

Commissioners' Journal
April 18, 2013

The Geauga County Board of Commissioners met in session on April 18, 2013 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 Vice President of the Board, Mary E. Samide opened the meeting at 10:04 a.m. by leading the Board and audience in reciting the Pledge of Allegiance.

**Commissioner Jemison was absent from today's meeting.*

DEPARTMENT ON AGING – RESIGNATION – PATRICE SCOTT, PART-TIME ASSISTANT SITE COORDINATOR #1005-1

Motion: by Commissioner Spidalieri, seconded by Commissioner Samide to accept the resignation of Patrice Scott, Part-time Assistant Site Coordinator (#1005-1) to be effective April 19, 2013.

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Jemison</i>	<i>Absent</i>

DEPARTMENT ON AGING – RESIGNATION – BEN STEFANCIN, SEASONAL HELP #0101

Motion: by Commissioner Spidalieri, seconded by Commissioner Samide to accept the resignation of Ben Stefancin, Seasonal Help (#0101) to be effective April 30, 2013.

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Jemison</i>	<i>Absent</i>

OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT – OHIO COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM STATUS REPORT – GRANT #B-F-12-1AZ-1

Program Coordinator Kelly Belconis explained that this was a quarterly status report for the B-F-12 grant, this report is required and must balance between the department's accounting, the Auditor's office and the State of Ohio. Ms. Belconis stated that the report doesn't show much activity as the projects approved under this are just starting to get moving.

Motion: by Commissioner Spidalieri, seconded by Commissioner Samide to approve and authorize the Vice President of the Board to execute the Ohio Community Development Block Grant Program Status Report, Grant #B-F-12-1AZ-1 for the period September 1, 2012 through March 22, 2013.

Commissioner Spidalieri inquired if this was in regards to accepting grant funds. Ms. Belconis stated that this report was for grant funds that were previously awarded and are being used this year for the projects.

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Jemison</i>	<i>Absent</i>

OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT – THREE-PARTY CONTRACT – AUBURN BAINBRIDGE EXCAVATING AND ELENI COSTANTINI – INSTALL SEPTIC SYSTEM AT 15150 BURTON WINDSOR ROAD

Program Administrator Joni Stusek explained that this was the "dreaded" EPA grant, adding that the county wanted to complete the projects that were in process, but the EPA wants all the funds allocated to be used. Ms. Stusek stated that this is one of the two remaining, and is unsure if the last one will be approved. Ms. Stusek hopes that if it not approved that this will be the last, adding that it is not in writing from the EPA but will let the Board know what they decide.

Motion: by Commissioner Spidalieri, seconded by Commissioner Samide to approve and

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execute a Three-Party Contract between the Geauga County Board of Commissioners, Auburn Bainbridge Excavating and Eleni Costantini for the installation of a septic system located at 15150 Burton Windsor Road, Middlefield under the EPA Water Pollution Control Loan Fund Household Sewage Treatment System Program in the amount of \$11,750.00.

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Jemison</i>	<i>Absent</i>

OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT – NOTICE TO PROCEED – AUBURN BAINBRIDGE EXCAVATING – INSTALL SEPTIC SYSTEM

Ms. Stusek stated this was the Notice to Proceed connected to the contract.

Motion: by Commissioner Spidalieri, seconded by Commissioner Samide to approve and authorize the Vice President of the Board to execute a Notice to Proceed to Auburn Bainbridge Excavating for the installation of a septic system located at 15150 Burton Windsor Road, Middlefield under the EPA Water Pollution Control Loan Fund Household Sewage Treatment System Program.

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Jemison</i>	<i>Absent</i>

OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT – OHIO WATER POLLUTION CONTROL LOAN FUND HOME SEWAGE TREATMENT SYSTEM PROGRAM IMPROVEMENTS PRINCIPAL FORGIVENESS PAYMENT REQUEST FORM #7

