

THE DULY ELECTED MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, OHIO, MET IN REGULAR SESSION ON DECEMBER 27, 2012 IN ACCORDANCE WITH OHIO REVISED CODE 305.05, WITH THE FOLLOWING MEMBERS PRESENT: TIMOTHY C. IRVINE, PRESIDENT, CORA A. MARSHALL, VICE PRESIDENT, AND STEVEN W. WEBER, MEMBER. 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 Commissioner-elect David White, Sharon Bopp of *The Marietta Times*, Administrator Paul Cunningham, and Clerk Rick Peoples.

#### COMMISSIONERS AGENDA

December 27, 2012

9:00 Business Meeting  
10:00 Roger Wright & Bob Badger - Road Use Maintenance Agreement  
10:30 Tracey Wright - Personnel  
11:00 Public Hearing to Vacate Road

#### UNFINISHED BUSINESS

Utility Construction Permits  
Appointments to Buckeye Hills General Policy Council  
Appointment to Regional Advisory Council on Aging

#### NEW BUSINESS

Approve Agenda  
Approval of previous meeting's minutes  
Resolution - Recognition of Judge Boyer's Service  
Resolution - 2013 Frost Law  
Minus Appropriation - FCF  
Travel - CSEA  
Service Contract for Broadband Initiative  
Ohio Division of Liquor Control, Notice to Legislative Authority  
Belpre Township - Frost Law 2013 Resolution  
Engineer - Change Order #1, Lauer Bridge Replacement Project  
Letters to Delinquent Sewer Account Holders

#### INFORMATION

Ohio EMA Grant Announcement, 1:00 p.m., **Today**, at Children Services  
Adopt Annual Budget, 4:00 p.m., **Monday**  
Courthouse Closed, **Tuesday**, January 1, New Year's Day  
Organizational Meeting, 9:00 a.m., **Monday**, January 14  
Courthouse Closed, **Monday**, January 21, Martin Luther King, Jr., Day

#### RE: AGENDA

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

Add: Resolution - Fund Description  
Additional Appropriation - Sewer  
Minus Appropriation - Board of Dev. Dis.  
Minus Appropriation - Behavioral Health Board (3)  
Pay Request #7, Waugh Excavating  
Change Order #3, Woodlawn Acres Sanitary Sewer Improvements  
I.T. Training Request

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

#### RE: APPROVAL OF MINUTES

Ms. Marshall moved and Mr. Weber seconded a motion to dispense with the reading of the December 20, 2012 and December 24, 2012 minutes, and to approve them as submitted.

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

#### RE: RESOLUTION RECOGNIZING SERVICE AND RETIREMENT OF JUDGE BOYER

Ms. Marshall moved and Mr. Weber seconded a motion to adopt the following resolution recognizing the service and retirement of Judge Susan E. Boyer, effective December 31, 2012:

**WHEREAS**, on or about January 20, 1986 Susan E. Boyer assumed the position of Judge of the Court

of Common Pleas of Washington County, Ohio, having been duly appointed to fill the unexpired term of Judge Roland W. Riggs, II; and

**WHEREAS**, Susan E. Boyer has been elected, and re-elected, to four consecutive six-year terms as Judge of the Court of Common Pleas of Washington County; and

**WHEREAS**, Judge Susan Boyer has served Washington County for twenty-six years; and

**WHEREAS**, Judge Susan Boyer is completing her service to Washington County upon her retirement December 31, 2012.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of Washington County, Ohio, on behalf of the citizens of Washington County, extends to Susan E. Boyer recognition and appreciation for twenty-six years of exemplary service to Washington County and the State of Ohio as Judge of the Court of Common Pleas, having faithfully demonstrated in her service professionalism, respect, cooperation and enthusiasm.

**BE IT FURTHER RESOLVED** that the Board of Commissioners of Washington County, Ohio, extends to Susan E. Boyer

**Congratulations on a Job Very Well Done  
and  
Best Wishes in Retirement**

**/s/ WASHINGTON COUNTY COMMISSIONERS**

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

**RE: RESOLUTION FOR 2013 FROST LAW**

Mr. Weber moved and Ms. Marshall seconded a motion to adopt the following Frost Law resolution for 2013, as prepared and recommended by County Engineer Bob Badger:

**WHEREAS**, on December 28, 2012, the Board of Commissioners of Washington County, Ohio, by resolution and pursuant to Ohio Revised Code Section 5577.07 did implement the "Reduced Weight Limits During Times of Thaw and Moisture" on various roads in the county for **2013. Said reduction to be 30% in axle loads and gross vehicle weights which will allow 14,000# per axle and 56,000# maximum weight;**

**AND WHEREAS**, the Board of Commissioners of Washington County, Ohio, realize that such reductions may work a hardship on the commercial enterprises of various individuals, partnerships, companies and organizations who use the public roadways, the reduction limits are designed to maintain and preserve the condition of the various roadways in Washington County, and it is intended that the weight reductions be observed and blanket permits will not be issued to permit vehicles to operate with full legal loads.

