

THE DULY ELECTED MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, OHIO, MET IN REGULAR SESSION ON AUGUST 20, 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 County Engineer Roger Wright, Justin Bradley from WMOA Radio, Muskingum Township Trustee Gary Doan, Glen Pawloski, and Clerk Rick Peoples.

**Washington County Commissioners
AGENDA
9:00 a.m., August 20, 2015**

9:00 Business Meeting
9:30 Michelle Hyer, Buckeye Hills-Hocking Valley Reg. Dev. Dist. – Change Order, Little Musk. VFD CDBG Project

UNFINISHED BUSINESS

Application to Serve on the Behavioral Health Board

NEW BUSINESS

Approve Agenda
Approval of previous meeting's minutes
Bills from various departments
Resolution – New Fund
Transfer – Commissioners
Transfer – EMA
Transfer – Sheriff
Transfer - Engineer
Then & Now's
Travel – Job and Family Services (2)
First Installment of Grant Award, Family & Children First
Agreement between Board of Developmental Disabilities & OAPSE
Applications for Appointment to Local Emergency Planning Committee (LEPC)
Receipt of Letter from Richard Daniell, President, Wash. Co. Board of Health
Engineer – Request from City of Marietta for Use of Permissive Tax Funds
Engineer – Specifications and Ad for Westview Salt Storage Building Project

INFORMATION

Labor Day, **Monday**, September 7 – Courthouse Closed
Monthly County Home Meeting, **Tuesday**, September 8, at County Home

RE: AGENDA

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

10:00 Assistant Prosecutors Alison Cauthorn and Nicole Coil – Response to EPA Letter
Travel – Building Department
Engineer – Notice of Commencement

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. Feathers moved and Mr. Walters seconded a motion to approve the minutes for August 13, 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.

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: RESOLUTION TO CREATE NEW FUND

Mr. Walters moved and Mr. Feathers seconded a motion to create the following new fund for Washington County, as requested by County Auditor Bill McFarland:

600-3025 WAGEWORKS FSA

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

RE: TRANSFERS

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

	<u>From</u>	<u>To</u>	<u>Amount</u>
County General	100-0101-51001	100-0101-53400	\$ 25,000.00
EMA	200-0315-55700	200-0315-53202	\$ 900.00
Sheriff	100-0380-53500	100-0385-53500	\$ 1,456.67
MVGT	200-0540-51110	200-0540-52001	\$ 2,000.00
	200-0540-55502	200-0540-53202	\$ 5,000.00

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

Dept	Account	Vendor	Amount
Commissioners	100-0101-53400	Brian Smith	\$ 962.50
Commissioners	400-0113-53000	Larry Lang Excavating	\$ 852.50

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. Feathers 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 2015 and any and all amendments subsequent thereto:

JFS

Ruth Burdette: Two-day trip to Columbus to attend Information Session; August 26-27, 2015.

Candy Nelson: One-day trip to Marysville to attend Ohio Benefits meeting; August 25, 2015.

Building Department

Chris Wilson, Connie Hoblitzell: Three-day trip to Columbus to attend 2015 Ohio Statewide Floodplain Management Conference; August 25-27, 2015.

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

RE: OHIO CHILDREN'S TRUST FUND GRANT AND DRAWDOWN

Mr. Walters moved and Mr. Feathers seconded a motion to approve a grant with Ohio Children's Trust Fund, Agreement #G-1617-22-0262, in the amount of \$17,267.00, for the period July 1, 2015 through June 30, 2016, as prepared and requested by Cindy Davis, Family & Children First.

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

Mr. Walters moved and Mr. Feathers seconded a motion to approve the First Installment of Grant Award drawdown for the Ohio Children's Trust Fund Grant Agreement G-1617-22-0262, in the amount of \$8,633.50, and to allow Mr. White to sign the request.

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

RE: AGREEMENT BETWEEN BOARD OF DEVELOPMENTAL DISABILITIES AND OAPSE

Mr. Feathers moved and Mr. Walters seconded a motion to sign an Agreement between the Washington County Board of Developmental Disabilities and Ohio Association of Public School Employees (OAPSE), American Federation of State, County, and Municipal Employees,

Chapter 763, AFL-CIO, for the period July 1, 2015 through June 30, 2016, as presented and requested by Susan Tilton, Superintendent, Washington County Board of Developmental Disabilities.

