

THE DULY ELECTED MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, OHIO, MET IN REGULAR SESSION ON JANUARY 18, 2018 IN ACCORDANCE WITH OHIO REVISED CODE 305.05, WITH THE FOLLOWING MEMBERS PRESENT: RICK G. WALTERS, PRESIDENT, DAVID A. WHITE, VICE PRESIDENT, AND RONALD L. FEATHERS, MEMBER. 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 Muskingum Township Trustees Gary Doan, Ken Schilling and Robert Dunbarger, Warren Township Trustee Jeff Knowlton, Karen Doan, Glen and Marcia Pawloski, County Auditor Bill McFarland, County Engineer Roger Wright, County Prosecutor Kevin Rings, Assistant Prosecutor Nicole Coil, Health Commissioner Dr. Richard Wittberg, Building Official Chris Wilson, Erin O'Neill from *The Marietta Times*, Todd Baucher from WTAP News, Clerk Rick Peoples, and many visitors interested in the Commissioners' response to the Ohio Attorney General pertaining to the proposed Devola sewer project, including:

Bill O'Connor	Steve Porter	Rodney Lord
Rick Beaver	Courtney Riley	Marcus Riley
Dick Taylor	Michael McCauley	Anne Keegan
Roger Kalter	Thomas Albert	John Richardson
Scott Howard	Jerry Jenks	Lisa Riley
John MacRae	Steve Hutchinson	Kathy Shively
Brenda Kornmiller	Robert Feathers	Tiffany Becker
James Bonnette	Don Atkins	Judy Atkins
Thomas Pabst	Bruce Kehl	Art Mendicino
Susan Ellis	John Ellis	Greg Dent
Robert Vernon	Lorena Feathers	Richard Best
Sandy Best	L.G. Moody	Edith Newman
Gary Rhoades	Patty Rhoades	Sue McKnight
Paul Ranch	Freda Huck	Phil Washburn
Patty Dickson	Luke Sulfridge	Nancy Szabo
Don Heslip	Sharon Dearth	Kevin Francis
Allen Bartlett	Larry Schwendeman	Cheri Seevers

**Washington County Commissioners
AGENDA**

9:00 a.m., January 18, 2018

9:00 Business Meeting
9:30 Response to Letter from Ohio Attorney General, Devola Sewer
10:30 Gerry Lockhart, I.T. Director – Program Update, Parting Words !!!

UNFINISHED BUSINESS

Proposal to Study Effectiveness of Courthouse Back-Up Generator
Addendum to Labor Agreement, Developmental Disabilities
Additional Appropriation – Sheriff (for purchase of Jail tasers)

NEW BUSINESS

Approve Agenda
Approval of previous meeting's minutes
Bills from various departments
Resolution Declaring Necessity for Levy of Additional Tax, Children Services
Additional Appropriation – Sheriff (3)
Additional Appropriation - EMA
Additional Appropriation – Sewer
Additional Appropriation – Clerk of Courts
Additional Appropriation – Common Pleas Court
Additional Appropriation – Law Library
Transfer – Sheriff (3)
Transfer - EMA
Transfer – Clerk of Courts
Transfer – County General, Miscellaneous
Transfer - Agriculture
Then & Now's (3)
Travel – JFS (2)
Projected Expenditures Form, Family & Children First
Requirements for Township Zoning Resolutions
Sheriff's End of the Year Status Report on Jail Inmate Programs
Annual Report from Prosecutor on Cases Prosecuted during 2016

DATES TO REMEMBER

Council of Governments Meeting, 12:00 p.m., **Monday**, February 5, in Caldwell
Monthly Meeting at County Home, 8:30 a.m., **Tuesday**, February 13
Courthouse Closed, **Monday**, February 19, Presidents' Day
Finance Committee, 10:00 a.m., **Tuesday**, February 20

RE: AGENDA

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

Add: Additional Appropriation – CHIP (2)
Additional Appropriation – Building Department

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

RE: APPROVAL OF MINUTES

Mr. White moved and Mr. Feathers seconded a motion to dispense with the reading and approve the minutes of the January 11, 2018 Regular meeting.

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

RE: BILLS FOR PAYMENT

Mr. Feathers moved and Mr. White 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, Ron Feathers aye. Motion passed.