Ms. Stusek explained this was the payment request for the installation at 12610 Main Market, Jezewski. Ms. Stusek explained that they were one of two clients under the EPA that had been ordered out of their home, due to lack of compliance with the Health Departments requirements. Ms. Stusek stated that they were ordered to abandon their home but worked with the Prosecutor's office and Judge Burt for a request for additional time, adding that it was granted because they had been approved for this grant. Commissioner Samide inquired about what happens to the house. Commissioner Spidalieri asked what the forgiveness payment request is, to which Ms. Stusek stated that the county put this system in, and to send the funds to pay the contractor. Ms. Stusek stated that the EPA named the program, so that the client's principal is being forgiven and there is zero interest. Discussion took place about not being able to place mortgages. Mr. Spidalieri asked who approved this grant. Ms. Stusek stated that it was the Commissioners but Mr. Young had been the contact on this initially. County Administrator David Lair stated that the theory was that people were losing their houses due to septic system failure and the EPA offered this program to low income people. Mr. Spidalieri stated that is why we don't need low income housing, if you cannot afford to live in Geauga County then you shouldn't live here. One more reason we should not have government subsidized housing and assistance, to give people free things, adding that as a participant and business owner I assist this by paying back to principal and interest every month; ultimately we're paying for this and not getting anything back. Mr. Lair added that this was part of the reason that continued participation in the EPA program was not accepted going forward. Ms. Samide stated that we have houses with septic systems that are not working and these affect the neighborhood, which was part of the reason they accepted this previously. Ms. Stusek stated that they would not allow us to place a mortgage or that there is not time length requirement for them to stay in the house or sell it. Ms. Stusek stated that the funds are a combination of Federal, Bond and State funds. Ms. Samide expressed that she understands what Mr. Spidalieri is saying, that she too pays taxes and also paid for everything with her business without any assistance or help, but there was a lot of pressure with septic systems.

Motion: by Commissioner Spidalieri, seconded by Commissioner Samide to approve and authorize the Vice President of the Board to execute the Ohio Water Pollution Control Loan Fund Home Sewage Treatment System Improvements Principal Forgiveness Payment Request Form #7 for the installation of a septic system at 12610 Main Market Road, Burton in the amount of \$10,795.00 and Change Order # 1 for the increase in scope work on the installation of a septic system at 8883 Fairmount Road, Novelty in the amount of \$125.00 for the total amount of the

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payment request of \$10,920.00 under the EPA Water Pollution Control Loan Fund Household Sewage Treatment System Program.

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>No</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Jemison</i>	<i>Absent</i>

COUNTY ENGINEER'S OFFICE – RELEASE LOAD LIMIT REDUCTION – COUNTY HIGHWAYS AND TOWNSHIP ROADS

County Engineer Joe Cattell explained that he was requesting the Board release the 33% load limit reduction per the frost laws and will notify the Townships that were affected by it. Mr. Cattell stated that the frost is out the ground.

Motion: by Commissioner Spidalieri, seconded by Commissioner Samide to release the thirty-three percent (33%) load limit reduction on all County highways and Township roads to be effective April 23, 2013.

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Jemison</i>	<i>Absent</i>

COUNTY ENGINEERS' OFFICE – AWARD BID – LAKE ERIC CONSTRUCTION COMPANY – INSTALL / REPLACE GUARDRAIL ON VARIOUS COUNTY ROADS, YEAR 2013

Mr. Cattell stated that he was asking the Board to award the bid to Lake Erie Construction Company for the installation and replacement of guardrail on various county roads, bringing up to standards with type E installations and differences in elevations. Mr. Cattell stated that they had received a grant from County Engineers Association that is federal funds distributed through the CCAO, with 100% paid. Estimate was \$445,000.00 with the bid coming in at \$437,000.00.

Motion: by Commissioner Spidalieri, seconded by Commissioner Samide to award the bid to Lake Erie Construction Company for the Installation/ Replacement of Guardrail on Various County Roads, Year 2013 in the amount of \$437,550.00 as they represented the lowest and best bid. The Bid Bond submitted shall be held to serve as the Performance Bond for this project.

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Jemison</i>	<i>Absent</i>

Mr. Cattell explained the following three Unit Price Contracts for C.I.R. for the Auburn Road Bridge, Easton Leasing for the Music Street Bridge and AERO-MARK for pavement markings, that all represented lowest and best bids. Mr. Cattell stated that the two bridges are box culverts, giving them thirty days to do each installation but should only take about two weeks. Mr. Cattell stated that both bridges will have detours posted, notification in the paper and should be able to get them done while school is out. Mr. Cattell noted that every other year we stripe half the roads and then the following year do the rest. Mr. Cattell added that they are all good companies and have worked with them in the past.

COUNTY ENGINEER'S OFFICE – UNIT PRICE CONTRACT – C.I.R., INCORPORATED – REPLACE AUBURN ROAD BRIDGE – AUBURN TOWNSHIP

Motion: by Commissioner Spidalieri, seconded by Commissioner Samide to approve and execute a Unit Price Contract with C.I.R. Incorporated for the Replacement of the Auburn Road Bridge (Structure #4-3.01) in Auburn Township in the amount of \$137,246.58.

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Jemison</i>	<i>Absent</i>

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COUNTY ENGINEER'S OFFICE – UNIT PRICE CONTRACT – EASTON LEASING, INCORPORATED – REPLACE MUSIC STREET BRIDGE – RUSSELL TOWNSHIP

Motion: by Commissioner Spidalieri, seconded by Commissioner Samide to approve and execute a Unit Price Contract with Easton Leasing, Incorporated for the Replacement of the Music Street Bridge (Structure #146-3.17) in Russell Township in the amount of \$176,785.00.

