

THE DULY ELECTED MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, OHIO, MET IN REGULAR SESSION ON MARCH 12, 2015 IN ACCORDANCE WITH OHIO REVISED CODE 305.05, WITH THE FOLLOWING MEMBERS PRESENT: DAVID A. WHITE, PRESIDENT, RICK G. WALTERS, 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. WHITE LED THOSE ATTENDING IN THE PLEDGE OF ALLEGIANCE TO OUR FLAG.

Also attending were Justin Bradley from WMOA Radio, Muskingum Township Trustee Gary Doan, Darlene Lukshin from OSU Extension Office, Amanda Nicholson from *The Marietta Times*, and Clerk Rick Peoples.

**Washington County Commissioners
AGENDA
9:00 a.m., March 12, 2015**

9:00 Business Meeting
9:15 Darlene Lukshin, OSU Extension – Tax Incentive Review Council Recommendation
9:30 Wendy Dillingham, CEBCO – Annual Report on Use of Health Insurance
10:00 Gerry Lockhart, I.T. Director – Project Updates
10:30 Sandy Lahmers, Soil & Water Conservation – Project Updates
11:00 Glen Pawloski – Devola Sewer Project, Phase II
11:30 Tim Marty, Buildings & Grounds Superintendent – Project Updates
1:00 Bid Opening - Depository Agreement

UNFINISHED BUSINESS

Proposal for Electric Aggregation, Buckeye Energy Brokers

NEW BUSINESS

Approve Agenda
Approval of previous meeting's minutes
Bills from various departments
Additional Appropriation – Urban Transit
Additional Appropriation – Sheriff
Then & Now's
Travel – Family & Children First
Travel – Director of Human Resources and Safety/Loss Control
Payment in Lieu of Taxes, Wayne National Forest – Receipt and Distribution
Sheriff's Request to Dispose of Property at Public Auction
Recyclable Transfer Facility, SE Ohio Joint Solid Waste Management District
Contract with Emily Prather for Child Care, Family & Children First
Engineer – Notice of Commencement, Ward Bridge Project
Engineer – Roadway Use and Maintenance Agreement, Protégé Energy

INFORMATION

Community Development Implementation Strategies, 10:00 a.m., **Monday**,
March 16, at Buckeye Hills
Finance Committee, 10:00 a.m., **Tuesday**, March 17

RE: AGENDA

Mr. Feathers moved and Mr. Walters seconded a motion to accept the agenda.

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

RE: APPROVAL OF MINUTES

Mr. Walters moved and Mr. Feathers seconded a motion to approve the minutes for March 5, 2015, and to dispense with the reading of them.

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

RE: PAYMENT OF BILLS

Mr. Feathers 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: David White aye, Rick Walters aye, Ronald Feathers aye. Motion passed.

RE: ADDITIONAL APPROPRIATIONS

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

Urban Mass Transit	215-0840-57400	\$ 61,232.00
Sheriff	210-0395-53403	\$ 4,640.00

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

RE: THEN & NOW'S

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

Dept	Account	Vendor	Amount
Job and Family Services	200-0720-57400	U.S. Postmaster	\$ 200.00
Children Services	200-0743-53000	Toni Teters	\$ 156.00
Commissioners	100-0100-57501	Kent State University	\$ 200.00
Children Services	200-0743-57400	Lori McDole	\$ 1,000.00
Sheriff	200-0363-57500	College of Vet. Med.	\$ 1,163.70
Commissioners	100-0109-53000	Greenleaf Landscapes	\$ 3,035.00
Commissioners	300-0599-55200	Marietta Paint	\$ 123.93
Commissioners	100-0109-54000	Grainger	\$ 339.60
Developmental Disabilities	210-0620-53000	WASCO, Inc.	\$ 389.82
Sheriff	100-0384-54405	Miller Communications	\$ 603.22
Law Library	100-0201-54500	Lexis/Nexis Matt. Bend.	\$ 412.20

Late Fee/Finance Charge

Engineer	200-0540-54201	Wex Bank	\$ 40.10
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A calling of the roll resulted in the following vote: David White aye, Rick Walters aye, Ronald Feathers aye. Motion passed.

RE: TRAVEL REQUESTS

Mr. Walters 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 2015 and any and all amendments subsequent thereto:

Family & Children First

Elaine Corbitt: One-day trip to Athens to attend Southeast Ohio Trauma Informed Care meeting; March 24, 2015.

Human Resources

Darla Miller: Five-day trip to Houston, Texas to attend 2015 National PRIMA Annual Conference; June 7 through June 11, 2015. (CORSAs will pay conference registration fee, including meals; CLCCA to pay travel expenses, up to \$500.00.)