**AND WHEREAS**, the Board of Commissioners of Washington County, Ohio, desire to provide a means by which vehicles weighing in excess of the legal axle loads prescribed by O.R.C. S 5577.07 cannot reduce their legal loads may use the roads. Special permits "may" be issued to the owner or operator of the vehicle(s) based on need and by obtaining a special permit from Washington County, Ohio paying the handling fee and overload permit fee hereinafter established, or posting of a bond of the type and amount set by the engineer and/or trustees, and agreeing to obey the rules hereinafter established. Forty-eight (48) hours minimum notice will be required for issuance of permit.

**NOW, THEREFORE, BE IT RESOLVED:**

A. That the Washington County Engineer (hereinafter "Engineer") shall administer the permit program hereinafter established.

B. That the Engineer "may" issue a special permit for a vehicle when all of the following have been completed:

1. The Owner or Operator has completed the application form prescribed by the Engineer;
2. The Owner or Operator has agreed to comply with the following rules and regulations:
  - a. The granting of a permit does not guarantee that the load described can be moved without damage to the pavement or structures; although the permit is granted on the assumption that the load can be moved without damage based on the best information available.
  - b. Permittee will be held liable for any damage caused by the movement. The County or Township assumes no responsibility for damage to the permittee's equipment or load being moved due to any such failure. The permittee agrees to compensate the Engineer/Township Trustees for any damage to a roadway or road structure and also to hold Washington County, Ohio and the Engineer/Township Trustees harmless from all claims, damages or proceedings of any kind and from all responsibility for personal injury or property damages (public or private) caused directly or indirectly as a result of the transportation of said vehicle(s) or object(s).
  - c. The permit shall be in the possession of the driver at all times during the progress of transportation and will be shown on demand to any police officer, state highway patrolman, employee of the County Engineer or Township Trustees.
  - d. The permission granted restricts the movement of the vehicle(s) or object(s) to the highways specified, between the points designated, and within the time allotted.
  - e. No vehicle(s) or object(s) being transported under special highway permit shall be left parked on the roadway either day or night except in case of an emergency in which case adequate advanced warning and protection shall be provided for the traveling public. The vehicle(s) shall not be loaded or unloaded within the limits of the highway pavement.

- f. The operator of the vehicle must comply with all laws, rules, or regulations covering the movement of traffic over county and township highways and streets.
- g. All construction equipment and other machinery shall have attached thereto a plate showing the manufacturer's name and model.
- h. A permit is void at any time when road, weather, or traffic conditions make travel unsafe.
- i. Reductions in legal weight posted on roadways or bridges must be obeyed where they are more restrictive than the weight reduction contained herein.
- j. A permit will not be issued for buildup loads that are divisible into smaller loads achieving the 30% reduced level.
- k. Oversize or overweight loads shall be operated or moved at such speeds and in such manner as to cause a minimum of interference with other traffic and minimum impact stressed on structures and pavements.
- l. Loads having extremely large dimensions shall require additional protective measures when necessary for the safeguarding of other traffic. Due regard shall be taken of traffic in both directions and every possible effort shall be made to prevent traffic congestion. One or more flagmen, or a pilot car may be required.
- m. Noncompliance with the general or special provisions of a permit, exceeding the weight or dimensions granted, or operating on dates or upon highways other than assigned shall render the permit null and void and the operator of the vehicle subject to arrest as provided in Sections 5577.01 to 5577.09 inclusive of the REVISED CODE OF OHIO.
- n. Submission of the special permit application with \$15 processing fee, does not constitute or guarantee issuance of the permit. The Engineer, Trustee, or their designee shall have the right to determine if an overweight load permit may be issued based on road and weather conditions. If permits are denied, the \$15 processing fee will not be refunded.
- o. Government road maintenance vehicles based outside of Washington County, Ohio, shall not be exempted from the frost law.

The owner or operator has paid a permit fee in accordance with the following schedule:

A. GROSS VEHICLE WEIGHT PERMIT FEE

These permits are valid only for dates listed for Trucks up to 80,000 lbs.

