

THE DULY ELECTED MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, OHIO, MET IN REGULAR SESSION ON NOVEMBER 10, 2011 IN ACCORDANCE WITH OHIO REVISED CODE 305.05, WITH THE FOLLOWING MEMBERS PRESENT: CORA A. MARSHALL, PRESIDENT, TIMOTHY C. IRVINE, VICE PRESIDENT, AND MEMBER STEVEN W. WEBER. THE MEETING WAS CALLED TO ORDER AT 9:00 A.M. BY THE PRESIDENT OF THE BOARD WITH THE PLEDGE OF ALLEGIANCE TO OUR FLAG.

Also attending were Ashley Rittenhouse of *The Marietta Times*, Administrator Paul Cunningham, and Clerk Rick Peoples.

COMMISSIONERS AGENDA

November 10, 2011

9:00 Minutes

9:30 Jann Adams, Betsy Cook, Cathy Schafer - SE OH Fracking Interest Group

10:00 Lisa Valentine, RSVP

10:30 Dawn Rauch, Community Action

10:45 Darlene Lukshin, OSU Extension

UNFINISHED BUSINESS

- Engineer Request to Dispose of Old Tax Map Copies
- Buckeye Energy Aggregation Agreement
- Dental / Vision Insurance
- Dog Warden Firearms Policy
- Snow Removal Contract

NEW BUSINESS

- Approve Agenda
- Approval of previous meeting's minutes
- Bills from various departments
- Resolution - Retaining Specialized Legal Counsel
- Resolution - Recognition of Eric Barrett, OSU Extension
- Additional Appropriation - FCF
- Additional Appropriation - Children Services
- Transfer - County Home
- Then & Nows
- Travel - Auditor
- Travel - CSEA
- Travel - EMA
- Travel - Clerk of Courts
- Amendment to MARCS Tower License Agreement
- CDBG Status Report, Salem Township Project
- Application for ARC Funds, Ingenuity Center Project
- Memo of Understanding with State EMA
- Extension of Lease of Space for Title Office
- JFS - Service Agreement for Elevator
- Humana Insurance Agreements (2)
- Notification - Auditor's office will be closed Nov. 25, 2011
- Change Order for Echo 24 Contract
- Proposal to Move 911/CAD Server to Server Room
- AT & T Renewal Options
- Quote for Switches
- Letter to County Auditor Reversing Delinquent Sewer Accounts

INFORMATION

Friday, November 11, Veterans Day - County Offices Closed

RE: AGENDA

Mr. Irvine moved and Mr. Weber seconded a motion to accept the agenda with the following amendments:

- Add: Delete Lisa Valentine, RSVP, at 10:00 a.m.
- Delete Darlene Lukshin, OSU Extension, at 10:45 a.m.
- Add Wellness Coordinator (New Business)

A calling of the roll resulted in the following vote: Cora Marshall aye, Timothy Irvine aye, Steven Weber aye. Motion passed.

RE: APPROVAL OF MINUTES

Mr. Weber moved and Mr. Irvine seconded a motion to dispense with the reading of the

November 3, 2011 minutes, and approve them as submitted.

A calling of the roll resulted in the following vote: Cora Marshall aye, Timothy Irvine aye, Steven Weber aye. Motion passed.

RE: PAYMENT OF BILLS

Mr. Irvine moved and Mr. Weber seconded a motion to approve the payment of bills from various departments.

A calling of the roll resulted in the following vote: Cora Marshall aye, Timothy Irvine aye, Steven Weber aye. Motion passed.

RE: RETAINING SPECIAL LEGAL COUNSEL

Mr. Irvine moved and Ms. Marshall seconded a motion to adopt the following resolution:

WHEREAS, the Washington County Board of Commissioners ("Commissioners") deem it necessary to provide specialized legal counsel on a periodic and/or case by case basis for the various departments and officials of Washington County, Ohio; and

WHEREAS, the Commissioners voted in open session on October 25, 2011 to retain the services of the firm of ISAAC, BRANT, LEDMAN & TEETOR, LLP as described below; and

WHEREAS, Commissioners deem it is in the best interest of Washington County to authorize the retention of specialized legal counsel at the earliest time allowed by law under Ohio Revised Code Section 309.09(C).

