

**THE DULY ELECTED MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, OHIO, MET IN REGULAR SESSION ON DECEMBER 18, 2014 IN ACCORDANCE WITH OHIO REVISED CODE 305.05, WITH THE FOLLOWING MEMBERS PRESENT: RONALD L. FEATHERS, PRESIDENT, DAVID A. WHITE, VICE PRESIDENT, AND RICK WALTERS, MEMBER. THE MEETING WAS CALLED TO ORDER AT 9:00 A.M. BY THE PRESIDENT OF THE BOARD. MR. FEATHERS LED THOSE ATTENDING IN THE PLEDGE OF ALLEGIANCE TO OUR FLAG.**

Also attending were Warren Township Trustee Jeff Knowlton, Muskingum Township Trustees Carolyn Dempsey and Gary Doan, Director of Human Resources and Safety/Loss Control Darla Miller, Justin Bradley from WMOA Radio, and Clerk Rick Peoples.

**Washington County Commissioners  
AGENDA  
9:00 a.m., December 18, 2014**

9:00 Business Meeting  
9:30 George Banziger – Devola Sewer  
1:30 Delbert Shaffer – Devola Sewer

**UNFINISHED BUSINESS**

Resolution – DTE Energy Services Project

**NEW BUSINESS**

Approve Agenda  
Approval of previous meeting's minutes  
Bills from various departments  
Additional Appropriation – Commissioners  
Additional Appropriation – Board of Developmental Disabilities  
Additional Appropriation – Job and Family Services  
Minus Appropriation – Job and Family Services  
Transfer – Common Pleas  
Transfer – Children Services  
Transfer – Building Department  
Then & Now's  
Travel – Job and Family Services  
Travel - Auditor  
Appointment to Children Services Board of Directors  
County Home Collective Bargaining Agreement  
Contract with Multi-County Juvenile Detention Center for 2015 – Probate/Juvenile  
LEP Plan Approval – Child Support Enforcement Agency  
Emergency Operations Plan – Annual Promulgation Statement  
Engineer – Specifications for Ward Bridge Replacement  
Engineer – Certification of 2014 Washington County Highway System Mileage  
AT & T Telephone Upgrade for Courthouse  
Personnel Policy Revisions

**INFORMATION**

Regular Weekly Commissioners' Meeting, 9:00 a.m., **Wednesday**, December 24  
Courthouse Closed, **Thursday**, December 25  
Regular Weekly Commissioners' Meeting, 9:00 a.m., **Wednesday**, December 31  
Courthouse Closed, **Thursday**, January 1

**RE: AGENDA**

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

Add: Minus Appropriation – Behavioral Health Board  
Change: Additional Appropriation, Dev. Dis. to Minus Appropriation, Dev. Dis.

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

**RE: APPROVAL OF MINUTES**

Mr. White moved and Mr. Walters seconded a motion to approve the minutes of the December 11, 2014 meeting, and to dispense with the reading of them.

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

**RE: PAYMENT OF BILLS**

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

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

**RE: ADDITIONAL APPROPRIATIONS**

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

Marriage/Divorce Licenses	200-0704-57400	\$	130.04
Jobs and Family Services	200-0720-51105	\$	18.42

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

**RE: MINUS APPROPRIATIONS**

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

Jobs and Family Services	200-0720-51001	\$(	12,305.61)
	200-0720-51101	\$(	5,144.67)
	200-0720-51102	\$(	3,614.29)
	200-0720-51104	\$(	58,780.56)
	200-0720-51120	\$(	10,682.03)
	200-0720-53500	\$(	650.00)
	200-0720-54400	\$(	100.00)
	200-0720-57400	\$(	9,483.50)
	200-0720-59000	\$(	12,126.81)
Developmental Disabilities	215-0622-53000	\$(	108,964.44)
Behavioral Health	210-0618-53000	\$(	40,000.00)
	210-0617-53000	\$(	2,820.00)
	210-0613-53000	\$(	19,028.00)
	210-0612-53000	\$(	1,714.00)

