

Commissioners' Journal
April 1, 2008

The Geauga County Board of Commissioners met in session on April 1, 2008 at 10:00 a.m. in the Commissioners' Chambers located at 470 Center Street in Chardon Ohio.

It is declared and determined that all formal actions of the Board of County Commissioners concerning and relating to the adoption of all resolutions that were adopted in this meeting, and that all deliberations of the Board of County Commissioners that resulted in such formal action were open to the public and were in compliance with all legal requirements, including section 121.22 of the Ohio Revised Code.

The President of the Board, Craig S. Albert opened the meeting at 10:07 a.m. by leading the Board and audience in reciting the Pledge of Allegiance.

APPROVE MINUTES

Motion: by Commissioner Samide, seconded by Commissioner Albert to approve and execute the minutes for the meeting of March 27, 2008.

<i>Roll Call Vote:</i>	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Abstain</i>
	<i>Commissioner Albert</i>	<i>Aye</i>

APPROVE FINANCIALS

Budget Officer Heidi Delaney reported the financials as including a Revenue Certification for Juvenile Court for the TAJ fund; supplemental and appropriation transfers to redistribute funds where necessary; cash transfers for medical, dental and life insurance for April 2008; a cash transfer in the amount of \$51,075.00 from the Transit Department as repayment of half of the payroll advance; one Then and Now and six travel requests for various departments.

Motion: by Commissioner Samide, seconded by Commissioner Young to approve and execute Resolution 08-039 itemizing the financials for the meeting of April 1, 2008.

<i>Roll Call Vote:</i>	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>
	<i>Commissioner Albert</i>	<i>Aye</i>

OTHER

Commissioner Albert stated that today is a momentous occasion as the Board is honoring Louise Steinbarger for twenty-five years of attending Commissioners' meetings. Apparently no one else has come close to that time. Ms. Steinbarger stated she enjoyed every minute of those twenty-five years and this is the best board ever. Ms. Steinbarger added that it is a pleasure to attend the meetings of the current board. Even if there is a difference of opinion this board walks away without being angry and upset. The Board presented Ms. Steinbarger with the resolution and a bouquet of flowers. Ms. Steinbarger added that all of her county experiences have been a great adventure, hopes the county can stay as it is and expressed concern about regionalization.

Motion: by Commissioner Samide, seconded by Commissioner Young to approve and execute Resolution 08-040 Honoring Louis Steinbarger.

Board of County Commissioners, Geauga County, Ohio

Date: April 1, 2008
Resolution: 08-040

RESOLUTION HONORING LOUISE STEINBARGER

WHEREAS, Louise Steinbarger has been a member of the League of Women Voters of Geauga County since 1983, serving as President from 1988 to 1991; Co-President from 1992- to 1993, and 1st Vice President from 1994 to 1998; and

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WHEREAS, Louise Steinbarger has lobbied the Ohio State House in 1985 for relief for county governments unfunded mandated programs, initiated a local study regarding the necessity of a ½% piggyback tax and established a Town Hall Meeting to further this cause, and initiated a study and Town Hall Meetings in 1994 regarding the scheduled closing of the Geauga County Airport which resulted in the continuing operation of the airport; and

WHEREAS, in 1995 Louise Steinbarger was selected by the Geauga County Chamber of Commerce as one of Geauga County's outstanding people in contribution of making Geauga County a better place and an award by the Farmland Preservation Task Force in 1999 for services performed with dedicated commitment of participation; and

WHEREAS, Louise Steinbarger chaired the "Great Decisions" program designed by The Foreign Policy Association of New York; served on the Farmland Preservation Task Force; American Cancer Society, lobbyist and serving as Chairperson several years; Health System of North Central Ohio; United Way Allocation Board; and Board of Community and Economic Development Block Grant; and

WHEREAS, quoting Louise Steinbarger "my belief is that we are never at an age when we no longer are responsible in serving our county and community. This spot on earth was given to me by God, therefore, as a worthy steward, I must do all possible to make certain I leave this place better than when I arrived. Thus, it is necessary that I be involved in the management of my community, state and country in whatever avenue it presents itself. Hopefully, by example, others will be encouraged to also enjoy the excitement of making a difference by realizing that problems facing us in our own backyard is not somebody else's problem, it is yours and mine."; and

THEREFORE BE IT RESOLVED, that the Geauga County Board of Commissioners does hereby recognize Louise Steinbarger for her encouragement, inspiration, dedication, service and love for the County of Geauga, the community and everyone that has the privilege of knowing her; and

BE IT FURTHER RESOLVED, that this Resolution become part of the permanent record of the Board of County Commissioners of Geauga County, Ohio.