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

President White noted the following changes to the previous contract for Developmental Disabilities employees:

1. Effective September 1, 2015 employees eligible to pay a fair share fee to the Union may instead pay that amount to a charitable organization.
2. All employees will receive a one-time payment of \$250.00 on the second pay in August 2015 and a one-time payment of \$250.00 on the second pay in January 2016.
3. Lead-time for vacation requests is implemented.

RE: APPOINTMENTS TO THE LEPC

Mr. Feathers moved and Mr. Walters seconded a motion to appoint or re-appoint the following individuals to the Washington County Local Emergency Planning Commission (LEPC) for the period August 15, 2015 through August 14, 2017, as requested by EMA Director Jeff Lauer, and to allow Mr. White to sign the applications:

Peggy Byers	Beau Carder	Mike Chevalier	Steven Cunningham
Doug Currey	Charles W. Durham	William Elschlager	Ronald Feathers
Richard Hays	Rodney Hupp	J.E. Kirkpatrick	Tyler Kolaczynski
Jeff Lauer	Mike Lee	Ron Lighthall	Randy Lowe
Angela Lowery	Chriss Marrero	Larry Mincks	Rob Rauch
Jim Rose	Brian Schuck	Brian Simperts	Shannon Smith
Amy Tucker	Jonni Tucker	Lisa Valentine	Mark Warden
Mark Wile	Bob Zwick		

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

Mr. Feathers moved and Mr. Walters seconded a motion to table a request from EMA Director Jeff Lauer to appoint the following individuals to the Washington County Local Emergency Planning Commission (LEPC) for the period August 15, 2015 through August 14, 2017, pending consultation with Mr. Lauer:

Susan Burkhart
Kenneth Harris
Dot Harris
Brett McKittrick

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

RE: RECEIPT OF LETTER FROM RICHARD DANIELL

The Commissioners acknowledged receipt of a letter dated August 17, 2015 from Richard Daniell, President of the Washington County Board of Health, addressed to Craig Butler, Director of the Ohio Environmental Protection Agency, which, in essence, serves as a Letter of Termination of Director Butler's Modified Orders dated August 4, 2015, on behalf of Devola households and authorized by the Washington County Board of Health. In his letter, Mr. Daniell notes this Letter of Termination is in accordance with Section VI of Director Butler's Modified Orders, and he is a "responsible official of the Respondent".

RE: REQUEST FROM CITY OF MARIETTA FOR PERMISSIVE TAX FUNDS

Mr. Feathers moved and Mr. Walters seconded a motion to approve payment of \$40,000 from Permissive Tax funds to the City of Marietta for use in its 2015 Asphalt Paving and ADA Curb Ramps Projects, with total estimated projects cost of \$131,396, as 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: SPECIFICATIONS AND BID NOTICE FOR WESTVIEW SALT STORAGE BUILDING

Mr. Walters moved and Mr. Feathers seconded a motion to approve specifications and bid notice for design and construction of a Salt Storage Building at the County Engineer's campus on Westview Avenue, with an estimated cost of \$167,434 and a completion date of November 30, 2015, as prepared and requested by County Engineer Roger Wright.

Mr. Wright explained this new structure will replace one that is becoming unsafe and insecure in its stability and functionality.

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, 2015 CHIP SEAL PAVING PROGRAM

Mr. Walters moved and Mr. Feathers seconded a motion to approve a Notice of Commencement for the 2015 Chip Seal Paving Program for various Washington County roads, contractor United Sealing, 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: COMMENTS FROM VISITOR

Devola resident Glen Pawloski commented on the proposed sewer project in Devola. He said there are errors and misconceptions in recent newspaper articles. He said he believes the recent installation of a reverse osmosis system in Devola has been effective in eliminating nitrates not only from water, but also from soil. He noted issuance of an NPDES (National Pollution Discharge Elimination System) permit for the reverse osmosis system allows the flow of waters from Devola into the Muskingum River, and the issuance of that permit demonstrates there is no longer a "nitrate issue" in Devola. Mr. Pawloski encouraged the Commissioners to not proceed with additional studies of septic tanks in Devola, as that would appear as "targeting" specific homeowners. He noted the Board of Health has recommended and authorized a mussel study of the Muskingum River, and that would further demonstrate there is no need for a new sewer system in his community.