28,001 - 56,000 \$15 Processing Fee per permit only  
 56,001 - 70,000 \$100 plus \$15 Processing Fee  
 70,001 - 80,000 \$250 plus \$15 Processing Fee

B. FOR VEHICLES OVER THE NORMAL LEGAL 80,000#

80,001 - 85,000 \$500.00 plus \$15 Processing Fee  
 85,001 - 90,000 \$750.00 " " " "  
 90,001 - 95,000 \$1000.00 " " " "  
 95,001 - 100,000 \$1500.00 " " " "  
 For loads over 100,000# \$2000.00 " " " "

In lieu of the above overload fees, a bond set by the Engineer/Trustees may be posted in addition to the processing fees. The bond is to be based on the type of road, length to be hauled over and the potential for damage.

- C. That the permit shall be good for the following periods:  
For vehicles which are engaged in hauling over regular routes and/or are 80,000 pounds or less, but exceeding the posted reduction, the owner/operator must notify the Engineer/Trustees of the roads being used. The permit is valid only for the route and days listed.
- D. That only County and Township government trucks and equipment based within Washington County, emergency vehicles, and school buses shall be exempt from permit requirements.
- E. That contractors performing work for the County, Townships or Municipalities shall be issued permits for specific roads for a \$15 processing fee only. A letter from the trustees or municipal official will be required specifying the roads to be used.
- F. This program is in effect from **January 14, 2013 to March 30, 2013.**  
**NON-FROST LAW ROADS**

The 2013 Frost Law **does not** apply to the following County Roads.

<u>County Road</u>	<u>FROM</u>	<u>TO</u>
2	N. Belpre Corp Line.....	CR 3
3	CR 26.....	SR 7
4	N. Marietta Corp.....	SR-339
6	CR 174.....	SR 339
8	SR 821.....	SR 530
9	SR 7.....	CR 333
9	CR 544 .....	CR 25
10	SR 7 (SOUTH END.of 10)	SR 550
11	SR 821 ... ..	Noble Co Line
13	SR 550.....	SR 676
14	SR 7.....	SR 26
15	SR 821 .....	CR 371
16	SR 26.....	CR-42
18	SR-550.....	SR-676
20	SR 7.....	CR 47
20	CR 348 .....	CR 9
25	SR 7.....	SR 26
26	SR 124.....	CR-3

27	CR-805.....	CR-2
32	CR 102.....	TR 32
50	SR 7.....	Virginia St.
51	SR 7.....	SR 7
76	SR 60.....	CR 760
84	SR 124.....	Co. Line
96	Athens Co. Line .....	SR 555
102	SR 339.....	CR 32
102	SR 339.....	SR 339 in Waterford
109	CR 803.....	CR 4
126	SR 550.....	SR 676
174	CR 6 .....	SR 339
244	CR 25.....	SR 7
333	CR 9.....	SR 26
341	SR 60 .....	TR 341
348	CR 20 .....	CR-20
371	CR 15 .....	CR-11
446	Gilman .....	SR 676
760	CR 76.....	R 60
803	SR 339.....	SR 339
804	SR 339 .....	SR 339
805	SR 339 .....	SR 339
806	CR 805.....	SR 339

FROST LAW  
VEHICLE PERMITS, EXCEPTIONS

The following is a list of Regular Commercial Route Trucks that require permits if they exceed the 56,000 pound posted limited. This list is a guide and not meant to be all inclusive.

- Beer and Soft Drink Delivery
- Building Supply Vehicles
- Crude Oil Hauling
- Farm Delivery Trucks
- Farm Trucks
- Milk Trucks
- Food Products Delivery
- Fuel and Gas Delivery Trucks
- Garbage Trucks
- Manufacturers located on County or Township Roads
- Residential Water Haulers
- Sewage Disposal Trucks

**NO PERMITS REQUIRED**

The following is a list of vehicles that **do not** require permits under the frost law.

- **Local County and Township Government Vehicles based within Washington County**
- **Emergency Vehicles**
- **School Buses**

Note: Municipal and out of Washington County county and township vehicles hauling on Washington County and Township roads shall be required to secure a permit.

**AND WHEREAS**, the Board of Commissioners of Washington County, Ohio, shall distribute any overweight moneys collected from permits to the participating political subdivisions based on mileage, routing, and split to political subdivisions specifically indicated on issued permits. All processing fees shall be retained by the Engineer.

