

THE DULY ELECTED MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, OHIO, MET IN REGULAR SESSION ON AUGUST 18, 2016 IN ACCORDANCE WITH OHIO REVISED CODE 305.05, WITH THE FOLLOWING MEMBERS PRESENT: RICK G. WALTERS, PRESIDENT, AND DAVID A. WHITE, MEMBER. COMMISSIONER RONALD L. FEATHERS WAS UNABLE TO ATTEND. THE MEETING WAS CALLED TO ORDER AT 9:00 A.M. BY THE PRESIDENT OF THE BOARD. MR. WALTERS LED THOSE ATTENDING IN THE PLEDGE OF ALLEGIANCE TO OUR FLAG.

Also attending were Mike Webber, Muskingum Township Trustee Gary Doan, Karen Doan, Donn Kerr, Austin James from WMOA Radio, Hannah Kittle from *The Marietta Times*, Hannah Chenerski from WTAP News, and Clerk Rick Peoples.

**Washington County Commissioners
AGENDA
9:00 a.m., August 18, 2016**

9:00 Business Meeting
9:30 Alison Cauthorn, Assistant Prosecutor – Use of MARCS Towers
10:00 Dawn Rauch, Community Action – Public Hearing for Transit Program Application
11:00 Holly Tucker, SE Ohio District Chief, Ohio EPA – Introduction, and Discussion of Local Environmental Issues

UNFINISHED BUSINESS

None

NEW BUSINESS

Approve Agenda
Approval of previous meeting's minutes
Bills from various departments
Additional Appropriation – Family & Children First
Additional Appropriation - Jail
Additional Appropriation – Soil & Water Conservation
Additional Appropriation – Clerk of Courts Title Division
Minus Appropriation – Clerk of Courts Title Division
Transfer – Probate/Juvenile
Transfer – Family & Children First
Transfer – Commissioners
Travel – EMA
Travel – Job and Family Services (2)
Request to Hire Unit Support Worker for Job and Family Services
Agreement and Assurances, Family & Children First
Engineer – Bid Specifications and Notice for CR 60 Paving Project
Engineer – Emergency Landslip Repair on Tice Run Road

INFORMATION

Joint Solid Waste Meeting, 12:00 p.m., **Monday**, August 29, at Lori's Family Restaurant
Courthouse Closed for Labor Day, **Monday**, September 5

RE: AGENDA

Mr. White moved and Mr. Walters seconded a motion to accept the agenda, with the following changes:

Add: Travel – JFS
Rebate from Ohio Bureau of Workers' Compensation

A calling of the roll resulted in the following vote: Rick Walters aye, David White aye. Motion passed.

RE: APPROVAL OF MINUTES

Mr. White moved and Mr. Walters seconded a motion to dispense with the reading and approve the minutes of the August 11, 2016 meeting.

A calling of the roll resulted in the following vote: Rick Walters aye, David White aye. Motion passed.

RE: BILLS FOR PAYMENT

Mr. White moved and Mr. Walters seconded a motion to approve the list of bills from various departments for payment, as prepared by the County Auditor.

A calling of the roll resulted in the following vote: Rick Walters aye, David White aye. Motion passed.

RE: ADDITIONAL APPROPRIATIONS

Mr. White moved and Mr. Walters seconded a motion to approve the following requests for Additional Appropriations:

Family & Children First	602-2031-53000	\$ 1,280.00
County General	100-0381-53405	\$ 32,125.00
Soil & Water Conservation	200-2040-54400	\$ 30,000.00
Clerk of Courts, Title Division	200-0233-54400	\$ 3,995.00

A calling of the roll resulted in the following vote: Rick Walters aye, David White aye. Motion passed.

RE: MINUS APPROPRIATION

Mr. White moved and Mr. Walters seconded a motion to approve the following request for reduction in appropriation:

Clerk of Courts, Records Pres.	200-0234-54000	\$ (3,995.00)
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A calling of the roll resulted in the following vote: Rick Walters aye, David White aye. Motion passed.