RE: RESOLUTION DECLARING NECESSITY FOR CHILDREN SERVICES LEVY

Mr. White moved and Mr. Feathers seconded a motion to approve the following Resolution:

***WHEREAS**, the amount of taxes which may be raised within the ten mill limitation will be insufficient for the Washington County Commissioners to support the Washington County Children Services Board with the necessary funds to enable it to perform its functions and duties under Chapter 5153 of the Ohio Revised Code for the care and placement of children, in particular it will be insufficient to enable the Washington County Children Services Board to provide foster care placement services;*

***AND WHEREAS**, pursuant to R.C. 5705.03, the Board has requested and received certification from the Washington County Auditor that the total current tax valuation of Washington County is \$1,485,624,230 (one billion four hundred eighty-five million, six hundred twenty four thousand two hundred thirty dollars) and that the dollar amount of revenue that would be generated by .55 mill (fifty-five hundredths mill) for each dollar of valuation, which amounts to five and one-half cents (\$0.055) for each One Hundred Dollars of tax valuation is \$817,093 (eight hundred seventeen thousand ninety-three dollars).*

***NOW, THEREFORE, BE IT RESOLVED**, by the Board of Washington County Commissioners, Washington County, Ohio, two-thirds of all members elected thereto concurring therein, that it is necessary to levy an additional tax upon the entire territory of Washington County, in excess of the ten mill limitation pursuant to Ohio Revised Code Section 5705.03, 5705.24, 5705.19, and 5705.191, for the benefit of Washington County for the purpose of providing funds to support the Washington County Children Services Board to enable it to perform its functions and duties under Chapter 5153 of the Ohio Revised Code for the care and placement of children, specifically for the purpose of providing foster care placement services, at a rate not exceeding .55 mill (fifty-five hundredth mill) for each dollar of valuation, which amounts to five and one-half cents * (\$.055) for each One Hundred Dollars of tax valuation for a period of five (5) years.*

***AND BE IT RESOLVED** that it will be necessary to submit the ballot measure to the entire territory of Washington County (There is no other county in which the subdivision has territory).*

***FURTHER**, that such proposed levy be placed on the tax list and duplicate for the year beginning with the tax year 2018, calendar year 2019, if a majority of the electors voting thereon vote in favor thereof at the primary election to be held on May 8, 2018.*

***BE IT FURTHER RESOLVED**, pursuant to R.C. 5705.03(B), that the Clerk of this Board of Commissioners, Washington County, Ohio, be, and hereby is directed to certify a copy of this Resolution, as well as a copy of the previous resolution directed to the Washington County Auditor, to the Board of Elections of Washington County, Ohio, immediately after its passage but not later than 4:00 p.m. on February 7, 2018, and that a copy of this Resolution be provided to the Washington County Auditor by such date and time.*

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

RE: ADDITIONAL APPROPRIATIONS

Mr. Feathers moved and Mr. White seconded a motion to table the following request for additional appropriations, pending receipt of additional information on the request from the Sheriff:

Sheriff, S&T	100-0385-51001	\$ 5,000.00
	100-0385-51102	\$ 900.00
	100-0385-51101	\$ 72.50

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

Mr. Feathers moved and Mr. White seconded a motion to approve the following requests for additional appropriations:

Co. General (Sheriff)	100-0380-51101	\$ 15.30
	100-0380-51102	\$ 147.70
	100-0381-51101	\$ 26.48
	100-0381-51102	\$ 255.64
EMA	200-0315-51101	\$ 14.79
	200-0315-51102	\$ 142.80
Sewer	400-0113-51105	\$ 80.00
Clerk of Courts	200-0231-57400	\$ 12,000.00
Common Pleas Court	200-0235-53400	\$ 5,000.00
Law Library	200-0520-51006	\$ 100.00
CHIP CDBG	210-0807-51001	\$ 20,556.00
CHIP HOME	210-0808-51000	\$ 59,122.00
County General	100-0170-55200	\$ 2,210.00

Building Official Chris Wilson said his request for \$2,210.00 in additional appropriations is to create a communications "tunnel" to his new office in Cambridge. Commissioner White noted the County's Building Department now serves five counties, and this connection to Guernsey County will not be at any cost to Washington County taxpayers.