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

RE: PAYMENT IN LIEU OF TAXES RECEIPT AND DISTRIBUTION

Mr. Feathers moved and Mr. Walters seconded a motion to approve County Auditor Bill McFarland's method of distributing funds received on behalf of Wayne National Forest, including the Secure Rural Schools and Community Self Determination Act of 2000 (SRS), Payment in Lieu of Taxes (PILT), leases by the Corps of Engineers, forest receipts and mineral royalties, with 79.6% of the revenues disbursed to Frontier Local School District, 8.3% to Washington County, and the remaining 12.1% split between appropriate townships, pro-rated based on the actual inside millage of each.

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

Mr. McFarland noted the County has received \$20,401.58 thus far this year as its share of forest receipts and mineral royalties.

RE: SHERIFF'S REQUEST TO DISPOSE OF PROPERTY AT PUBLIC AUCTION

Mr. Walters moved and Mr. Feathers seconded a motion to approve the disposal of guns and vehicles, all of which were obtained through case investigations and subsequent forfeiture to the Sheriff, at public auction (complete list is on file in the Commissioners' Office).

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

RE: RECYCLABLE TRANSFER FACILITY

President White said Rob Reiter, with the Southeastern Ohio Joint Solid Waste Management District, has expressed desire to develop a recyclable transfer facility at the site of the Old County Garage on Colegate Drive in Marietta. He noted this facility will compact recyclable materials, including cardboard, glass, and plastics. Commissioner White noted this will be the largest compactor in the State of Ohio and the only one in this part of Ohio. He said the only cost to the County will be the space it provides, and Mr. Reiter is pursuing appropriate grants for equipment and operations.

Mr. Feathers noted the creation of this facility should help to keep recycling costs low for Washington County residents.

Mr. Feathers moved and Mr. Walters seconded a motion to authorize Rob Reiter and the Southeastern Ohio Joint Solid Waste Management District to proceed with development of plans for a recyclable transfer facility at the site of the Old County Garage on Colegate Drive in Marietta, which will undoubtedly require the demolition and removal of the Old County Garage.

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

RE: CONTRACT WITH EMILY PRATHER FOR CHILDCARE SERVICES

Mr. Walters moved and Mr. Feathers seconded a motion to approve a contract with Emily Prather to provide childcare services during the period March 31, 2015 through June 30, 2015, at the hourly rate of \$12.00, not to exceed \$288.00, for the Family & Children First Strengthening Families Program, as requested by Cindy Davis, Washington County Family & Children First.

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

RE: NOTICE OF COMMENCEMENT, WARD BRIDGE REPLACEMENT PROJECT

Mr. Walters moved and Mr. Feathers seconded a motion to approve the Notice of Commencement for the Ward Bridge Replacement Project, contractor R.C. Construction & Son, Inc., and to allow Mr. White to sign the Notice, as prepared and requested by County Engineer Roger Wright.

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

RE: ROADWAY USE AND MAINTENANCE AGREEMENT, PROTÉGÉ ENERGY

Mr. Walters moved and Mr. Feathers seconded a motion to approve a Roadway Use, Repair and Maintenance Agreement with Protégé Energy LLC for its use of Washington County Road 16 in Fearing Township, as prepared and requested by County Engineer Roger Wright.

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

RE: TAX INCENTIVE REVIEW COUNCIL RECOMMENDATION

Darlene Lukshin from the OSU Extension Office informed the Commissioners she is the appointed Enterprise Zone Manager for Washington County, and she recently assembled the Tax Incentive Review Council to conduct its annual meeting with companies/organizations currently participating in the program, including Ohio Valley Alloy Services, Miller Real Estate Development Company, Washington Electric Cooperative, and Gladstone Corporation (formerly Dimex LLC). She said all four companies are fulfilling their commitments to the program, and the Council recommends their continuing in the program.