RE: TRANSFERS

Mr. White moved and Mr. Walters seconded a motion to approve the following requests for Transfer of funds:

<u>Department</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
Probate/Juvenile	100-0330-51001	100-0330-51110	\$ 849.00
Family & Children First	602-2034-57200	602-2030-49200	\$ 8,633.50
County General	100-0102-57401	100-0361-53000	\$ 40,000.00

Commissioner White said the request for \$40,000.00 into the Coroner's department is a result of incurring more autopsies this fiscal year than originally anticipated. He said the County contracted with Montgomery County Coroner's Office to conduct 34 autopsies for Washington County during the period January 1 through December 31, 2016, at a cost of \$51,000.00. He said the County has, however, had at least 28 autopsies done through the end of July. He said these additional funds are needed for the remainder of the fiscal year to handle both autopsies and transport to and from the Montgomery County Coroner's office in Dayton.

A calling of the roll resulted in the following vote: Rick Walters aye, David White aye. Motion passed.

RE: TRAVEL REQUESTS

Mr. White moved and Mr. Walters 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 2016 and any and all amendments subsequent thereto:

EMA

Jeff Lauer: One day trips to Columbus to pick and return safe room display; September 1 and 7, 2016.

JFS

Candy Nelson: One-day trip to Columbus to attend CCMEP training; August 24, 2016.

Dawn Lucas, Ruth Burdette: Two-day trip to Columbus to attend CFIS User Group Training; September 27-28, 2016.

Candy Nelson: Two-day trip to Columbus to attend CFIS User Group Training; September 27-28, 2016.

A calling of the roll resulted in the following vote: Rick Walters aye, David White aye. Motion passed.

RE: REQUEST TO HIRE UNIT SUPPORT WORKER, JFS

Mr. White moved and Mr. Walters seconded a motion to approve hiring Amy Heiss for the position of Unit Support Worker for the Washington County Department of Job and Family Services, start date September 12, 2016, starting hourly rate \$14.47, as requested by Tom Ballengee, Washington County Department of Job and Family Services.

A calling of the roll resulted in the following vote: Rick Walters aye, David White aye. Motion passed.

RE: AGREEMENT AND STATEMENT OF ASSURANCES, FAMILY & CHILDREN FIRST

Mr. White moved and Mr. Walters seconded a motion to approve an Agreement and Assurances for the Ohio Department of Mental Health and Addiction Services, and to allow Mr. Walters to sign the document, as prepared and requested by Cindy Davis, Family & Children First.

A calling of the roll resulted in the following vote: Rick Walters aye, David White aye. Motion passed.

RE: BID SPECIFICATIONS AND NOTICE FOR CR 60 PAVING PROJECT

Mr. White moved and Mr. Walters seconded a motion to approve specifications and bid notice for the Washington County Road 60 Asphalt Paving Project, cost estimate of \$259,860.09, start date anticipated to be April 2017, completion date June 30, 2017, as prepared and requested by County Engineer Roger Wright.

A calling of the roll resulted in the following vote: Rick Walters aye, David White aye. Motion passed.

RE: EMERGENCY LANDSLIP REPAIR ON TICE RUN ROAD

Mr. White moved and Mr. Walters seconded a motion to approve contracting with Bob Lane's Welding, Inc. for emergency repair of landslip on Washington County Road 406 (Tice Run Road), for the amount of \$21,740.50, as requested by County Engineer Roger Wright.

The Clerk noted the Engineer's estimate for this project was \$21,972.50.

A calling of the roll resulted in the following vote: Rick Walters aye, David White aye. Motion passed.

RE: USE OF MARCS TOWERS

At the request of the Commissioners, Assistant Prosecutor Alison Cauthorn talked with them about the use of MARCS towers throughout Washington County for internet services. Commissioner White noted the Commissioners have received many concerns from County residents about the service provided by Smart Networks. He said complaints ranged from disconnection without account adjustments to poor customer service. He asked Ms. Cauthorn if she considered it possible to terminate the agreement with Smart Networks, or if she thought the State of Ohio might allow multiple service providers to sublease use of the towers rather than just one.

Ms. Cauthorn said the unscheduled outages and failure to notify the Commissioners of change of vendor from Smart Networks to TowerLink and/or Za Zoom may constitute breach of contract by Smart Networks. Mr. White said he believes there to be satisfied customers of Smart Networks, but they typically aren't the ones to share their experiences with the Commissioners. President Walters said he, too, is aware there are satisfied customers in the County. Mr. White said he is not interested in eliminating successful service to County residents, but he isn't able to judge without additional information.

Commissioner White asked Ms. Cauthorn if the Commissioners could request from Smart Networks a complete list of their customers and equipment they have on MARCS towers. Ms. Cauthorn presented to the Commissioners a draft of a letter to Smart Networks addressing these issues.