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

RE: TRANSFERS

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

	<u>From</u>	<u>To</u>	<u>Amount</u>
Sheriff	100-0381-53405	100-0381-54400	\$ 6,619.61
	100-0381-51006	100-0381-51001	\$ 1,826.00
	100-0380-51006	100-0380-51001	\$ 1,055.00
EMA	200-0315-51006	200-0315-51001	\$ 1,020.00
Clerk of Courts	100-0230-51001	100-0230-53000	\$ 1,235.23
County General, Misc.	100-0101-57100	200-0207-49100	\$ 18,658.00
	100-0101-57100	200-0520-49100	\$ 15,961.00
	100-0101-57100	210-0335-49100	\$ 7,304.00
	100-0101-57100	200-0315-49100	\$ 39,461.00
	100-0101-57100	602-2030-44700	\$ 20,250.00
	100-0101-57100	700-0720-49400	\$ 11,740.00
	100-0101-57100	200-2040-49100	\$ 67,500.00
County General, Agric.	100-0107-57100		

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

RE: THEN & NOW'S

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

Dept	Account	Vendor	Amount
Family & Children First	602-2035-53000	CAP of Washington	\$ 15,728.38
County Home	200-0630-53000	Zashin & Rich	\$ 725.10
Commissioners	210-0807-51001	Double E Electric	\$ 7,085.00
Commissioners	210-0807-51001	J & M Contracting	\$ 9,250.00
Commissioners	100-0109-53100	AEP	\$ 684.55
Commissioners	100-0109-53000	Mr. Rooter	\$ 512.88
Commissioners	100-0109-53000	Bridgeport	\$ 130.05
Commissioners	100-0109-52001	Tim Marty	\$ 118.80
Commissioners	215-0850-57400	CAP of Wash. Co.	\$ 1,678.00
Commissioners	215-0850-57400	CAP of Wash. Co.	\$ 5,147.00
Sewer	400-0113-54000	Am. Producers Supply	\$ 238.80
Commissioners	210-0320-53000	Wash. Co. EMA	\$ 24,500.00
Sewer	400-0113-53000	Fouss	\$ 700.00
Sewer	400-0113-53000	Fouss	\$ 190.00
Sewer	400-0113-53000	MASI	\$ 103.45
Board of Devel. Disabilities	210-0620-53500	Morrison Inc.	\$ 151.00
Board of Devel. Disabilities	200-0620-53000	Mtta. Occup. Health	\$ 489.44

Soil & Water	200-2040-54000	Xerox	\$ 125.40
Sheriff	100-0380-53000	Mtta. Occup. Health	\$ 108.69
Sheriff	200-0315-53100	Wash. Co. Comm.	\$ 103.34
JFS	200-0720-57400	Michael Paul	\$ 930.00
JFS	200-0720-52000	Super Fleet	\$ 125.48
JFS	200-0720-57400	Rumpke	\$ 110.20
JFS	200-0720-53400	Par Mar Oil	\$ 564.87
JFS	200-0720-57400	Wash. Co. Comm.	\$ 569.52
JFS	200-0720-57400	Ohio Valley Cab	\$ 518.02
JFS	200-0720-59001	Cook Inv. Summit Co.	\$ 1,077.00
JFS	200-0720-59001	Appletree Assist.	\$ 856.37
JFS	200-0720-59001	The Marietta Times	\$ 5,261.63
JFS	200-0720-53400	Karen O'Grady	\$ 165.50
JFS	200-0720-53400	Brandie Nunn Dye	\$ 429.75
JFS	200-0720-53400	Wayne Gilohrist	\$ 145.00
JFS	200-0720-53400	Superfleet	\$ 1,611.82
JFS	200-0720-53400	Ron. McDonald House	\$ 160.00
Veterans	100-0700-57401	Warrens IGA	\$ 3,279.46
Veterans	100-0700-57406	VFW # 5108	\$ 355.24
Veterans	100-0700-57403	VFW # 6387	\$ 430.45
Veterans	100-0700-57406	Am.Legion Post #64	\$ 261.00
CSEA	200-0730-51104	Oh. AFSCME	\$ 892.50
Sheriff	100-0384-53130	Verizon	\$ 255.55

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

RE: TRAVEL REQUESTS

Mr. White moved and Mr. Feathers 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 2018, and any and all amendments subsequent thereto:

JFS

Candy Nelson: One-day trip to Marysville to attend Readiness Training; January 23, 2018.