<i>Roll Call Vote:</i>	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>
	<i>Commissioner Albert</i>	<i>Aye</i>

ENGINEER'S OFFICE – REMOVAL OF DRIVEWAY CULVERT RESOLUTION – KELLY MISTERKA

Director R. L. Phillips explained there is a bad culvert at this address and the department has been unable to make contact with Ms. Misterka as their letters have been rejected. The department needs to proceed and get the culvert removed and replaced and will place the cost on Ms. Misterka's taxes.

Motion: by Commissioner Samide, seconded by Commissioner Young to approve and execute Resolution 08-041 Ordering the Removal of Driveway Culvert Pipe on Claridon-Troy Road in Geauga County pursuant to O.R.C. 5547.03 and further authorize the County Administrator to execute a letter to Kelly A. Misterka regarding the O.R.C. 5547.03 Obstruction.

Board of County Commissioners, Geauga County, Ohio

Date: April 1, 2008
Resolution: 08-041

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RESOLUTION TO ORDER REMOVAL OF DRIVEWAY CULVERT PIPE

WHEREAS, it has come to the attention of this Board of County Commissioners that an undersized culvert pipe has been installed at the home of Kelly A. Misterka at 10950 Claridon-Troy Road, Chardon, OH 44024.

WHEREAS, this undersized culvert pipe is obstructing the flow of water in the culvert pipe and ditch at the aforementioned address causing water to flow onto the adjacent County highway,

NOW, THEREFORE, BE IT RESOLVED that the Geauga County Board of Commissioners move that Ms. Misterka be instructed under R.C. 5547.03 to remove same within five days of receipt of notice.

BE IT FURTHER RESOLVED that the Clerk of the Geauga County Board of Commissioners is hereby instructed to transmit a certified copy of this resolution to Kelly A. Misterka, 10950 Claridon-Troy Road, Chardon, OH 44024 and the Geauga County Engineer.

<i>Roll Call Vote:</i>	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>
	<i>Commissioner Albert</i>	<i>Aye</i>

EAGLE SCOUT AWARDS – SCOTT BARON, GEORGE BLANKENSHIP AND ALEXANDER TOTH

Motion: by Commissioner Samide, seconded by Commissioner Young to approve and execute Resolution 08-042 honoring Eagle Scout Scott Richard Baron.

Board of County Commissioners, Geauga County, Ohio

Resolution: 08-042

Date: April 1, 2008

*A RESOLUTION HONORING SCOTT RICHARD BARON
FOR ACHIEVING EAGLE SCOUT THE HIGHEST AWARD OF ADVANCEMENT
BESTOWED UPON A BOY SCOUT*

WHEREAS, the Boy Scouts is a nationally acclaimed organization known for training young men to build character, citizenship, and leadership; and

WHEREAS, each scout must prove to his adult leaders the basics of outdoor survival including nature study, first aid, life saving and other activities that provide leadership qualities; and

WHEREAS, the Eagle Scout Rank is an accomplishment that only four percent of all those who start Boy Scouting ever attain; and

WHEREAS, Scott Richard Baron is a member of Boy Scout Troop 91 Munson Township, Geauga County, and has excelled in his search for knowledge, leadership, planning and community support; and

WHEREAS, Scott Richard Baron provided leadership at meetings and on campouts and has done an excellent job in all aspects of scouting; and

WHEREAS, Scott Richard Baron's Eagle Scout project consisted of providing the Chardon High School Marching band with five stands on wheels to be used at half time shows and a number of concerts;

NOW, THEREFORE BE IT RESOLVED, that the Geauga County Board of Commissioners salutes Scott Richard Baron for service to his community and the Scouts of America;

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BE IT FURTHER RESOLVED, that this Resolution become part of the permanent record of the Board of Commissioners of Geauga County, Ohio.

<i>Roll Call Vote:</i>	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>
	<i>Commissioner Albert</i>	<i>Aye</i>

Motion: by Commissioner Samide, seconded by Commissioner Young to approve and execute Resolution 08- 043 honoring Eagle Scout George Robert Blankenship.