President Walters noted he is aware of at least one MARCS tower that is being used by multiple vendors, so such leasing practice must be acceptable to the State of Ohio.

RE: PUBLIC HEARING FOR TRANSIT PROGRAM APPLICATION

At 10:00 a.m. President Walters welcomed those attending the Public Hearing to consider application for funding the Washington County Rural Transit Program in 2017. Attending were Dawn Rauch from Washington-Morgan Community Action Program, Gary and Karen Doan, Austin James from WMOA Radio, and Clerk Rick Peoples.

President Walters asked Ms. Rauch to describe the Transit Program in Washington County. Ms. Rauch said the current service provider for the program is Washington-Morgan Community Action Program. She said funding comes from the Federal Transit Administration, the State of Ohio, the City of Marietta, and Washington County. She noted the program provides three fixed routes in the City of Marietta, and extended service to other parts of Washington County. Ms. Rauch noted the system provides connection to the Easy Rider Bus Service in Wood County as well. She said service is provided Monday through Friday, and Saturday morning. She said paratransit service is also available upon request.

President Walters said the Commissioners are now inviting public comment about the service provided by Community Action Bus Line (CABL). He noted the application must be submitted by September 16, 2016, so comments are welcome prior to that date.

RE: CHIP SEMI-ANNUAL PROGRAM INCOME REPORT

Mr. White moved and Mr. Walters seconded a motion to approve a Housing Semi-Annual Program Income Report for the CHIP Program in Washington County for the period ending June 30, 2016, reflecting an available cash balance of \$47,518.30 and a reserved balance of \$15,000.00, and to allow Mr. Walters to sign the Report, as prepared and requested by Dawn Rauch, Washington-Morgan Community Action Program.

A calling of the roll resulted in the following vote: Rick Walters aye, David White aye. Motion passed.

RE: OHIO EPA, SOUTHEAST OHIO DISTRICT

Holly Tucker introduced herself as the Southeast Ohio District Chief for the Environmental Protection Agency (EPA). Attending were the Commissioners, the Clerk, Washington County Health Commissioner Dr. Richard Wittberg, and the following interested Washington County residents:

Donn Kerr

John Bartlett

Edith Newman

James Bonnette

Diane Fleming
John Ellis
Flo Beidler

Phillip Fleming
Glen Pawloski
Steve Hutchinson

David Bowen
Crandall Bookman
Shelly Vincent

Michael McCartney
Katie McGlynn
Kevin Francis

Ms. Tucker said she has been the Chief of the Logan Ohio EPA Office for slightly more than one year, and is in the ongoing process of visiting all mayors and county commissioners within the 23 county district. Her interest in doing that, she said, is to share what services are available from the Ohio EPA, and to hear what environmental issues there are in the district. She noted her desire is to “partner” with entities to resolve issues, rather than the EPA merely serving as a regulatory agency. She said the mission of the EPA is to improve the health of residents and communities by ensuring the waters of the state are safe.

Ms. Tucker noted the following programs offered by the Ohio EPA:

- Harmful algae
- Asbestos Detection and Abatement
- Open Burning
- Sewer and Septic Systems
- Safe Drinking Water
- Landfills and Open Dump Sites
- Scrap Tire Cleanup
- Environmental Response and Remediation
- Free Confidential Advice and Assistance
- Principal Forgiveness Loans

Ms. Tucker was pleased to hear from Commissioner White that the Joint Solid Waste Management District conducts periodic collection of unwanted tires, appliances and other solid waste.

Ms. Tucker welcomed comments and questions:

Dr. Wittberg asked if there is nitrate reduction at the city’s sewage treatment plant prior to discharge into the river. Ms. Tucker said she is unaware, but that it depends on the system in place.

Dr. Wittberg asked if the EPA considered the impact of agriculture on the level of nitrates and phosphates, rather than simply from villages and communities. Referring to studies done in other parts of the state, Ms. Tucker said it has been determined that agriculture and the use of fertilizers have indeed had a significant impact on level of nitrates, but suburbanization has also elevated those levels.

Responding to a question about testing of river water content, Ms. Tucker said there is ongoing monitoring of nitrates in the Ohio River from Pittsburg to Illinois.