Flite Freimann, Ruth Burdette: One-day trip to Wayne County to attend ECODA meeting; February 6, 2018.

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

RE: PROJECTED EXPENDITURE REPORT, FAMILY & CHILDREN FIRST

Mr. White moved and Mr. Feathers seconded a motion to approve a Projected Expenditure Form for Family-Centered Services and Support funds from the State of Ohio, as requested by Cindy Davis, Washington County Family & Children First Council.

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

RE: REQUIREMENTS FOR TOWNSHIP ZONING RESOLUTIONS

The Commissioners acknowledged receipt of notification from County Recorder Tracey Wright of the zoning resolutions and amendment filing requirements, in accordance with Ohio Revised Code.

RE: SHERIFF'S END OF THE YEAR STATUS REPORT ON JAIL INMATE PROGRAMS

The Commissioners acknowledged receipt of an End of the Year Status Report on Washington County Jail Inmate Programs during the year 2017, as prepared and provided by Sheriff Larry Mincks.

RE: ANNUAL REPORT FROM PROSECUTOR ON CASES PROSECUTED DURING 2016

The Commissioners acknowledged receipt of certification from County Prosecutor Kevin Rings regarding cases prosecuted and pursued to final conviction and sentencing during 2016, as required by Ohio Revised Code 309.16.

RE: ADDITIONAL APPROPRIATION – SHERIFF

Mr. Feathers moved and Mr. White seconded a motion to return from Unfinished Business consideration of a request for additional appropriations from Sheriff Larry Mincks for the purchase of six tasers for the Washington County Jail.

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

Mr. White moved and Mr. Feathers seconded a motion to approve the following request for additional appropriations:

Sheriff	100-0381-54400	\$ 6,619.61
---------	----------------	-------------

A calling of the roll resulted in the following vote: Rick Walters no, David White no, Ron Feathers no. Motion failed.

The Clerk explained the Commissioners approved a transfer of funds for the Sheriff to purchase these tasers, which rendered this request for additional appropriations unneeded.

RE: RESPONSE TO LETTER FROM OHIO ATTORNEY GENERAL PERTAINING TO OHIO EPA'S REQUIREMENT TO SEWER DEVOLA

President Walters informed the audience that the Commissioners received a letter from the Ohio Attorney General dated January 8, 2018 requiring response by 5:00 p.m. on January 22, 2018 to the Ohio EPA's order to sewer residences along Lawton Road in Devola by July 1, 2020, and the remainder of unsewered residences in Devola by July 1, 2025. He noted the Commissioners have been working with the local Health Department and the Prosecutor's Office to reject these orders.

Mr. Walters invited visitors to speak to the issue.

Rick Beaver read a document titled "*Devola Area Targeted for Sewer, Oak Grove Next if Devola Fails*". In summary, that document rejects the notion that Devola needs to be sewered, and encourages Devola and Oak Grove residents to take appropriate action to not allow the project to move forward. Mr. Beaver noted that Marietta City Schools is proposing construction of new buildings, but if this sewer project in Devola is undertaken there likely won't be adequate support for new schools construction.

Thomas Albert said the previous Commissioners and Marietta City Council entered into an agreement to build a sewer system in Devola. He said he believes this action to have been illegal, and possibly done for personal gain. Mr. Albert said there is no longer a problem with high levels of nitrates, and articles in *The Marietta Times* are misleading readers to believe there is a serious health hazard in Devola. He said the Ohio EPA methods of testing soil and water are questionable and unreliable. Mr. Albert said the proposed cost of new sewer lines in his community is prohibitive for homeowners. He noted:

- Only rough estimates of cost have been provided, rather than actual amounts.
- New sewer line customers will have to pay tap fees and monthly sewer rates.
- Residents will also have to incur costs of destruction of functioning septic systems and landscaping.
- There has been no cost/benefit study done by the Ohio EPA.
- The project will likely either bankrupt him or cause much financial distress.
- The Commissioners should be commended for resisting the efforts of the EPA.

Greg Dent said recent articles in the local newspaper suggest there are, and have been, dangerously high nitrate levels in Devola. He said if that is the case, then residents should have been required to remedy the situation years ago. He said he believes this current action to be for political gain for the City of Marietta.