Mr. Walters moved and Mr. Feathers seconded a motion to adopt the following resolution:

WHEREAS, in order to encourage and promote the creation of employment and investment opportunities within Washington County, the Board of Commissioners of Washington County sponsors the State of Ohio's Enterprise Zone program; and

WHEREAS, an integral part of the Enterprise Zone program is the annual review of those Agreements entered into by the local public partners and private businesses committed to the creation of job and investment opportunities within Washington County; and

WHEREAS, consistent with State law Washington County has caused to be created a Tax Incentive Review Council for the purpose of reviewing Enterprise Zone Agreements and recommending an appropriate course of action to the Board of Commissioners with regard to continuance, modification, or termination of the aforementioned Agreements; and

WHEREAS, the Tax Incentive Review Council assigned review responsibility has conducted its responsibilities for the period January 1, 2014 through December 31, 2014; and

WHEREAS, the Tax Incentive Review Council has recommended that Agreements monitored during the review and reporting period be continued without modification for the following:

*Ohio Valley Alloy Services, Inc.
Miller Real Estate Development Company
Washington Electric Cooperative, Inc.
Gladstone Companies, formerly Dimex, LLC*

NOW, THEREFORE BE IT RESOLVED that the Board of Commissioners of Washington County does hereby accept the recommendations of the Washington County Tax Incentive Review Council, and does hereby continue the Agreements in place with the following: Ohio Valley Alloy Services, Inc.; Miller Real Estate Development Company; Washington Electric Cooperative, Inc.; and Gladstone Companies, formerly Dimex, LLC.

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

Ms. Lukshin noted Miller Real Estate Development Company's participation in the program is scheduled to end in 2015.

Ms. Lukshin proceeded to thank the Commissioners for their support of Community Development in the County's 2015 annual budget. She said the financial assistance is vital not only to her program administration, but also to the citizens of Washington County. She said she is proud to serve in a position that works closely with the Commissioners, township trustees, villages, volunteer fire departments, and so many other entities and individuals, all of whom are great team members.

Ms. Lukshin mentioned some of the projects on which she is currently working, including the Nature Works Grant and a roadslip repair project in Muskingum Township.

RE: CEBCO ANNUAL REPORT REVIEW

Wendy Dillingham, County Employee Benefits Consortium of Ohio (CEBCO), shared with the Commissioners a summary of the Washington County 2014 Fourth Quarter Report (annual report). Also attending was Darla Miller, Washington County Director of Human Resources and Safety/Loss Control.

Ms. Dillingham noted:

Loss ratio for the year was 77.5%.
Claims expense per employee per month was \$674.42, a decrease of 7.8% from prior year.
Claims expense per member per month was \$330.81, a decrease of 6.7% from prior year.
Total claims paid for the year were \$2,821,075, a decrease of 7.4% from prior year.
Average plan cost per member per month for prescriptions was \$78.61.
Plan cost for prescriptions was 85.1%; member cost was 14.9%.
Members elected generics 98.8% of the time, if generics were available.
Total prescription plan cost was \$672,228 (43% retail and 57% mail).

Ms. Dillingham said the County's use of outpatient services, as opposed to professional services, is higher than average due to the single source available (Marietta Memorial Hospital). Overall, she said the annual report from CEBCO for Washington County is very good, possibly resulting from employees becoming more educated in making decisions in both health care and lifestyle, and continuing emphasis on wellness programs.

RE: I.T. DEPARTMENT PROJECTS

I.T. Director Gerry Lockhart updated the Commissioners on projects and initiatives his staff are undertaking at this time, including:

Intranet improvements: Services from Miller Communications are nearly complete, allowing County to eliminate expensive AT & T analog lines.
Storage capacity: Greatly increased with installation of new disk arrays.
Servers: New licenses have been secured; awaiting delivery of processors.
Intranet services: Horizon fiber increased from 10 to 30 Meg; SuddenLink internet service installed.
Google Apps: Purchased for one year, but guaranteed price for three years.
HVAC Software: Order is soon to be placed.
Fax services: Working to eliminate dedicated fax machines to reduce recurring expense.
Cameras: Installing two new cameras.
Outlying departments: Working with them on a variety of conversions, installations and enhancements.

RE: SOIL AND WATER CONSERVATION DISTRICT

Sandy Lahmers, Administrator for the Washington County Soil and Water Conservation District, updated the Commissioners on a variety of topics, including:

- Ag Technician – The position is currently vacant, but will likely be filled with a summer intern, which may lead into full-time.
- 2015 Annual Plan of Operations – The report has been prepared and distributed.
- Ohio Dam Safety Program – A local meeting in April will focus on dam safety and Emergency Action Plans for dams, including downstream impact and preparation.

- Area activities - The District is very busy with a variety of activities/events for all ages throughout the year.

RE: GLEN PAWLOSKI

Devola resident Glen Pawloski talked with the Commissioners about the proposed Devola sewer project. Also attending was Kevin D. Francis.