Board of County Commissioners, Geauga County, Ohio

Resolution: 08-043
Date: April 1, 2008

**A RESOLUTION HONORING GEORGE ROBERT BLANKENSHIP
FOR ACHIEVING EAGLE SCOUT THE HIGHEST AWARD OF ADVANCEMENT
BESTOWED UPON A BOY SCOUT**

WHEREAS, the Boy Scouts is a nationally acclaimed organization known for training young men to build character, citizenship, and leadership; and

WHEREAS, each scout must prove to his adult leaders the basics of outdoor survival including nature study, first aid, life saving and other activities that provide leadership qualities; and

WHEREAS, the Eagle Scout Rank is an accomplishment that only four percent of all those who start Boy Scouting ever attain; and

WHEREAS, George Robert Blankenship is a member of Boy Scout Troop 91 Munson Township, Geauga County, and has excelled in his search for knowledge, leadership, planning and community support; and

WHEREAS, George Robert Blankenship provided leadership at meetings and on campouts and has done an excellent job in all aspects of scouting; and

WHEREAS, George Robert Blankenship's Eagle Scout project consisted of putting in rain gardens, to capture runoff to allow the rain to be absorbed by plants, at the Nero Nature Preserve in Munson Township. This required leveling dirt inside a whole, plant plants natural to this environment with help from fellow scouts and adults;

NOW, THEREFORE BE IT RESOLVED, that the Geauga County Board of Commissioners salutes George Robert Blankenship for service to his community and the Scouts of America;

BE IT FURTHER RESOLVED, that this Resolution become part of the permanent record of the Board of Commissioners of Geauga County, Ohio.

<i>Roll Call Vote:</i>	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>
	<i>Commissioner Albert</i>	<i>Aye</i>

Motion: by Commissioner Samide, seconded by Commissioner Young to approve and execute Resolution 08- 044 honoring Eagle Scout Alexander Bert Toth.

Board of County Commissioners, Geauga County, Ohio

Resolution: 08-044
Date: April 1, 2008

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*A RESOLUTION HONORING ALEXANDER BERT TOTH
FOR ACHIEVING EAGLE SCOUT THE HIGHEST AWARD OF ADVANCEMENT
BESTOWED UPON A BOY SCOUT*

WHEREAS, the Boy Scouts is a nationally acclaimed organization known for training young men to build character, citizenship, and leadership; and

WHEREAS, each scout must prove to his adult leaders the basics of outdoor survival including nature study, first aid, life saving and other activities that provide leadership qualities; and

WHEREAS, the Eagle Scout Rank is an accomplishment that only four percent of all those who start Boy Scouting ever attain; and

WHEREAS, Alexander Bert Toth is a member of Boy Scout Troop 91 Munson Township, Geauga County, and has excelled in his search for knowledge, leadership, planning and community support; and

WHEREAS, Alexander Bert Toth provided leadership at meetings and on campouts and has done an excellent job in all aspects of scouting; and

WHEREAS, Alexander Bert Toth's Eagle Scout project consisted of organizing labor for the water-retention gardens at Scenic River to allow rain run-off to be captured in deep sand plots to be returned to the water table and planting flowers and plants for beautification and further water capture;

NOW, THEREFORE BE IT RESOLVED, that the Geauga County Board of Commissioners salutes Alexander Bert Toth for service to his community and the Scouts of America;

BE IT FURTHER RESOLVED, that this Resolution become part of the permanent record of the Board of Commissioners of Geauga County, Ohio.

<i>Roll Call Vote:</i>	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>
	<i>Commissioner Albert</i>	<i>Aye</i>

COMMISSIONERS' OFFICE – CHANGE START TIME FOR APRIL 3, 2008 SESSION

Motion: by Commissioner Samide, seconded by Commissioner Young to hold regular session on April 3, 2008 but to change the starting time to 10:30 a.m.

<i>Roll Call Vote:</i>	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Young</i>	<i>Aye</i>
	<i>Commissioner Albert</i>	<i>Aye</i>

ORPHAN WELL PROGRAM DISCUSSION (ODNR) – BAINBRIDGE GAS WELL INCIDENT

Manager of Oil and Gas Permitting Section, Orphan Well Program Administrator, Division of Mineral Resources Management of the Ohio Department of Natural Resources, Mike McCormac reviewed documentation findings pertaining to the Bainbridge gas well incident and share recent communications with drilling companies outlining changes in procedure. Mr. McCormac introduced Mr. Rick Simmer, who has been the Field Enforcement Manager for the northeast part of the state for about twenty years. Commissioner Young began by stating the board has been requested, by the people who use property owned by the county, to allow for drilling of gas wells. With the recent gas well incident in Bainbridge the Board was concerned about the negative impact on the county and wanted to be careful. The wells could, however, help with economic growth as well as helping those who use the county property. Commissioner Young wanted to know the big picture of what ODNR is doing since the incident and to get the Board better educated on gas wells, what is the safe way to drill and whether or not wells should be drilled.