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

**RE: RESOLUTION, FUND DESCRIPTION**

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

**WHEREAS**, on September 27, 2012 the following fund was established at the request of the Washington County Auditor, on behalf of the Court of Common Pleas of Washington County:

**200-0207 COMMON PLEAS COURT BACKGROUND INVESTIGATION**

**WHEREAS**, the purpose of the fund is to enable financial activity for the Pre-Sentence Investigation function of the Court of Common Pleas, and

**WHEREAS**, sources of revenues for the fund include apportionment of costs to participating collaborating counties, and

**WHEREAS**, disbursements from the fund will be for appropriate salary, benefits, and related expenses of staff assigned to the department.

**NOW, THEREFORE BE IT RESOLVED**, by the Board of Washington County Commissioners to hereby add the above description of financial activity in the 200-0207 Common Pleas Court Background Investigation fund, which was created September 27, 2012.

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

**RE: ADDITIONAL APPROPRIATION**

Ms. Marshall moved and Mr. Weber seconded a motion to approve the following request for additional appropriation:

300-0113-55000      OPWC CR18P Woodlawn Acres \$ 121,089.10

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

**RE: MINUS APPROPRIATIONS**

Ms. Marshall moved and Mr. Weber seconded a motion to approve the following requests for minus appropriations:

602-2032-53500	Mentoring Funds	\$ ( 1,801.30)
210-0621-52000	RSC-VRP3 Pathways II Travel	\$ ( 24,130.00)
210-0621-53000	RSC-VRP3 Pathways II Contract	\$ ( 54,083.18)
210-0616-53000	Contract Services	\$ ( 26,785.00)
210-0613-53000	Contract Services	\$ ( 2,321.00)
210-0617-53000	Contract Services	\$ ( 1.00)

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

**RE: TRAVEL REQUEST**

Ms. Marshall moved and Mr. Weber seconded a motion to approve the following request for reimbursement of expenses for training and travel pursuant to the policies and procedures and in compliance with the Annual Appropriations for Fiscal Year 2012 and any and all amendments subsequent thereto:

CSEA

Barb Tergolina: Three-day trip to Columbus to attend Ohio Child Support Director's Association General Membership meeting; January 9, 10, 11, 2013.

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

**RE: SERVICE CONTRACT FOR BROADBAND INITIATIVE**

Ms. Marshall moved and Mr. Weber seconded a motion to approve the Service Contract for Broadband Initiative between the Washington County Commissioners and the Washington-Morgan Community Action Program (CAP) allowing the County to pay CAP \$21,400.00 from the County's ARC broadband grant for the purpose of assisting low-to-moderate income families in Washington County with broadband services, offering those who meet Connect Ohio guidelines, and who reside in Washington County where there is currently no internet service, computer training, equipment, and reduced monthly internet service fee of \$14.99 for two months, as recommended by Gerry Spencer, Washington-Morgan Community Action Program.

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

**RE: OHIO DIVISION OF LIQUOR CONTROL NOTICE**

Ms. Marshall moved and Mr. Weber seconded a motion to respond to the Ohio Division of Liquor Control Notice to Legislative Authority, dated December 20, 2012, requesting comments on the Lowell Dollar General Store's application to sell beer and wine, indicating "we do not request a hearing", and to allow the Clerk to sign the document.

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

**RE: FROST LAW RESOLUTION, BELPRE TOWNSHIP**

The Commissioners acknowledged receipt of the Frost Law Resolution from Belpre Township Trustees, exempting the following roads:

Arrowhead Road from SR 7 to the second entrance to Plastic Masters  
Drag Strip Road from SR 7 to SR 618  
Orchard Drive  
Schoolhouse Road from SR 339 to Belpre Brick

The Clerk was directed to notify the County Engineer of Belpre Township's resolution, and to provide a copy of the County's Frost Law resolution to the Township.

**RE: CHANGE ORDER #1, LAUER BRIDGE REPLACEMENT PROJECT**

Ms. Marshall moved and Mr. Weber seconded a motion to approve Change Order #1 for the Lauer Bridge Replacement Project, contractor Joy Excavating Co., in the amount of \$6,504.22, for a new contract total of \$38,621.50, due to changes in actual quantities used to complete the work at the unit price bid, as recommended by County Engineer Bob Badger.

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

**RE: DELINQUENT SEWER ACCOUNTS**

Ms. Marshall moved and Mr. Weber seconded a motion to approve sending letters to the following Washington County residents notifying them that their sewer accounts are delinquent and that payment must immediately be made: Donald Tallman, Kelly Ollom, Kathy McKittrick, Dawn Rachell Yost, John White (for 61 Mille Street), Sherry Fulton, John Raber, Ted Williams, Carol Miller, Linda Lorentz, DPSG Bottling Group, Katherine Pekruhn, Kimberly Wiseman, Larry Carney.