Mr. Pawloski read the following letter he prepared, addressed to Commissioner Feathers:

Washington Co. Commissioners

*Mr. Ron Feathers Sewer Chairman
223 Putnam Street Marietta, OH 45750*

March 11, 2015

Dear Mr. Feathers:

The purpose of this writing is to follow-up on the Wash. CO BOH's letter 2/13/15 to Mr. Craig Butler, OEPA Director, which each of the Wash. Co. Commissioner's had been sent copies and acknowledged receiving in the 2/19/15 Wash. Co. Commissioners Minutes, and

Considering the Devola Phase-2 Sewer Project would be a wasteful "double remedy", in part per the project's OEPA 9/12/12 DFFO, but given the DFFO provided its intent was to eliminate nitrates in Devola's (PCWA distribution) drinking water and

Considering the OEPA 9/12/12 DFFO provided Part I. Jurisdiction ORC 6103.17 and was specifically issued to the Wash. Co. Commissioner's, and

Considering ORC 6103.17 title "Findings and Orders for Correction to Remedy Unsafe Water Supply Conditions" specifically provides as a remedy, "If, upon investigation of the complaint, the director finds that it is necessary for the public health and welfare serve any territory outside municipal corporations in any county, the director shall notify the board of county commissioners of the county of that finding and order that correction action be taken", and*

Considering the OEPA 9/12/12 DFFO provides Part V. Orders specifically provides for, "Respondent shall submit to OEPA for approval a general plan for sewage improvements or other methods of abating pollution and correcting the unsanitary condition," and

Considering the Devola PCWA \$2.6M water plant upgrade's general plan fairly met or exceeded the intent of the minimum requirements goal to satisfy the Wash. Co. General Health District's Board of Health request for assistance to alleviate a public health nuisance due to an unsafe water supply pursuant to ORC 6103.17, and

Considering the Devola PCWA R.O. system has been operative since January 2014, and

Considering Devola PCWA has no reportable nitrate exceedences in over 3 years, and

Considering the Wash Co. BOH's letter 2/13/15 to Mr. Craig Butler, OEPA Director, requested dismissal of the Devola Phase-2 Sewer Project in Its entirety, and

Considering the OEPA 9/12/12 DFFO Part XII. Waiver provides the OEPA and Respondent agree that if these Orders are appealed by any other party, to any court, Respondent retains the right to intervene and participate in such appeal, and

Considering the Wash. CO. BOH roll call unanimous vote supported their President, Mr. Richard Daniell, write a letter 2/13/15 to the OEPA Director Mr. Craig Butler, and recognizing President Danie" cited no less than 8 reasons for dismissing the Devola Phase-2 Sewer Project in its entirety, and

Considering the OEPA 9/12/12 DFFO Part VIII. Other Applicable Laws, that given, Mr. Daniell's request provides you, a Wash. Co. Commissioner, an opportunity for moral duty and do not waive or compromise the applicability to Respondent, and

Considering the OEPA 9/12/12 DFFO Part VI. Termination, provides the Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of the OEPA Respondent has performed the specific obligation to alleviate a public health nuisance due to an unsafe water supply pursuant to ORC 6103.17, and

Considering the OEPA 9/12/12 DFFO Part IV. Findings provides, the Respondent to request the Director to give consideration to, and may base his determination on ORC 6103.17 evidence, how its relationship to the successful technical feasibility and economic reasonableness describes the reality PCWA reverse osmosis technology, as successfully implemented at the Devola water plant has reasonably complied with the intent of the DFFO 9/12/12 Orders to alleviate and eliminate the public health nuisance of drinking water nitrates from PCWA distribution, and PCWA meeting that obligation through Jurisdictionally recognized "other methods" by ORC 6103.17 successful relation for the benefit of the tax paying citizens of The Great State of Ohio, who are especially the Devola people, that indeed --the Devola people served by the PCWA Board derived the technical high performance protections of their drinking water for approximately the next 20 years and from such compliance and accomplishment being the reasonable purpose of the OEPA 9/12/12 DFFO and ORC Chapter 6111, and

Considering the OEPA letter March 5, 2015 written to Dr. Richard A. Wittberg, Health Commissioner, Washington Co. General Health District, the OEPA Director Mr. Craig Butler compassionately wrote in conclusion, "As with other similar projects throughout Ohio, we are mindful of the costs these fixes have on residents of an affected area, but we must balance these costs alongside the benefits to protecting human health and the environment" and

Considering the OEPA 9/12/12 DFFO "Before The Ohio Environmental Protection Agency", in the Matter of Washington Co. Commissioners Preamble, there is found the official start of an agreement¹ > y the parties, and

Considering the OEPA 9/12/12 DFFO Part XIV Signatory Authority at its end, and

Considering the former Washington Co. Commissioner's signatures dated 8/30/12 signed to the agreement, conditioned by the OEPA 9/12/12 DFFO, and given Part XII. Waiver "In order to resolve disputed claims," and

Considering the 238 complaints from Devola residents against the Phase-2 Sewer Project who have requested relief by seeking and requesting your help, and maintain belief and confidence in your dutified moral responsibility to set Devola free from the Phase-2 Sewer Project in its entirety as requested by the Washington Co. BOH, will the Washington Co. Commissioners move to satisfy the Washington Co. BOH's request and indeed move to dismiss in its entirety the Devola Phase-2 Sewer Project?