A resident of Oak Grove noted he built his house in 2005 and has a fairly new septic system. He said he shouldn’t have to replace his \$2,000 septic tank since it is doing no harm to his community. Ms. Tucker said her intent is to resolve the situation in a manner that is equitable, efficient and effective.

Mr. Kerr said he believes the current trend is to move from septic to sewer. Agreeing, Ms. Tucker said with increase in population it is imperative that communities handle their waste in as safe a way as possible.

It was noted that if soil is right and sufficient property is available, self-contained septic systems are feasible. Mr. McCauley asked if the EPA offers a variance to homeowners who don’t have sufficient property available for a new septic system. Ms. Tucker referred him to the local Health Department for guidance. Mr. McCauley said studies have determined there is significant difference in levels of nitrates between the sewered and unsewered portions of Devola. He noted the shutdown of a well near the Shrine Club may result in nitrates flowing to other nearby well fields.

Mr. Pawloski explained the history of the situation in Devola, noting:

- There was determined to be an unacceptable level of nitrates in the drinking water of Devola.
- The Ohio EPA issued Findings & Orders to remedy the situation.
- Putnam Water Association installed a reverse osmosis system in Devola, which essentially eliminated the problem.
- The Ohio EPA continues to direct the Commissioners to construct a sewer system even though the nitrate problem no longer exists.
- Many Devola residents consider this requirement of the EPA to be “double remedy”.

Mr. Pawloski said the U.S. Supreme Court has said the EPA must use reasonable cost-benefit analysis before mandating changes to systems in local communities. He said the Ohio EPA apparently hasn’t gotten that message, as the County remains under Findings & Orders to provide a new sewer line in Devola. He said he believes the modified orders from the Ohio EPA are merely the original orders split into three parts. Estimating a cost to homeowner of \$19,500 to \$24,200 to move from septic to sewer, Mr. Pawloski said homeowners in his community simply cannot afford both this and the monthly sewer payment of \$86.00. He said he doesn’t believe there has been sickness or death in Washington County resulting from high levels of nitrates in at least the last 200 years.

Ms. Tucker said blue baby syndrome results from high levels of nitrates in ground water, so the EPA must take appropriate action to avoid this. She said the new water system in Devola may now be effective, but if it fails then there could be serious problems. She said the EPA is still gathering data to ensure they do not direct treatment of the system rather than the source of the problem.

It was noted the EPA and the community may disagree as to whether there is actually a problem. One gentleman suggested he is very interested in determining if the ground and drinking water are safe, but he said he needs to see written results from legitimate tests that determine that. He said he can ill afford to move from septic to sewer, but would do so if the water is unsafe. Another gentleman said he has endured two heart attacks and now has five stents. He said such a large additional expense would force him to either relocate or decide which medicines or groceries he can forego.

Mr. Kerr said he believes the estimates for construction to be too high.

Mr. McCauley said the City of Marietta has secured 30-year loans for the City's new water treatment plant, utilizing the life span of 30 years. He said the City has obtained grants for wetland communities as well. Commissioner White noted a lift station doesn't have a 30-year life span, so it would be difficult to secure such long-term loans for projects in these smaller communities.

One Devola resident said she is very pleased to have moved from septic to sewer twenty years ago. She said she was able to pay for this through her property tax bills, and completed payments in 2015. She said she believes the new sewer line needs to be built, the sooner-the-better.

Ms. Tucker reminded everyone the County is currently under Findings & Orders to address the situation in Devola, Oak Grove and Reno. She said results of recent soil and water tests should soon be available.

Dr. Wittberg expressed his appreciation to the Ohio EPA for being "patient" with Washington County. Mr. Pawloski urged the Health Department and Commissioners to protect Washington County residents from the EPA.

Ms. Tucker said she will follow-up with written answers to those questions she was unable to address. She thanked everyone for their comments and concerns.

RE: REBATE FROM OHIO BUREAU OF WORKERS' COMPENSATION

Mr. White moved and Mr. Walters seconded a motion to approve deposit of \$54,904.57 rebate from the Ohio Bureau of Workers' Compensation into 100-0104 Budget Stabilization Fund.

A calling of the roll resulted in the following vote: Rick Walters aye, David White aye. Motion passed.

RE: ADJOURNMENT

Mr. White moved and Mr. Walters seconded a motion to adjourn.

A calling of the roll resulted in a unanimous vote in favor. The meeting adjourned at 12:28 p.m.

_____, President

_____, Vice President

_____, Member

_____, Clerk