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

**RE: TRANSFERS**

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

	<u>From</u>	<u>To</u>	<u>Amount</u>
Common Pleas Ct.	215-0206-53000	215-0206-51001	\$
914.42	215-0206-51104	215-0206-51001	\$
6,643.02	200-0740-54400	200-0740-57000	\$
Children Services	4,846.75	100-0170-52001	\$
Building Dept.	4,782.96	100-0170-54000	\$

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

**RE: THEN & NOW'S**

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

Dept	Account	Vendor	Amount
Sheriff Department	100-0384-54403	Phoenix Distributors	\$ 9,560.00

A calling of the roll resulted in the following vote: Ronald Feathers aye, David White aye, Rick Walters 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 2014 and any and all amendments subsequent thereto:

Job and Family Services

Candy Nelson: Two-day trip to Marysville to attend OIES Meeting; January 26 and 27, 2014.

Auditor

Bill McFarland: One-day trip to Columbus for County Auditors' Association Meeting; January 7, 2015.

Bill McFarland: One-day trip to Logan for SE Ohio District County Auditors' Association Meeting; January 9, 2015.

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

**RE: APPOINTMENT TO CHILDREN SERVICES BOARD OF DIRECTORS**

Mr. Walters moved and Mr. White seconded a motion to appoint Michael J. Webber to the Washington County Children Services Board of Directors for the term beginning January 1, 2015 and extending through December 31, 2018.

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

**RE: COLLECTIVE BARGAINING AGREEMENT, WASHINGTON COUNTY HOME**

Mr. White moved and Mr. Walters seconded a motion to approve the collective bargaining agreement between the Washington County Home and AFSCME OC 8 Local 3809, effective November 15, 2014 through November 14, 2017, as prepared and requested by Brad Bennett, Fishel Hass Kim Albrecht, LLP, subject to review and approval by the County Prosecutor.

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

Commissioner White noted the financial terms of the Agreement are consistent with those agreements for other Washington County employee groups.

**RE: CONTRACT WITH MULTI-COUNTY JUVENILE DETENTION CENTER FOR 2015**

Mr. White moved and Mr. Walters seconded a motion to approve a Bed Rental Agreement for the Detention of Juvenile Offenders from Washington County, at the daily rate of \$90.00, for the period January 1, 2015 through December 31, 2015, at the Multi-County Juvenile Detention Center located in Lancaster, as requested by Judge Timothy Williams.

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

**RE: LEP PLAN, CHILD SUPPORT ENFORCEMENT AGENCY**

M. White moved and Mr. Walters seconded a motion to approve the Limited English Proficiency (LEP) Plan for Washington County Child Support Enforcement Agency, effective December 1, 2014, as prepared and requested by Kim Hinkle, Director, Washington County Child Support Enforcement Agency.

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

**RE: EMERGENCY OPERATIONS PLAN ANNUAL PROMULGATION STATEMENT**

Mr. White moved and Mr. Walters seconded a motion to approve the Emergency Operations Plan prepared by the Washington County Emergency Management Agency, and the accompanying Annual Promulgation Statement, as requested by Jeff Lauer, EMA Director.

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

**RE: WARD BRIDGE REPLACEMENT PROJECT SPECIFICATIONS**

Mr. White moved and Mr. Walters seconded a motion to approve specifications and advertisement for the Ward Bridge Replacement Project, located on Archers Fork Road in Independence Township, as prepared and requested by County Engineer Roger Wright.

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

**RE: ANNUAL CERTIFICATION OF COUNTY HIGHWAY SYSTEM MILEAGE**

Mr. White moved and Mr. Walters seconded a motion to approve the 2014 County Highway System Mileage Certification Report for the Ohio Department of Transportation, indicating that on December 31, 2014 the County Engineer is responsible for maintaining 339.080 miles of

public roads in Washington County, unchanged from the report for the period ending December 31, 2013, as prepared and requested by County Engineer Roger Wright.