If, thereafter it so be, then on behalf of the Wash. Co. BOH's roll call unanimous request, here in cited, might the Wash. Co. Commissioners please file for injunctive relief in the proper Wash. Co. Court and please follow up with the OEPA Southeast District Office, Logan, OH and Columbus, OH office as specified in the OEPA 9/12/12 DFFO Part X. Notice & Part VI Termination ???, and

Please may the entirety of the Devola Phase-2 Sewer Project dismissal include the unnecessary and redundant Permit to Install (the Devola Phase-2 Sewer Project)?

Thank you for your time,

Sincerely

/s/ Glen E. Pawloski

cc: Mr. Richard Daniell, Washington Co. BOH –President

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Mr. Pawloski then urged the Commissioners to “move for dismissal” of the proposed sewer project in Devola. He said he believes action needs to be initiated locally, and he asked the Commissioners to take the lead in such action. In his presentation to the Commissioners, Mr. Pawloski made the following points:

- The City of Marietta is now suggesting Devola residents help pay for the City’s water treatment plant upgrades.
- The reverse osmosis system recently installed in Devola is predicted to resolve Devola water quality issues for twenty years, and so Devola residents shouldn’t hear from the Ohio EPA for at least that length of time.
- Recent letters from George Banziger and Richard Daniell include many reasons for not moving forward with sewerage Devola.
- The local Board of Health has now intervened, and the Commissioners can use that intervention to their advantage in addressing the Ohio EPA.
- The prior Commissioners entered into Intergovernmental Agreement prematurely, prior to completion of sufficient testing and review of alternate remedies.
- The Commissioners should talk with the City to resolve the issue of the Intergovernmental Agreement and costs of construction and operation of the City’s water treatment plant.
- The EPA Director’s Findings and Final Orders have been adequately addressed by the reverse osmosis system installed in Devola, so there is no need for construction of this very expensive sewer system for Devola residents.
- The City of Washington Court House has been very successful in making a case against the Ohio EPA, establishing some precedent for the Washington County Commissioners.

Commissioner Feathers said he is not going to communicate with the Director of the Ohio EPA until he responds to the Commissioners’ letter dated January 29, 2015. He recommended Mr. Pawloski share his concerns about the Intergovernmental Agreement with the City of Marietta.

Mr. Francis asked if and when the Commissioners receive a response from the Ohio EPA Director that allows for additional testing, can the Commissioners refuse to comply? Commissioner Feathers said that if the County is unsuccessful in its effort to stop the Devola sewer construction project, the EPA can actually have the job done and “bill” the County for the costs.

Discussion continued on the ability of the Ohio EPA to force a community into an expensive “fix” to a problem that no longer exists.

RE: MAINTENANCE DEPARTMENT PROJECTS

Tim Marty, Buildings and Grounds Superintendent, talked with the Commissioners about the following:

- Courthouse Windows: Project to repair and/or replace courthouse windows will soon be bid.
- Health Department Entryway: Deteriorating rapidly; Commissioners asked Mr. Marty to work with the County Engineer on developing a plan to repair.
- Quotes for Paper Supplies: Mr. Marty has solicited proposals, compared prices, and prepared a recommendation to order paper products throughout the year from specific vendors. He noted this allows the County to purchase both competitively and locally.

RE: BID OPENING, DEPOSITORY AGREEMENT

At 1:00 p.m. the Clerk opened three sealed bids received from financial institutions desiring to serve as the County's depository of public funds for the period May 1, 2015 through April 30, 2019. Bids were received from:

Peoples Bank
Settlers Bank
WesBanco

The Clerk noted Chase Bank respectfully declined the invitation to bid.

President White said the Commissioners intend to review the bids received and consult with County Treasurer Dorothy Peppel. He said the Commissioners intend to enter into a four-year depository agreement on March 26, 2015.

RE: ADJOURNMENT

Mr. Feathers 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 1:25 p.m.

_____, President

_____, Vice President

_____, Member

_____, Clerk