.
3. Effective October 1, 2009, the Village will no longer provide water free of charge to the Township or the Township Fire Department. Billing will incur as is customary for other commercial users.

4. Effective October 1, 2009, the Township will be charged to fill SCBA bottles by the Village. The Village will charge the same rate as Warren Fire or other commercial providers.
5. The Village will also be making arrangements in the coming week to finalize its roster of employees. Gear will be ordered for its employees. Once the Village expends any funds for gear (which will occur by the end of the week), the Township will have to reimburse the Village for the funds if a Joint Fire District is ever formed. A fire engine is expected to be leased within the near future as well.

I have also been made aware of the Township's public records request for copies of my bills from September 2007 to the present time. I will be reviewing those records to eliminate all attorney communications or other matters related to litigation. As you are aware, these matters are privileged and are not considered public records under Ohio's law. If you have any issues or concerns over this process, please let me know immediately.

I am sorry that the Township officials have ignored both my warning and advice. Obviously, I was not taken seriously. My efforts from this point forward will be focused on assisting the Village in making its fire department (originally established in the 1930s) the pride of the county.

Very truly yours,

DAVID C. COMSTOCK, JR

DCJ/tjr