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, Washington County, Ohio:

Section 1. That for a period from October 25, 2011 to October 25, 2012, the services of the firm of ISAAC, BRANT, LEDMAN & TEETOR, LLP, a partnership, be retained as specialized legal counsel for various civil affairs for Washington County, Ohio for its departments and for its officials on an ongoing basis as pre-approved by the Commissioners.

Section 2. That the terms and conditions for the legal services of ISAAC, BRANT, LEDMAN & TEETOR, LLP, as such legal counsel as authorized herein, shall be as set forth in Exhibit "A" attached hereto and which is hereby incorporated herein as if fully rewritten which the Commissioners shall execute on behalf of Washington County, Ohio.

PROFESSIONAL SERVICES CONTRACT

THIS AGREEMENT memorializes an agreement made this 25th day of October, 2011, at the office of the Washington County Board of Commissioners, between Washington County, Ohio, by and through its Commissioners, hereinafter referred to as "Client," and ISAAC, BRANT, LEDMAN & TEETOR, LLP, 250 East Broad Street, Suite 900, Columbus, Ohio 43215, (614) 221-2121, hereinafter referred to as "Attorneys."

In consideration of the mutual promises herein contained, the parties hereto agree as follows:

1. **PURPOSE OF REPRESENTATION.** Client hereby retains and employs Attorneys to act, advise, counsel, and represent Washington County and the Washington County Board of Commissioners as contract attorneys on fiscal law, human resource and any other assignments, including recovering damages and compensation to which the client may be entitled, as well as to compromise and settle all claims arising out of any of the events or representations that may arise pursuant to this or any other agreement.
2. **ATTORNEYS' FEES.** In consideration of the services rendered and to be rendered by Attorneys, the Client hereby agrees to pay Attorneys at the rate of \$175.00 per hour for work performed by associate attorneys, and at the rate of \$215.00 per hour for work performed by partners.
3. **APPROVAL NECESSARY FOR WORK TO BE PERFORMED.** Questions that require an opinion of the Attorneys will be directed in written form and all such questions shall be authorized by the Washington County Board of Commissioners or appointing authorities for offices and departments. If work is approved by such an appointing authority instead of the Commissioners, the billing will indicate these charges separately so that it may be charged to that agency.
4. **APPROVAL NECESSARY FOR SETTLEMENT.** No settlement of any nature shall be made for any of the aforesaid claims of the Client without complete approval of the Client; nor shall the Client obtain any settlement on the aforesaid claims without the approval of Attorneys.
5. **ASSOCIATION OF OTHER ATTORNEYS.** Attorneys may, in their sole discretion, recommend the employment or association of additional attorneys for representation of Client's claims. Prior approval of the Client will be necessary for any such association. Any fees, costs or expenses incurred as a result of such association shall be in addition to those set forth above and shall be considered for all purposes, additional expenses.
6. **EXPENSES.** Court costs and all reasonable expenses incurred by Attorneys in the handling of this representation shall be billed to the Client. Such expenses include, without limitation, any and all monies required to be advanced on behalf of the client, telephone consultations, correspondence costs, travel, parking, lodging, deposition and discovery costs.
7. **PARTIES BOUND.** This agreement shall be binding and inure to the benefit of the

parties hereto and their respective heirs, executors, administrators, legal representatives, successors and assigns.

8. AGREEMENTS SUPERCEDED. Any agreements intended to supercede this written contract shall be in writing.

9. PAYMENT ON ACCOUNT. Client understands that all accounts are due when billed.

A calling of the roll resulted in the following vote: Cora Marshall aye, Timothy Irvine aye, Steven Weber aye. Motion passed.

RE: RECOGNITION OF ERIC BARRETT, OSU EXTENSION

Mr. Weber moved and Mr. Irvine seconded a motion to adopt the following resolution:

WHEREAS, on or about December 13, 1999 Eric Barrett began serving the citizens of Washington County as The Ohio State University Extension Educator, Agriculture/Natural Resources, and County Director; and

WHEREAS, Eric Barrett has earned the respect of area farmers by offering sound, thoughtful advice and counsel throughout his years with the Extension Office; and

WHEREAS, Eric Barrett has initiated and developed countless programs in the fields of agriculture and natural resources, educating and informing residents of Washington County; and

WHEREAS, Eric Barrett has provided professional assistance to a wide variety of community clubs and groups, including garden clubs, farmers' markets, and civic organizations; and

WHEREAS, Eric Barrett is relocating from Washington County to Mahoning County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Washington County, on behalf of the citizens of Washington County, extends to Eric Barrett recognition and appreciation for twelve years of exemplary service to residents of Washington County and Southeast Ohio, for carrying out his duties in a professional, personable, and knowledgeable manner, and for enhancing the economic development of this region.