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Mr. Simmer stated the source of the problem in Bainbridge was a well construction problem with a particular company dealing with over pressurization that caused gas to enter. Corrective action has been taken by the company and a number of geophysical tools have been run on the well to confirm or validate whether or not the corrections have been an absolute fix or not. The well does continue to leak gas at surface but shallow gas is very common in this area. Water well records show that two or three of the deeper water wells in the Bainbridge area contained natural gas when they were drilled and they were drilled long before any gas wells were drilled. It has been suggested to the Health Department to be very careful when water wells are drilled. The Bainbridge incident was caused by an oil and gas drilling operation. However, if water wells are drilled too deep in that Bainbridge water well area they are very likely to encounter natural gas that is not associated with oil and gas well drilling. Two or three wells in that area have done that very thing and caused gas to come up and it can affect neighbors. So, the Health Department has to be careful when issuing water wells to not allow them to drill too deep. The property is not rendered useless. The gas in the Bainbridge area will dissipate but qualitatively the gas is diminishing. It is difficult to get quantitative measurements on these types of wells. There are still gas readings in a number of the water wells. Commissioner Young added that it has been proposed by Dale Markowitz, the lawyer representing some of the people in Bainbridge, to seal that well. Commissioner Young asked if that does occur. Mr. Simmer responded that on occasion that does happen, but it is rare.

Commissioner Young said there are a number of wells drilled on properties surrounding the fairgrounds property owned by the Board. Commissioner Young stated it has been assessed that two or three wells could be drilled on that fairground property. Commissioner Young inquired as to what the Board should be looking into to protect the drilling and how the board should make those decisions. There are two aspects – the permitting side with additional conditions created for this area because of our aquifer and the other is the field side which includes an inspector. Tom Hill is the Geauga County inspector. The drilling companies are required by law to call ODNR to have an inspector be present to witness the critical stages of the construction phase. Mr. McCormac described the new special permit conditions explaining shallow surface casing conditions, geophysical open hole logs to detect potential gas zones as a result of the Bainbridge incident, for our area that contains “Clinton sandstone” as well as others. These can be found on their website under “New Oil and Gas Well Drilling Permit Conditions Implemented for Northeast Ohio”; view Special Permit Conditions. In the Bainbridge incident there was no open hole log run which was not required at the time. This log would have helped to understand the situation and detect the gas in that well. A different casing would have been recommended at that time. New inspection timing and notifications have been added as well as an extra safeguard. Commissioner Young inquired if these new permit conditions would have been in place would the Bainbridge explosion have happened. Mr. Simmer replied that it is very likely it would not have happened. Mr. Simmer added that they used to witness the bottom portion cementing of the casing (the most important part for the company) but due to budget cuts (60% of their staff) they have not had the man power to do it. Most companies do a good job of making sure it is correct as it is the most important part for the drilling company. If a log would have been done it would have indicated that the job was inadequate and ODNR would have required additional work. Commissioner Young asked if licenses are required for drillers. Mr. McCormac responded that ODNR requires an operator to be registered with the State of Ohio which includes insurance and bonding. The drillers are subcontractors and are under the responsibility and authority of the operator. When considering a lease with someone you should lease directly with a registered, bonded and insured operator for more control and one who won't sell your lease to another operator. When the operator applies for a permit it states that must abide by the federal, state and local statutes and rules. Commissioner Young asked if there have been any areas in the past few years that have had explosions. Mr. McCormac replied there have not been any.

Commissioner Albert inquired as to the staffing cuts and Mr. McCormac explained it was a budget cut like everyone else gets and they must operate with the money they receive. State law requires they operate within the budget. They get to the jobs they can on the budget they have to work with. The majority of the staff are field people. There is enough manpower to catch those critical phases and with the new regulations, as mentioned, the work load has increased even more. It can be put in the drilling contract to require that every inspection occurs. Mr. Lair inquired if there is a list of operators and if they have had any violations. ODNR can provide that information. ODNR advises to check with references not only to see if there are problems

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but also how quickly they are dealt with. They suggest talking to companies that have installed wells to get a list of property owners and get a reference.