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

**RE: TELEPHONE UPGRADE FOR COURTHOUSE**

Mr. White moved and Mr. Walters seconded a motion to approve telephone service upgrade for the courthouse, estimated cost \$2,900.00, to improve courthouse security and communication.

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

**RE: PERSONNEL POLICY REVISIONS**

Mr. White moved and Mr. Walters seconded a motion to approve revisions to the Washington County Personnel Policy, as prepared and recommended by Darla Miller, Director of Human Resources and Safety/Loss Control.

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

Ms. Miller said the Personnel Policy Manual hasn't been thoroughly revised since about 1996. She noted the revised manual is largely based upon CORSA best practices and policies.

Commissioner White commended Ms. Miller for her diligence, her attention to detail, and her documenting of changes in the manual.

President Feathers thanked her for preparing the updated manual, which consists of more than 80 pages of policies and procedures.

**RE: DTE ENERGY SERVICES APPLICATION**

Mr. White moved and Mr. Walters seconded a motion to move from Unfinished Business discussion of the application of DTE Marietta to participate in the State of Ohio Qualified Energy Program.

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

Mr. White moved and Mr. Walters seconded a motion to not support the application of DTE Marietta, LLC to participate in the State of Ohio Qualified Energy Program, with its project to construct a natural gas fired facility designed specifically to provide steam and electric power to the Solvay Specialty Polymers Plant in Washington County.

Commissioner White said he cannot support the DTE Energy request for the following reasons:

- Participation in the program negatively impacts Warren Local Schools, the Washington County Career Center, and Warren Township.
- All three impacted entities indicated they are not in favor of DTE's application, and they encouraged the Commissioners to not support it.
- The loss of tax revenue to Warren Local Schools is significant, enough to fund one teaching position.
- The apparent loss of tax revenues to these entities would be ongoing, as long as the company meets the conditions set forth in the program.
- The gain to the County might be appealing, but the financial loss to area schools and Warren Township far outweighs that gain.
- He has no compelling reason to approve the application.

President Feathers said he has discussed the application with the County Auditor and with representatives from each of the impacted entities. He said the only support for DTE's application has come from DTE itself and from the State of Ohio Development Services Agency, which administers the Qualified Energy Program. Mr. Feathers expressed his concern that the Commissioners learned of this application for tax relief near the end of the project, rather than before the beginning of the project. He noted the Commissioners are indeed supportive of economic development and business investment in Washington County, but schools and townships continue to be challenged with their operating budgets. If DTE was to pay to the County an amount in lieu of taxes they otherwise would pay to the schools and township, that payment would be credited to, and lost within, the County General fund. At that point, he said, it would be difficult to distribute County General funds to these three entities without many others coming forward with similar requests for County funds. Commissioner Feathers said he has concluded it is not in the best interest of Washington County to support this application from DTE.

Commissioner Walters said he considers it great that there is economic development and job creation in Washington County through this DTE project, but the negative impact on children

and youth in schools cannot be overlooked. He said that after hearing from all angles, he is not in favor of this proposal that would ultimately reduce the amount of taxes being paid to Warren Schools, the Career Center, and Warren Township.

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

President Feathers asked the Clerk to notify DTE Marietta, LLC, and the State of Ohio Development Services Agency of this decision to not support DTE's application to participate in the State of Ohio Qualified Energy Program.

Warren Township Trustee Jeff Knowlton thanked the Commissioners for listening to comments from the schools and his township, and for preventing the loss of much-needed funds to those entities.

#### **RE: GEORGE BANZIGER**

Devola resident George Banziger talked with the Commissioners about the proposed sewer project in his community. Also attending were Devola residents Glen Pawloski and Kevin Frances.

Mr. Banziger introduced himself as a retired grants writer and college dean, having worked at Marietta College and a few other higher education institutions.