Congratulations on a Job Very Well Done

A calling of the roll resulted in the following vote: Cora Marshall aye, Timothy Irvine aye, Steven Weber aye. Motion passed.

RE: ADDITIONAL APPROPRIATIONS

Mr. Irvine moved and Mr. Weber seconded a motion to approve the following additional appropriations:

602-2032-57400	Other Expenses	\$ 100.00
200-0748-51110	Unemployment	\$ 2,187.00
200-0748-52000	Travel	\$ 1,000.00

A calling of the roll resulted in the following vote: Cora Marshall aye, Timothy Irvine aye, Steven Weber aye. Motion passed.

RE: TRANSFERS

Mr. Irvine moved and Mr. Weber seconded a motion to approve the following request for transfer of funds:

County Home

<u>From</u>	<u>To</u>	<u>Amount</u>
200-0630-53000	200-0630-54400	\$ 10,000.00

A calling of the roll resulted in the following vote: Cora Marshall aye, Timothy Irvine aye, Steven Weber aye. Motion passed.

RE: THEN AND NOW'S

Mr. Weber moved and Mr. Irvine seconded a motion to approve the following Then & Now's:

<u>Dept</u>	<u>Account</u>	<u>Vendor</u>	<u>Amount</u>
Auditor	100-0120-5-3000	Software Solutions Inc.	\$ 1,031.48
Commissioners	100-0100-5-3000	Maximus Consulting Services	\$ 10,500.00
Children Services	200-0743-5-3000	Sojourners	\$ 1,460.00
Children Services	200-0743-5-3000	C.O.B.R.A., Ltd.	\$ 2,645.00

A calling of the roll resulted in the following vote: Cora Marshall aye, Timothy Irvine aye, Steven Weber aye. Motion passed.

RE: TRAVEL REQUESTS

Mr. Weber moved and Mr. Irvine seconded a motion to approve the following requests for reimbursement of expenses for training and travel pursuant to the policies and procedures and in compliance with the Annual Appropriations for Fiscal Year 2011 and any and all amendments subsequent thereto:

Auditor

Bill McFarland: One-day trip to Columbus for a meeting at the County Auditors' Association office; November 18, 2011.

Child Support

Betty Lynch, Barb Tergolina: One-day trip to Zanesville to attend Annual Self Assessment Training; November 29, 2011.

EMA

Jeff Lauer: One-day trip to Athens for a Southeast Ohio Emergency Management Association meeting; November 15, 2011.

Clerk of Courts

Brenda Wolfe: Four-day trip to Columbus to attend Ohio Clerk of Courts Association Winter Conference; November 29 through December 2, 2011.

A calling of the roll resulted in the following vote: Cora Marshall aye, Timothy Irvine aye, Steven Weber aye. Motion passed.

RE: AMENDMENT TO BROADBAND LICENSE AGREEMENT

Mr. Weber moved and Mr. Irvine seconded a motion to accept the Amendment to Broadband License Agreement extending the term of the original agreement to July 1, 2012 for the County's use of Multi-Agency Radio Communications System (MARCS) towers to extend high-speed internet service to remote parts of Washington County, and to allow Ms. Marshall to sign the Agreement.

A calling of the roll resulted in the following vote: Cora Marshall aye, Timothy Irvine aye, Steven Weber aye. Motion passed.

RE: CDBG STATUS REPORT, SALEM TOWNSHIP WATER PROJECT

Mr. Irvine moved and Mr. Weber seconded a motion to approve the Status Report for the Ohio Community Development Block Grant (CDBG) Program, project B-W-10-1CY-1, for the Salem Township Water Project, and to allow Ms. Marshall to sign the document, as requested by Melissa Zoller, Buckeye Hills-Hocking Valley Regional Development District.