Commissioner Young stated that he believed most wells take about 7 days to drill and asked what complaints are received. Mr. Simmer explained most complaints are for noise and odor. Odor can be minimized by fluid drilling which could be added to the lease as a requirement as it is required in more densely populated areas. Filters for the tanks can be used as well. Noise can be controlled by equipment direction but cannot totally eliminate noise. The site is reviewed to orient the rig to push the noise from the compressor away from buildings and stock piled top soil is used as a noise barrier along with hospital grade mufflers on equipment. Drilling is much safer now than in the past especially if all the rules are followed. There are however always risks, there can be no guarantees of no risks. Geauga County is the second most active gas and oil well drilling area in the State of Ohio. Sixty five wells were drilled last year. On their website you will be able to find the 2007 gas and oil summary.

Commissioner Albert believed that an annual statement must be provided on how much is produced for gas and oil but it is not metered. Royalty distribution on the oil side is straight forward as it purchased by a first purchaser and they distribute the royalties. Verification could be built into the lease. ODNR does not regulate leasing but on the web site there is a list of 35 questions regarding leases which could help bring up things to consider in your lease. You should spell your requests out as specifically as you can. It is also suggested that you have an attorney trained in gas and oil lease law to cover those specifics. Make sure all your requests are written and not oral. Another item to consider is unitization which combines your acreage with a neighbors and put one well on it, that may be a clause to remove under certain circumstances. Non-development above ground is another item that can be added to the lease. A professional geologist on location on behalf of the lessor not the operator to help enforce your lease can be included in your lease. If you have less of a comfort level regarding inspection for the seven days you can have the geologist on site 24/7.

Shannon McMillan from Geauga County Soil and Water Conservation District asked if the new process for case inspections takes place on all areas and not just urbanized areas. Mr. Simmer said it is on all areas.

ODNR has the absolute right to inspect the wells; no right of way easement is needed. Directional drilling was briefly explained. Mineral rights were briefly discussed as well.

Commissioner Young inquired on the Burton Historical Society well. A geologist was on site practically 24/7 and the drilling went really well there. The Burton site had some conditions with the drilling permit and there were not problems, even with the sensitivity of the conditions for the well drilling.

The Board stated they could keep Mr. McCormac and Mr. Simmer here all day with their questions. Their response was that they would stay as long as needed, it is better to discuss it before a lease is created and before problems occur. They added the Board was asking great questions. They added that the Board could find a lot of help on the web site and the Board could contact them anytime with questions. The Board thanked Mr. McCormac and Mr. Simmer for their help and professionalism, as well as patience for the Boards seemingly endless questions.

OTHER

The Board reviewed calendars. Commissioner Albert to attend the Governor Strickland's "Build Ohio Jobs" meeting on Monday, April 7 at Geneva State Park as he and Commissioner Samide are unable to attend.

ACKNOWLEDGEMENTS

- a. *The annual report filed by the Geauga County Auditor and ADP Board of the Automatic Data Processing (ADP) Board's 2007 Annual Report as required by O.R.C. 307.845.*

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- b. *A weekly report filed by the County Dog Warden of all dogs seized, impounded, redeemed or destroyed for the week ending March 26, 2008 as required by O.R.C. 955.12.*
- c. *The monthly financial report from the County Building Department for the month of February 2008.*

MEETINGS

- Thu., 4/3 The Commissioners will hold regular session.*
- Tue., 4/8 The Commissioners will hold regular session.*
- Tue., 4/8 Planning Commission meeting at 7:30 p.m.*
- Wed., 4/9 Township Association Quarterly meeting at Grandview Inn at 6:30 p.m.*
- Thu., 4/10 The Commissioners will hold regular session.*
- Thu., 4/10 United Way Services Annual Meeting at the Banquet Room at St. Mary's School at 11:15 a.m.*
- Fri., 4/11 NOACA meeting at 10:00 a.m.*
- Mon., 4/14 Board of Revisions*
- Tue., 4/15 The Commissioners will hold regular session.*
- Tue., 4/15 CDBG Small Cities Program Public Hearing at 11:00 a.m.*
- Thu., 4/17 The Commissioners will hold regular session.*
- Fri., 4/18 TAC meeting*
- Fri., 4/18 Community Corrections Planning Board at 12:00 p.m., Judge Burt's jury room*
- Mon., 4/21 Family First meeting at 2:00 p.m.*
- Tue., 4/22 The Commissioners will hold regular session.*
- Thu., 4/24 The Commissioners will hold regular session.*
- Thu., 4/24 The Commissioners will hold the monthly Economic Development work session discussion at noon.*
- Tue., 4/29 The Commissioners will hold regular session.*

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BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, COMMISSIONER ALBERT ADJOURNED THE MEETING AT 11:49 A.M.

Geauga County Board of Commissioners

Mary E. Samide

William S. Young

Craig S. Albert

Claudine Kozenko, Commissioners' Clerk