Dr. Richard Wittberg said he believes the Ohio EPA's directives to be completely wrong, and will likely result in worsening the conditions of soil and/or water.

Phil Washburn thanked the Commissioners for their efforts on behalf of the residents of Devola. He said they've represented the community courageously and with good judgment. He said there never has been an order to clean up the ground water. Mr. Washburn said he believes there are many unproven statements in the Attorney General's letter, and it is clear to him that the Attorney General is not interested in discussing "the science" in this sewer situation. Mr. Washburn referred to the estimate of \$24,000 cost as "extortion", and the tactics of the EPA and OAG as "bullying". He asked the Commissioners to continue their fight against this project.

Muskingum Township Trustee Bob Dunbarger noted there may be some septic systems in Devola that need repaired, upgraded or replaced, but certainly not all of them. He said the elderly residents won't be able to afford tapping into a new sewer line. He said it is simply ridiculous the EPA can force this upon the Devola residents and, if successful, also upon Oak Grove and Reno residents.

Patty Dickson said she recently had her septic tank checked, and no problems were noted. She recommended having all the septic tanks in Devola checked and repaired, as residents cannot afford \$24,000 each to install sewer.

Bob Vernon commended the Commissioners for the courage and resistance they've exhibited in representing residents of Devola. He said he is upset the residents have never been invited to learn the necessity of the proposed sewerage of his community, and have never had opportunity for input. Mr. Vernon expressed his concern about the estimated costs, noting final costs will likely be even higher. He said he has lived in Devola his entire life, and he opposes this project. He said the project will result in much disruption and destruction, and is

politically motivated.

Richard Best said he's lived in Devola since 1961. He noted Marietta City residents don't pay sewer rates that will be charged to Devola residents. He said this proposed sewer project will cause multiple long-term problems, and should not be forced upon them. He thanked the Commissioners for their support, and asked them to continue representing them.

Susan Ellis noted there are about ten widows on her street in Devola, and many are elderly. She the EPA has never suggested her septic system is failing. Ms. Ellis said even though many homes in Marietta are not sewer, the residents of Devola are being told to sewer.

Dick Taylor said he is both a Devola resident and a member of the Washington County Board of Health. He thanked the Commissioners for the courage they've demonstrated in fighting the EPA on behalf of his community. Mr. Taylor said the Intergovernmental Agreement with the City of Marietta was entered into illegally by the former Commissioners, without input from the public. Mr. Taylor noted the EPA originally came in to address nitrates in drinking water, but that has changed to ground water after the drinking water problem was corrected by installation of a reverse osmosis system in Devola. He said he is concerned there are no good estimates of cost to residents for transitioning from septic to sewer. Mr. Taylor expressed his dissatisfaction with *The Marietta Times* for suggesting the Board of Health is not doing its job. He said there are drywells in the Devola community and, although current regulations forbid installation of drywells, the Prosecutor has advised that the Board of Health does not have the authority to require homeowners to transition from drywell to sewer. Mr. Taylor said a recent study revealed there are very few, if any, failing septic systems in Devola. Noting the original Director's Final Findings and Orders expired in 2015, Mr. Taylor said rather than reconsidering his orders he modified those orders. He said there are currently no complaints of failing septic systems in Devola, Oak Grove, or Reno.

Roger Kalter said the entire County is now paying for design and construction of the Marietta sewer plant. He said EPA tests do show high levels of nitrates, and the Shrine Club had to annex into the City to avoid those high levels. Mr. Kalter reported the Commissioners have sixteen years of data and materials available to them, but unfortunately nobody is looking at those reports. He said the Ohio EPA representatives were threatened by a Devola resident, and that prevented them from returning to the area. Mr. Kalter said he fears Devola will become the next "Flint, Michigan" if nothing is done about the nitrates situation. Noting he heard many inaccuracies at this meeting, Mr. Kalter encouraged attendees to read reports and dig into facts. He said it is imperative that clean, safe drinking water is provided to residents in Devola.

Kathy Shively suggested recessing the meeting and moving it to another location, as many attendees are unable to hear the proceedings. President Walters said this is a stated public meeting and moving to another location would require adequate public notice. He apologized to those unable to hear, but encouraged all to speak if they desired.