A calling of the roll resulted in the following vote: Cora Marshall aye, Timothy Irvine aye, Steven Weber aye. Motion passed.

RE: APPLICATION FOR ARC FUNDS, INGENUITY CENTER PROJECT

Mr. Weber moved and Mr. Irvine seconded a motion to approve the Application for Federal Assistance, ARC Grant Funds, in the amount of \$250,000.00 for the Ingenuity Center Project, and to allow Ms. Marshall to sign the document, as requested by Melissa Zoller, Buckeye Hills-Hocking Valley Regional Development District.

A calling of the roll resulted in the following vote: Cora Marshall aye, Timothy Irvine aye, Steven Weber aye. Motion passed.

RE: MEMORANDUM OF UNDERSTANDING WITH STATE EMA

Mr. Irvine moved and Mr. Weber seconded a motion to table consideration of the Memorandum of Understanding between the State of Ohio Emergency Management Agency and the Washington County Commissioners to install and maintain a rain and snow monitoring system on Washington County property for use by the National Weather Service, as requested by Darlene Lukshin, OSU Extension Office.

A calling of the roll resulted in the following vote: Cora Marshall aye, Timothy Irvine aye, Steven Weber aye. Motion passed.

RE: EXTENSION OF LEASE FOR TITLE OFFICE

Mr. Weber moved and Mr. Irvine seconded a motion to approve the extension of a lease for

office space in the Frontier Shopping Center for the Title Office, for a period of six months after November 30, 2011, ending May 31, 2012, with the option of additional extension on a monthly basis for six months not to extend beyond November 30, 2012.

A calling of the roll resulted in the following vote: Cora Marshall aye, Timothy Irvine aye, Steven Weber aye. Motion passed.

RE: JFS ELEVATOR SERVICE AGREEMENT

Mr. Irvine moved and Mr. Weber seconded a motion to approve the Department of Jobs & Family Services to enter into agreement with Emar Corporation for two years of elevator maintenance, for the annual amount of \$2,100.00, as recommended by Tom Ballengee, Director, Job & Family Services (the other bid received was from Otis Elevator for \$2,220.00 per year).

A calling of the roll resulted in the following vote: Cora Marshall aye, Timothy Irvine aye, Steven Weber aye. Motion passed.

RE: HUMANA INSURANCE AGREEMENT

Mr. Irvine moved and Mr. Weber seconded a motion to approve the Employer's Master Application for Group Voluntary Products for Humana for the year beginning January 1, 2012, and to allow Ms. Marshall to sign the documents.

A calling of the roll resulted in the following vote: Cora Marshall aye, Timothy Irvine aye, Steven Weber aye. Motion passed.

RE: NOTICE OF AUDITOR'S OFFICE CLOSING ON NOVEMBER 25, 2011

The Commissioners acknowledged receipt of a memo from County Auditor Bill McFarland notifying them that his office will be closed on Friday, November 25, 2011.

RE: CHANGE ORDERS FOR ECHO 24 CONTRACT

Mr. Weber moved and Mr. Irvine seconded a motion to approve change orders 1 and 2 for the County's fiber project, contractor Echo 24, as recommended by IT Director Eric Skomra, in the following amounts:

- \$ 300.00, to provide and install a basket tray in server room
- \$ 4,930.00, to extend fiber optic backbone to courthouse 4th floor

A calling of the roll resulted in the following vote: Cora Marshall aye, Timothy Irvine aye, Steven Weber aye. Motion passed.

RE: PROPOSAL TO MOVE 911 SERVER TO SERVER ROOM

Mr. Irvine moved and Mr. Weber seconded a motion to approve IT Director Eric Skomra to move forward with securing appropriate equipment and services to move the 911/CAD server into the new server room, as space on the current system's hard drive is about to run out, and to purchase such equipment and services in accordance with Ohio Revised Code regulations.

A calling of the roll resulted in the following vote: Cora Marshall aye, Timothy Irvine aye, Steven Weber aye. Motion passed.