He said he has thoroughly reviewed the study of the Ohio EPA pertaining to water and soil conditions in Devola, and he identified what he believes to be flaws in that study:

- The size of sampling was too small (less than 25% of Devola residences), and only three boring samples were in the sewered area.
- The dividing line is not clear, as there are many unsewered homes in the supposedly sewered section of Devola.
- The report suggests significant variability of measures, making it irresponsible to conclude high nitrate content is from unsewered residences.
- A majority of tested properties are below the maximum acceptable level of nitrates.
- The relationship between Muskingum River level and nitrate level isn't justified, as river levels were observed 35 miles upstream from Devola.
- Septic tank volumes in the report are based upon estimates and assumptions, rather than direct measurement.
- The report was completed prior to installation of a reverse osmosis system in Devola.
- The report itself suggests additional borings are needed.
- The report acknowledges high turbidity of samples may have influenced test results.
- The report "concludes" without adequate testing and sampling.
- The report suggests there may be anthropogenic influence on the nitrate level, in addition to septic influence.
- Nitrates are not toxic to adults but may be to children under six months old. The reverse osmosis system was installed largely due to concern of welfare of these children.

Mr. Banziger concluded that the report is flawed and outdated. He suggested further testing should be done now, since a reverse osmosis system has been installed in Devola and there was insufficient testing done prior to that installation.

Mr. Banziger expressed his concern that the letter from the Director of the Ohio EPA had a negative, accusatory tone to it.

Mr. Pawloski said new standards for water and sewer are so unreasonably high that residents won't be able to afford appropriate septic or sewer systems. He noted there may be technologically-advanced options available, but the cost is prohibitive.

Commissioner White thanked Mr. Banziger for so eloquently stating his points. He said it is apparent Mr. Banziger and Mr. Pawloski have done much research and review of EPA findings, and they have not only the right but the responsibility to share with others.

President Feathers also thanked Mr. Banziger for expressing his views. He noted:

- Many of Mr. Banziger's concerns have already been shared with the EPA.
- The EPA says the lack of acceptable sewerage in Devola leads to damaging the waters of the State, not merely those of Devola.
- The Board of Commissioners is actually an "arm of the State of Ohio", which puts it in a difficult position.
- The Commissioners continue to represent the citizens of Devola in their communications with the EPA.
- He is preparing a letter in response to a recent letter from the Director of the Ohio EPA, which he is addressing not only to the Director but also to the Governor of Ohio.
- He is interested in providing options to the residents of Devola, rather than directives.
- The fight is not over until there is no one else standing on the field!

#### **RE: DELBERT SHAFFER**

Discussion on the Devola sewer situation continued when Devola resident Delbert Shaffer joined the meeting. Also attending were Kevin Frances and Glen Pawloski.

Mr. Shaffer said he recently talked with an EPA representative in Logan, who said even if homes were transitioned from septic to sewer there is no guarantee the nitrate levels would be lowered. He said he cannot afford the cost of a sewer system, and that he is confused, uninformed and scared. He said he's not willing or able to lose his home in Devola, but that may happen if this project moves forward.

Commissioner Feathers encouraged Mr. Shaffer to communicate his concerns with others, and assured him the Commissioners are not the driving force behind this initiative to sewer large portions of Devola, Oak Grove and Reno.

Mr. Pawloski encouraged the Commissioners to enter into a public awareness campaign, and to lead the effort of resisting this mandate from the Ohio EPA to sewer areas in Washington County that don't need to be sewered. He said he believes public exposure of this situation by the Commissioners will be invaluable in responding to an unreasonable EPA mandate.

Mr. White suggested the option of doing no project in Devola may soon be taken off the table.

Commissioner Feathers suggested Devola residents write to the Governor, the Director of the Ohio EPA, state senators and state representatives. He said it is unlikely the EPA will completely reverse its order to sewer Devola, but there may be some options presented to residents. He said he will respond to the Director's letter by January 29, 2015, and will keep residents of Devola informed as additional information is received.

**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 4:12 p.m.

\_\_\_\_\_, President

\_\_\_\_\_, Vice President

\_\_\_\_\_, Member

\_\_\_\_\_, Clerk