Marcus Riley said he talked with the Ohio EPA when this all started years ago, and suggested the importance of re-testing. He said this action by the EPA is "blatant disrespect of homeowners".

Jim Bonnette, a resident of Oak Grove, said he doesn't know if samples were ever taken in his community. If so, he is disappointed he has heard no results of those tests. He asked why he should be expected to pay extra for sewer when he already has good water and septic now.

Art Mendicino said he is one of the Devola residents already sewer, and he is sympathetic to those being told they must now transition from their septic systems. He noted the high costs of tapping in, monthly sewer charges, landscaping, septic equipment destruction, etc. Mr. Mendicino said Devola's opponents – the City and the EPA – are ready to take the County to court. He said if the County intends to continue its fight, the Commissioners need to anticipate paying huge legal fees. He said it would be a shame for the County to go "bankrupt" over this, allowing the State to take control. He said he believes this to be a "terrible deal" handed to the Commissioners, and there is no easy way out.

Allen Bartlett said he is a resident of Oak Grove, and he doesn't understand what is intended for Oak Grove. He suggested there has been lack of communication by the Ohio EPA.

President Walters clarified the timeline of events required by the Ohio Attorney General. Commissioner White said this action by the Attorney General and EPA does not require the sewer of Oak Grove or Reno.

Larry Schwendeman said at the end of the day nothing will be gained if you "bow down" now, resulting in the EPA requiring other communities to be sewer. He said he is against this project.

Ann Keegan said her concern is the threat of the County having to pay out \$11,000,000 in fines and/or penalties, plus legal fees. She said at some point the County must cut its losses.

Mike McCauley, Chair of Marietta's Water & Sewer Committee, explained the reason the City and County entered into the Intergovernmental Agreement. He said nobody wants a continuing fight between the two entities.

Cheri Seevers said she is not opposed to a sewer, but is opposed to the cost. She said she is

upset she has had no input into the matter, as she is the homeowner. She said she has yet to hear of the problem(s) in Devola because the Ohio EPA refuses to talk with residents. She said it is not reasonable to expect residents to pay \$24,000 to be sewerred, noting there are many unsewered houses in the City of Marietta.

Tiffany Becker said it is entirely untrue that Devola residents are “wealthier” than other Washington County residents. She asked what the City is doing for Devola, other than taking in taxes from residents.

Health Commissioners Dick Wittberg noted there is huge exposure to the County to continue this fight, as there is plenty of case law that says the EPA has authority to take such action. He said if and when the time comes, he looks forward to arguing the “science” of this initiative. In his professional opinion, he said, if given time levels of nitrates in ground waters in and around Devola now unacceptable to the EPA will lower without installation of a sewer line. Noting a downward trend of nitrate level, Dr. Wittberg said to install an expensive sewer line would be “double remedy” and isn’t necessary. He said nobody is talking about the significant impact of agriculture on the level of nitrates in ground water. He noted transitioning from septic to sewer won’t do anything to address this. He said he is concerned the EPA’s solution is to dump all existing nitrates into the river, thus aggravating the situation. Dr. Wittberg said he believes the EPA is not basing their case on science, as it is evolved into a “power play” situation.

President Walters thanked Dr. Wittberg for his expert advice and consult during this period of discussion with the EPA.

Mike McCauley suggested attendees review the on-line water study made available by the Putnam Community Water Association, as it is both interesting and enlightening. He said the report was completed prior to installation of the reverse osmosis water filtration system.

Assistant Prosecutor Nicole Coil said the County has made all of the arguments presented at this meeting to the Ohio EPA over and over again. She said that even though most agree there is not now a serious contaminant problem in Devola, the former Commissioners agreed to remedy a situation presented to them at that time. She said the EPA reported that even though the reverse osmosis system helped to reduce nitrates in drinking water, there remained the threat of e-Coli in ground water. That prompted the Commissioners to agree to sewer Devola. Ms. Coil said if the Commissioners hadn’t agreed to the EPA’s findings and orders, they could have appealed at that time. She said the current Commissioners have been very thoughtful and diligent in their opposition of the EPA’s orders, as those orders are no longer are relevant in their minds. She said unfortunately, though, if the case proceeds to court the case would revolve around compliance with the original findings and orders, rather than what the science supports. She said the Commissioners have successfully negotiated a better timeline for installation of a Devola sewer line, with no financial penalties if accepted at this time. She cautioned a cost/benefit analysis may not suggest pursuit of legal action is the best course as all 61,000 residents of Washington County must be dutifully represented, not just those in Devola.