Mr. Pawloski said there is no need for Phase III of the City's waste water treatment plant upgrade because the communities of Devola, Oak Grove and Reno are resisting the nontransparent and punishing costs of the sewer lines, and therefore the Phase III wastewater treatment plant higher flow capacity may not be needed for their sake.

He said he feared the residents of Devola will become "debt slaves" if this project in Devola proceeds as directed by the Ohio EPA, with community residents suffering economic hardship that may be unbearable for many, an economic life changing event for the worse. He noted had the County accepted the \$400,000 grant a few years ago, that would have meant acceptance of the EPA's order, and would have provided financial relief of only about \$1,000 to each of the impacted homeowners, leaving it up to those homeowners to come finance the remaining \$15,000 or so. Mr. Pawloski reminded the Commissioners more than 230 Devola residents signed a petition to stop the original orders of the EPA.

Mr. Pawloski said the City of Marietta should halt any continuing efforts to proceed with Phase III of its waste water treatment plant upgrade as it is not needed, and the Commissioners should halt any continuing efforts to proceed with construction of a sewer line in Devola as it, too, is not wanted by a majority of Phase II targeted households.

RE: UPDATE FROM COUNTY ENGINEER

County Engineer Roger Wright updated the Commissioners on projects and initiatives:

1. Mr. Wright said it is time to update the five-year capital plan for Washington County. He identified some items on the current list of projects that should be reviewed and either updated or removed. He said he will continue to work with the Commissioners to compile a current plan for submission to the Ohio Public Works Commission.
2. Mr. Wright said the Tax Map Office will need upgrades of equipment and software in the future, as the current copier is becoming obsolete and not user-friendly. He said staffing in the Office will need to be reviewed as well, but he will talk at greater length about this with the Commissioners at his upcoming budget hearing.
3. The Engineer's need for and use of sales tax funds will also be discussed in the near future, he said.
4. The Health Department paving project is nearly complete, Mr. Wright reported. He said striping will be done this weekend, but the lot is now in use by employees and visitors.

RE: CDBG PROGRAM

Michelle Hyer, Buckeye Hills-Hocking Valley Regional Development District, talked with the Commissioners about the County's Community Development Block Grant Program (CDBG). She reported requested equipment in the 2014 Little Muskingum Volunteer Fire Department (VFD) project was obtained for less cost than originally anticipated, leaving funds available for the purchase of additional equipment. She said this is reflected in Change Orders 1 and 2.

Mr. Feathers moved and Mr. Walters seconded a motion to approve the following change orders for the 2014 Little Muskingum Volunteer Fire Department Community Development Block Grant project, and to allow Mr. White to sign the Change Orders, as prepared and requested by Michelle Hyer, Buckeye Hills-Hocking Valley Regional Development District:

<u>Change Order #</u>	<u>Prior Contract Amount</u>	<u>Increase/(Decrease)</u>	<u>Revised Contract</u>
1	\$ 13,448.79	\$ (5,548.95)	\$ 7,899.84

Ms. Hyer noted the Little Muskingum VFD will pay the additional \$140.20 not originally allocated for the project.

Ms. Hyer asked the Commissioners to consider a CDBG Contract for the Delegation of Administrative Activities to Buckeye Hills-Hocking Valley Regional Development District for the services she provides to the County to administer the CDBG program.

Mr. Walters moved and Mr. Feathers seconded a motion to approve a CDBG Contract with Buckeye Hills-Hocking Valley Regional Development District to administer the 2014 Washington County Community Development Block Grant (CDBG) Program during the period September 1, 2014 through February 29, 2016, for the amount of \$15,200, and to allow Mr. White to sign the Contract, as prepared and requested by Michelle Hyer, Buckeye Hills-Hocking Valley Regional Development District.