RE: AT & T RENEWAL OPTIONS

IT Director Eric Skomra shared with the Commissioners a proposal from AT & T to provide telephone service to Washington County for a period of 12 months, 24 months, or 36 months, with lower monthly rates per line for longer commitment periods. Mr. Skomra commented that he is proceeding with replacement of the County's phone system, but doesn't know how long the transition will take. The Commissioners asked Eric to determine if there would be a penalty if the County terminates a contract, and then to obtain a contract draft from AT & T for them to review.

RE: QUOTE FOR PURCHASE OF SWITCHES

The Commissioners authorized IT Director Eric Skomra to proceed with solicitation of bids or quotes to purchase 13 switches and 54 connectors for the County's networking project.

RE: LETTER TO COUNTY AUDITOR REVERSING DELINQUENT SEWER ACCOUNTS

Mr. Weber moved and Mr. Irvine seconded a motion to approve sending a letter to County Auditor Bill McFarland notifying him that the following previously-certified as delinquent sewer account holders have since paid their delinquent amounts, and that those amounts should not be placed on tax bills: Tom Sabol, John Walsh.

RE: WELLNESS COORDINATOR

Mr. Weber moved and Mr. Irvine seconded a motion to authorize Safety & Loss Control Coordinator Susan Burkhart to proceed with the appointment of a Wellness Coordinator for

Washington County, to be paid from CEBCO grant funds, and to coordinate with CEBCO, the County Prosecutor, and the Health Department the appointment documents, hourly rate, tax status, etc.

A calling of the roll resulted in the following vote: Cora Marshall aye, Timothy Irvine aye, Steven Weber aye. Motion passed.

RE: WORKPLACE BENEFITS

The Commissioners asked the Clerk to request that Safety & Loss Control Coordinator Susan Burkhart contact participating counties to find out their level of satisfaction with Workplace Benefits, specifically offering Allstate products, and to determine how they facilitated in the enrollment process for their county employees.

RE: LETTER OF SUPPORT, HOUSING ASSISTANCE GRANT PROGRAM

Mr. Irvine moved and Mr. Weber seconded a motion to approve sending a letter in support of the 2011 Housing Assistance Grant Program for Washington County and Community Action's application to the Ohio Department of Development for funds from the Program, as requested by Dawn Rauch, Community Action.

A calling of the roll resulted in the following vote: Cora Marshall aye, Timothy Irvine aye, Steven Weber aye. Motion passed.

RE: PURCHASE OF BUS FOR CABL PROGRAM

Mr. Irvine moved and Mr. Weber seconded a motion to authorize the purchase of one light transit bus for use by Community Action in the Community Action Bus Line (CABL) program, with funds from the 2011 Clean and Green Program through the State of Ohio, in the amount of \$54,589.00, from Myers Equipment, a vendor participating in the State of Ohio's Cooperative Purchasing Program, contract number 248-10, as requested by Dawn Rauch, Community Action.

A calling of the roll resulted in the following vote: Cora Marshall aye, Timothy Irvine aye, Steven Weber aye. Motion passed.

RE: COMMENTS FROM JACK BRUM

Washington County resident Jack Brum commented that he has been reading recent newspaper articles about county employee pay raises and court order(s) directing the Commissioners to appropriate and/or transfer sufficient funds to award pay raises to employees of the courts. He thanked the Commissioners for taking appropriate action in response to the court order(s), and he provided copies of other newspaper articles referencing commissioners, courts, and county budgets.

RE: SOUTHEASTERN OHIO FRACKING INTEREST GROUP (SEOFIG)

Betsy Cook, Jann Adams, and Cathy Schafer, representatives of SEOFIG, talked with the Commissioners about the possible effects and/or consequences of upcoming fracking in Washington County. They noted there will likely be significant health and environmental impact in the County. Specifically, they identified the following issues that should be addressed before gas production commences:

- Traffic (300 trucks per well per day)
- Water use
- Noise and hours of operation
- Air and water pollution
- Water lines
- School buses
- Handling of explosions/fires
- Medical care in emergency situations
- Property values

They stated that SEOFIG supports the proposed moratorium on fracking until more research is done. The group is not for or against fracking in the County, but merely wants to be adequately prepared for what comes with it. They have recently visited Wetzel County, West Virginia, and learned first-hand some of the problems residents of the County have experienced over the past four years of living with fracking wells. While their problems were significant, appropriate preparation in advance would have avoided them. The SEOFIG is encouraging cooperation between the Health Department, the Department of Natural Resources, the EPA, the County Commissioners, and Township Trustees.