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

**RE: PAY REQUEST #7, WAUGH EXCAVATING**

Mr. Weber moved and Mr. Irvine seconded a motion to approve pay request #7 to the Ohio Public Works Commission, for payment of \$134,530.87 to Waugh Excavating for work on the Woodlawn Acres Sanitary Sewer Improvements project, subject to receipt of final wage determination affidavit from Waugh Excavating, and to allow Ms. Marshall to sign the request, as prepared by Consulting Engineer John Grosse.

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

**RE: CHANGE ORDER #3, WOODLAWN ACRES SANITARY SEWER IMPROVEMENTS**

Ms. Marshall moved and Mr. Weber seconded a motion to approve Change Order #3 for the Woodlawn Acres Sanitary Sewer Improvements project, contractor Waugh Excavating LLC, in the amount of \$7,464.40, with a new contract amount of \$328,390.40, due to manhole removal and relocation resulting from moving 8" gravity flow sewer main, as requested by Consulting Engineer John Grosse.

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

**RE: APPROVAL TO PROVIDE LUNCH FOR I.T. TRAINING**

Ms. Marshall moved and Mr. Weber seconded a motion to approve the purchase of lunch by the I.T. Department for County employees participating in the website training on January 2, 3, and 4, 2013.

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

**RE: ROAD USE MAINTENANCE AGREEMENT**

Prosecutor Jim Schneider, County Engineer Bob Badger, and Deputy Engineer Roger Wright presented a revised Road Use Maintenance Agreement (RUMA) for the PDC Energy, Inc., project in Adams Township. Mr. Schneider commented that he is not of the opinion that the agreement must include provision for payment of Prevailing Wages, contrary to a recent opinion issued by the Ohio Attorney General. Mr. Wright noted items addressed in the revised RUMA, including: waiver of overload fee, bridge rating, road bonds, road load rating analysis, and condition of roads and bridges before, during and after project. He informed the Commissioners that the Adams Township trustees are aware of this agreement, and agree with its content. Those attending expressed concern that the Permit Fee paid by the contractor will not offset the costs for additional services to be provided by the County Engineer, such as review of plans, road and bridge ratings, inspections, etc.

Mr. Weber moved and Ms. Marshall seconded a motion to approve the revised Road Use Maintenance Agreement for PDC Energy, Inc., for their project in Adams Township, as prepared and presented by Deputy Engineer Roger Wright, and approved as to contract terms, form, and language by the County Prosecutor.

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

**RE: TRACEY WRIGHT**

County Recorder Tracey Wright informed the Commissioners of her intent to retire December 31, 2012. Noting her current term ends January 6, 2013, and she has been elected to a new term beginning January 7, 2013, she asked the Commissioners to appoint her to fill the vacancy from January 1, 2013 through January 6, 2013. The Commissioners indicated they will consider this request at a Special Meeting at 3:30 p.m. on Monday,

December 31, 2012.

**RE: PUBLIC HEARING TO VACATE WESLEY TOWNSHIP ROAD 192 (ED'S ROAD)**

Attending the Public Hearing to consider a request to vacate Wesley Township Road 192 were Commissioners Irvine, Marshall and Weber, County Engineer Bob Badger, Deputy Engineer Roger Wright, Commissioner-elect David White, petitioner Chester Myers, and Clerk Rick Peoples.

President Irvine welcomed those attending and asked for comments.

Mr. Badger said that no neighboring residents would be impacted by vacating this portion of Wesley Township Road 192, and it is not a currently maintained or used public road. He noted the Wesley Township Trustees are in favor of vacating.

Mr. Irvine said the Township Trustees did not receive notice of this Public Hearing, and Ms. Marshall indicated that there may be two other interested parties that did not receive notice by letter. Mr. Badger noted that the Ohio Revised Code allows the Commissioners to vacate even though letter notification was not made, as notice of this Public Hearing was made in a local newspaper.

Ms. Marshall moved and Mr. Weber seconded a motion to table the request to vacate a portion of Wesley Township Road 192, and to schedule a second Public Hearing to consider the request for 11:00 a.m. on Thursday, January 24, 2013, in the Commissioners' Assembly Room, and to send letters of notice of Public Hearing to all neighboring residents and to the Wesley Township Trustees.

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

**RE: ADJOURNMENT**

Mr. Weber moved and Ms. Marshall seconded a motion to adjourn.

A calling of the roll resulted in a unanimous vote in favor. The meeting adjourned at 3:00 p.m.

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

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

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

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