

# ***Village of Luckey***

226 Main Street  
P.O. Box 384  
Luckey, OH 43443

---

## **Village of Luckey, Ohio Water System Project**

This letter is to inform the community and Village of Luckey residents of the current state of the water system project.

As many of you may be aware, the topic of a public water system has presented itself from time to time to the various Council members and Village administration throughout the years. In 2020/2021, the Village of Luckey and its Council members were made aware of a property located within the Village, on the southeast corner of Luckey Road and Gilbert Road, which was for sale. This property contains a 30 -acre quarry.

The Village contacted the property owners, performed a water sample/test, and obtained a formal appraisal of the property in an effort to purchase the property. Village representatives also met with Artesian of Pioneer – a company specializing in municipal water treatment systems – to discuss whether the quarry property would be viable for the construction of a potable, public water system. The water sample was analyzed by an accredited, EPA approved laboratory, Brookside Laboratories and the results indicated that the water is considered clean and not contaminated.

The Village attempted to purchase the quarry property directly from the Sellers, but was unable to come to mutually agreeable terms. As a result, the Village filed an appropriation action to acquire the quarry property as authorized under Ohio's Constitution and the Ohio Revised Code. Ohio law requires that the Village pay fair market value when utilizing the appropriation process. The appraisal of the property indicated a fair market value of \$435,000. The Village of Luckey made a good faith offer of \$525,000 to purchase the property. The offer was declined by the property owners. The owners of the quarry have since challenged whether the Village has the right to acquire the property by eminent domain and a hearing was held on that issue on September 21<sup>st</sup> and 22<sup>nd</sup>, 2023. A decision is expected within the next few months.

The Village has been advised that to plan for and finance this type of project, it must secure the source of water first. That is what the Village is currently trying to do. Because of the pending litigation, we have not been able to publicly discuss many of the details. Once we have secured the quarry property, there will be opportunities to garner community input. We are simply not at the point where more detailed plans and timelines can be established.

I would like to urge the community to use caution when getting information from various social media posts that have been made on this project. All the comments and discussions you may be reading, particularly on Facebook, are being shared by individuals who do not represent the Village, or your Council. There have been numerous ideas or information that have been shared that are not factual and are

causing a lot of misconceptions and confusion. Some people who claim to have first-hand knowledge or technical expertise are simply wrong. They are not experts, do not understand the process, and they are not accurately recounting the evidence submitted to the Court.

I have confidence that the elected officials who have a seat at the table are doing a great job to work on this project thoughtfully and diligently with the community in mind. It saddens me to hear that people might think otherwise. Our Village Council members work for the community. The more that they can hear from you, the better informed they are as they evaluate, plan, and make decisions. They are all accessible. Please reach out to any of them to have a friendly conversation so your voice is heard. Same goes for me, please reach out.

Thank you,

Cory Panning  
Mayor of Luckey

---

At the regular session Village of Luckey Council Meeting held on October 18, 2023, many residents and non-residents attended with comments and questions. The Village has been keeping track of these questions and responds to several of the most common questions below:

*Q: Why does the Village need public water?*

A: The Village has a duty to ensure that our community has safe drinking water. To ensure that our community will always safe and affordable drinking water, having a public water source is an important piece of that strategy. The Village is taking prudent steps to be as proactive as we can in the process of securing a public water source that can be managed and operated by the Village, from a safe source of water that is already located within the Village.

*Q: Is the Village also seeking to acquire any residential homes within the Village for this project?*

A: No. The Village has no intention of acquiring any residential homes for this project. That has never been part of this project scope.

*Q: Why are we in a lawsuit?*

A: The Village attempted to purchase the quarry property directly from the Sellers but was unable to come to mutually agreeable terms. As a result, the Village filed an appropriation action to acquire the quarry property as authorized under Ohio's Constitution. Ohio law requires the Village to pay fair market value to the owners when utilizing the appropriation process. The appraisal of the property indicated a fair market value of \$435,000. The Village of Luckey made a good faith offer of \$525,000 to purchase the property. The offer was declined by the property owners. The owners of the quarry have since challenged whether the Village has the right to acquire the property by eminent domain and a hearing was held on that issue on September 21<sup>st</sup> and 22<sup>nd</sup>, 2023. A decision is expected within the next few months.

*Q: Will there be a public meeting specifically on the topic of water?*

A: Yes. Once an outcome has been determined by the court regarding the purchase of the Quarry, the Village intends to schedule a town hall meeting to discuss next steps. We anticipate a decision from the court by sometime in December or January.

*Q: Are the current wells within the Village unsafe?*

A: The Village has not been notified that the wells are testing unsafe. However, there are locations within the Village that do not have access to a well and are bringing in their own water source. There are also several properties that are on a shared well system. It is each homeowner's responsibility to maintain and test wells and treat them if necessary.

*Q: Is the water in the quarry contaminated?*

A: No. The water was tested by an accredited EPA approved laboratory, Brookside Laboratories, and the results indicated that the water is considered clean and not contaminated. Sediment from the bottom of the quarry and surface water samples were also collected by the US Army Corps of Engineers as part of their remedial investigation for the clean up site located north of the Quarry, and no FUSRAP-related contaminants were found.

*Q: When will the Village residents get public water?*

A: Until the Village knows the source of the water, additional project planning and timelines cannot be developed.

*Q: Is this public water supply only for the Village or is it for all of Troy Township?*

A: The current scope of this project is for a public water system for Village of Luckey residents only.

*Q: Will I be required to abandon my well and connect to the Village water system once it is functioning?*

A: The Village currently has no plans to mandate either the abandonment of private wells or the connection to the Village Water system.

*Q: Is the Village currently in a contract with Artesian of Pioneer?*

A: No. The Village does not hold any contracts. When the Village gets to the point in the process to receive bids or proposals, we will be following the rules for competitive bidding as required by law.

*Q: Has there been discussion on this topic in any previous Council meetings?*

A: Yes. Over the course of 2021 through 2023, there have been at least 18 different times that this has been reflected in our meeting minutes. In addition, the Council has passed several resolutions regarding this process during that time.

*Q: How much will the residential water bill be when public water becomes available?*

A: Unknown currently. Because the Village has not yet acquired the water source, the costs cannot be precisely determined. However, estimates provided to the Village at the onset of this process place the cost of developing the water treatment facility at around \$4.6 million. The distribution

system will add to that cost. The Village expects the majority of this will be paid for with grant money and no-interest loans. There have been exaggerated figures shared by non-elected officials, stating figures of \$7 million to \$250 million, which are simply not numbers that anyone employed by the Village has received or been advised of by a professional.

*Q: How will residents stay informed of the progress of this project?*

A: To provide the residents of the Village with accurate information, based in fact, it is our intent to provide at least a monthly update on this project, which will be available on the Village website. Upon the conclusion of the pending litigation, Council intends to host informational sessions where more community questions can be asked and addressed. Until then, I strongly encourage you to address your concerns with your elected Council members.