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

RE: RESPONSE TO EPA'S MODIFIED FINDINGS AND ORDERS

Assistant Prosecutors Alison Cauthorn and Nicole Coil talked with the Commissioners about a response to the Director of the Ohio Environmental Protection Agency (EPA), who on August 4, 2015 issued Modified Findings and Orders requiring the installation of sanitary sewers for parts of the unincorporated area of Devola.

In her draft of response, Ms. Coil said she will include:

To verify validity of the Modified Orders, the EPA should conduct further testing of properties along Lawton Road. This testing should be a collaborative effort by the EPA, the Washington County Health Department, and an independent agreed-upon third party. The EPA should absorb the costs for such testing.

- Phases 2 and 3 included in the Orders are dependent upon results of testing, and cannot be scheduled until these tests are complete and the results are evaluated.
- Proceeding with Phase 1 of the Orders will be dependent upon results of testing as well.
- If it is then determined sanitary sewers are necessary for parts of Devola, funding issues need to be considered as a timeline is developed.
- The Commissioners are working with the EPA on behalf of their constituents in Devola, many of whom have clearly expressed their desire to not move from septic to sewer.

Ms. Coil said she will draft a response for the Commissioners to consider prior to the September 4, 2015 deadline.

Mr. Pawloski said he believes it to be standard operating procedure for the EPA to incorporate into projects all costs for testing, so if the project moves forward Devola residents will end up paying for these tests. He said Devola residents do not want any additional testing of their properties, as such testing is unnecessary and unwarranted.

RE: RESPONSE TO CITY OF MARIETTA, INTERGOVERNMENTAL AGREEMENT

Assistant Prosecutors Alison Cauthorn and Nicole Coil said they will work with the Commissioners to develop a response to the City of Marietta's claim that the County is in breach of the Intergovernmental Agreement for Sanitary Sewer Services between the City and the County. Ms. Coil noted the City Law Director Paul Bertram indicated at a meeting on August 19, 2015 that the County has thirty (30) days to respond to his claim of breach. Ms. Cauthorn said although this may have been intended to serve as official notice of breach, it was not specific enough to serve as such.

Attorneys Cauthorn and Coil agreed:

- The City has not indicated how the County has breached the Agreement.
- No damages as a result of such breach have been specified.
- Without finalization of EPA Director's Findings and Orders, breach of contract cannot be determined.
- There is no apparent threat to health and safety as a result of alleged breach.

They indicated they will ask of the City:

- What specifically constitutes this breach of contract?
- What damages to the City have resulted from this alleged breach?
- What has the City done to mitigate those damages?
- What should the County do to mitigate those damages?

Ms. Cauthorn said the County needs to know the City's basis for claim of breach and damages against the County so that the County can appropriately respond.

Mr. Pawloski encouraged the Commissioners to review the experience of the City of Washington Court House in Fayette County, as that City has successfully "fought" the Ohio EPA in a very similar situation.

Commissioner Walters noted both the City and the County are now in noncompliance with the Intergovernmental Agreement, primarily due to circumstances beyond their control. President White said he believes the City's phase 3 of its waste water treatment plant upgrade is predicated upon receiving 11.7% of flow from the County, but he doesn't understand if or how that may have impacted design and build of phases 1 and 2. Commissioners noted the City's upgrade of its plant is experiencing major problems unrelated to these issues with the County. He said he is determined to see that the residents of Devola aren't responsible for financing construction errors or overbuild by the City.

Ms. Coil said she will consult with representatives from the City, and prepare a draft of response for the Commissioners to consider.

RE: ADDITIONAL APPOINTMENTS TO LEPC

Mr. Feathers moved and Mr. Walters seconded a motion to return for further consideration a request from EMA Director Jeff Lauer to appoint the following individuals to the Washington County Local Emergency Planning Committee (LEPC) for the period August 15, 2015 through August 14, 2017:

Susan Burkhart
Kenneth Harris
Dot Harris
Brett McKittrick

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

Mr. Walters moved and Mr. Feathers seconded a motion to appoint Kenneth Harris and Dot Harris to the Washington County Local Emergency Planning Committee for the period August 15, 2015 through August 14, 2017, as requested by EMA Director Jeff Lauer, and to allow Mr. White to sign the applications.

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

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 11:29 a.m.

_____, President

_____, Vice President

_____, Member

_____, Clerk