The SEOFIG representatives provided a copy of a contract that Jefferson County developed for oil and gas companies to maintain and repair roadways, having relied on experience from three other states in writing the agreement.

Ms. Cook reported that the County Health Department has contracted with Alloway Laboratories to perform testing of water. She noted that it is critical for the County to establish an accurate baseline reading, and to require continual monitoring. She is concerned that Alloway may not test for all the chemicals being used in fracking.

Ms. Marshall commented that she has attended many meetings to learn about issues, concerns, and options related to gas exploration. She noted that the Ohio Department of Transportation is currently preparing a standard set of road repair and maintenance agreements soon to be shared with Township Trustees and County Engineers.

The SEOFIG representatives encouraged the Commissioners to:

- Stay in touch with SEOFIG, as their intentions coordinate with and even complement those of the Commissioners.
- Notify oil and gas companies that the County is watching their operations to ensure compliance with local, state, and federal regulations.
- Become aware of where well sites are being developed.
- Continue to learn as much as possible up-front, rather than after the damage is done.
- Participate in joint sessions with other groups, including Township Trustees, the Health Department, SEOFIG, and others, to share information and dialogue.

All agreed that this is a “community” issue, rather than an issue only for the county, the townships, the property owners, the schools, the natural habitat, etc.

RE: AMENDMENT TO EXTEND CHIP PROGRAM

Mr. Irvine moved and Mr. Weber seconded a motion to approve the Amendment to Programmatic Agreement for Coordination between Washington County and the Ohio Historic Preservation Office for the Administration of Programs Using HUD Allocated Funds with Delegated Review Responsibilities Authorized under 24 CFT Part 58, as requested by Dawn Rauch, Community Action, and to allow Ms. Marshall to sign the document.

A calling of the roll resulted in the following vote: Cora Marshall aye, Timothy Irvine aye, Steven Weber aye. Motion passed.

RE: EXECUTIVE SESSION

Mr. Weber moved and Mr. Irvine seconded a motion to enter into Executive Session to discuss compensation of county employees, and to invite Administrator Paul Cunningham to attend.

A calling of the roll resulted in the following vote: Cora Marshall aye, Timothy Irvine aye, Steven Weber aye. Motion passed, and the Commissioners entered Executive Session at 2:38 p.m.

The Commissioners returned to Regular Session at 3:23 p.m.

RE: LETTER TO ELECTED OFFICIALS

Mr. Irvine moved and Mr. Weber seconded a motion to send a letter to the Clerk of Courts, the Auditor, the Engineer, and the Probate Court Judge, advising them that for the upcoming budget hearings for the fiscal year 2012 budget they should prepare to discuss the process for increasing salaries within their departments and the continuation of funding for those increases previously awarded, noting that these elected officials gave pay increases that, even though within the department’s allocated budget for 2011, were not approved in advance by the Commissioners.

A calling of the roll resulted in the following vote: Cora Marshall aye, Timothy Irvine aye, Steven Weber aye. Motion passed.

RE: REQUEST FOR EASEMENT CHANGE, HORIZON TELEPHONE

Mr. Weber moved and Mr. Irvine seconded a motion to approve the request from Horizon Telephone for additional right-of-way for placement of utilities for the project at the old highway department garage on Colegate Drive, reviewed and approved by the County Prosecutor and recommended by IT Director Eric Skomra.

A calling of the roll resulted in the following vote: Cora Marshall aye, Timothy Irvine aye, Steven Weber aye. Motion passed.

RE: REMOVAL OF BUCKEYE ENERGY AGREEMENT FROM UNFINISHED BUSINESS

Mr. Irvine moved and Mr. Weber seconded a motion to remove from Unfinished Business the Buckeye Energy Aggregation Agreement and to take no action on it.

A calling of the roll resulted in the following vote: Cora Marshall aye, Timothy Irvine aye, Steven Weber aye. Motion passed.

RE: ADJOURNMENT

Mr. Irvine moved and Mr. Weber seconded a motion to adjourn.

A calling of the roll resulted in a unanimous vote in favor. The meeting adjourned at 3:42 p.m.

_____, President

_____, Vice President

_____, Member

_____, Clerk