Prosecutor Kevin Rings said the EPA is like a “bully”. He said five years ago the County “gave them the stick to hit us with”. He suggested a court might not even let the County argue the science of the issue, focusing only on the fact the County is not complying with orders from the EPA.

Muskingum Township Trustee Ken Schilling asked if there is any possibility the former Commissioners were relying upon faulty information when they agreed to findings and orders.

Glen Pawloski commended the Commissioners for their five-year effort to resist the EPA outreach. He asked the Commissioners to discuss and decree that they will continue their legacy five-year fight to resist the Ohio EPA overreach, which remains a “double remedy” to sewer Devola. Mr. Pawloski said, based on the unanimous roll call vote of the Washington County Board of Health which listed nine reasons for dismissing the Devola Phase II sewer project in its entirety, and given the original Ohio EPA Director’s Final Findings and Orders, Section 1, jurisdiction provided Ohio Revised Code 6103.17 for the upgrade of the Devola water plant that has successfully eliminated the nuisance nitrate complaint, and sewerred therefore would be an economic hardship “double remedy” on Devola.

Mr. White moved and Mr. Feathers seconded a motion to continue discussion and consideration on Monday, January 22, 2018, of a response to the Ohio Attorney General’s January 8, 2018 letter requesting acceptance of terms of the consent order presented on October 24, 2017 requiring Lawton Road sewer construction to be completed by July 1, 2020, and the remainder of Devola to be sewerred by July 1, 2025.

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

Commissioner Feathers said he first met with Ohio EPA representative Steve Wells on January 9, 2013, five years ago, to discuss the previously-signed Director’s Findings and Orders. At that time he said he was informed nothing could be done to reverse those Orders. He said although much has happened during the past five years, the County remains under the orders of the Ohio EPA.

Mr. Feathers reminded all of the facts of the situation:

- Sewering of Devola, Oak Grove and Reno is part of the Comprehensive Plan of 2004.
- The Commissioners have no authority to force use of a sewer system without the local Health Department ruling or Findings and Orders from the EPA.
- Prior Commissioners immediately signed EPA's Orders to address elevated nitrate levels in drinking water.
- Elevated nitrate levels in drinking water were lowered by the Putnam Community Water reverse osmosis system.
- Ohio EPA refuses to discuss their science.
- The Health Department has not issued any nuisance or crisis ruling.
- Extraordinary threats and previously-signed Orders are all they have against the County.

Mr. Feathers said he is not "grandstanding or Romanizing". He said his actions and efforts have been solely for the residents of Devola to own and maintain their own properties, and for the Health Department to have authority and ability to determine local threats.

Suggesting the battle will be lengthy and difficult, Commissioner Feathers said he is not ready to surrender to the EPA. He said he represents not only those in Devola, but also residents in Oak Grove, Reno, Lowell, Beverly, and Belpre. He said he believes compliance with the EPA's directive will most affect the elderly, the young families, and farmers.

Commissioner Feathers closed his remarks with: *"If we do not fight now, then when? If not us, then who? If not here, then where?"*

President Walters thanked those for attending and sharing their thoughts.

RE: I.T. DEPARTMENT UPDATE

I.T. Director Gerry Lockhart updated the Commissioners on continuing projects of the I.T. Department. He reported transition to voice over IP telephone service is nearly complete, but remaining to transition are Children Services, the Board of Elections, the EMA, the Juvenile Center, and the Jail. Mr. Lockhart said the new Enhanced 911 System is working well, but there is one "dark" fiber optic link between the courthouse and EOC that is not operating properly. He said he is waiting for Horizon to fix this problem. Mr. Lockhart said he is in the process of changing out some old servers to new.

Noting Mr. Lockhart's last day of service to the County will be January 31, 2018, due to retirement, the Commissioners thanked him for his fine service to the County for seven years.

RE: ADJOURNMENT

Mr. White moved and Mr. Feathers seconded a motion to adjourn. A calling of the roll resulted in a unanimous vote in favor. The meeting adjourned at 11:22 a.m.

_____, President

_____, Vice President

_____, Member

_____, Clerk