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Jemison</i>	<i>Absent</i>

COUNTY ENGINEER'S OFFICE – UNIT PRICE CONTRACT – AERO-MARK, INCORPORATED – APPLICATION OF POLYESTER PAVEMENT MARKINGS ON VARIOUS COUNTY ROADS, YEAR 2013

Motion: by Commissioner Spidalieri, seconded by Commissioner Samide to approve and execute a Unit Price Contract with AERO-MARK, Incorporated for the Application of Polyester Pavement Markings on Various County Roads, Year 2013 in the amount of \$264,402.00.

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Jemison</i>	<i>Absent</i>

OTHER

Mr. Spidalieri stated that he had been contacted about why there is state sales tax on fuel oil, if there is taxes already in the fuel itself, why would they then add sales tax. A brief discussion took place regarding fuel oil, gasoline tax and the taxes that are included in the cost of the fuel and the addition of sales tax. Electric and natural gas does not have a sales tax on it, so if you are buying fuel oil to heat your home or propane the question was raised as to why is there an additional tax on it. Mr. Cattell suggested contacting the PUCO, Public Utilities Commission of Ohio, who would have the answer on that.

COUNTY ENGINEER'S OFFICE – RESOLUTION TO ORDER THE IMPROVEMENT OF MESSENGER ROAD (CH 31, SECTIONS B AND C) AUBURN TOWNSHIP – EXECUTE SPECIFICATION BOOKLET – SET BID OPENING

Mr. Cattell explained that these resolutions are to order the improvement of Messenger Road and also the Rehabilitation of the Newcomb Road bridge with the reconstruction of the short section, about quarter of a mile of Newcomb Road. Mr. Cattell noted that both of these projects do include funds from the Ohio Public Works Commission (OPWC). Mr. Cattell stated that Messenger Road project is the section between Stafford Road and State Route 44, noting that it is about two miles in length. Mr. Cattell briefly discussed the different sections of Messenger being on different rotations, and that there are OPWC funds that come in to cover the cost of the projects. Mr. Cattell stated that the resolutions also include the specification booklet covers and the set the bid opening dates.

Motion: by Commissioner Spidalieri, seconded by Commissioner Samide to approve and execute Resolution #13-077 to Order the Improvement of Messenger Road (CH 31, Sections B and C) in Auburn Township.

This resolution also requests the Board approve and execute the Specification Booklet Cover Sheet for the same.

Further, this resolution sets a bid opening on Wednesday, May 15, 2013 at 2:00 p.m. Notice of this bid opening will be advertised on April 25, 2013 and on the county website.

Board of County Commissioners, Geauga County, Ohio

Date: April 18, 2013

Resolution: 13-077

RESOLUTION TO ORDER THE IMPROVEMENT OF SECTIONS B AND C OF MESSENGER ROAD (CH 31) IN AUBURN TOWNSHIP

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WHEREAS, the Geauga County Board of Commissioners has determined by Resolution 12-143 that the public convenience and welfare requires the improvement of Sections B & C of Messenger Road (CH 31) from Stafford Road (TR 187) to Ravenna Road (SR 44) in Auburn Township by constructing and reconstructing culverts, performing drainage improvements, asphalt resurfacing and improving the shoulders as necessary in accordance with Section 5555.022 of the Ohio Revised Code; and

WHEREAS, no lands are needed to be taken relative for this improvement to Messenger Road; and

WHEREAS, an Ohio Public Works Commission grant has been approved for this project; and

WHEREAS, the cost of such improvement will not be excessive in view of the public utility thereof and no special assessments shall be collected to fund this improvement; and

WHEREAS, the Geauga County Board of Commissioners, after reviewing the plans with the County Engineer in public session for the improvement of Sections B & C of Messenger Road, is satisfied that the public convenience and welfare require that said improvement be made.

NOW THEREFORE, BE IT RESOLVED that the Board of County Commissioners in accordance with Section 5555.13 of the Ohio Revised Code hereby orders that such improvement proceed.

BE IT FURTHER RESOLVED that the Board of County Commissioners in accordance with Section 5555.022 of the Ohio Revised Code hereby approves the surveys, plans, profiles, cross sections, estimates, and specifications for such improvement, the costs of which shall be paid from an Ohio Public Works Commission grant matched by local funding sources in accordance with Section 5555.43 of the Ohio Revised Code.

BE IT FURTHER RESOLVED that the Clerk of the Board of County Commissioners is hereby ordered to let this project for bids in accordance with Section 5555.61 of the Revised Code. The bids shall be let upon a unit price basis. Bids shall be received until 1:45 P.M. and opened at 2:00 P.M. on Wednesday, May 15, 2013 at which time bids shall be read aloud.

BE IT FURTHER RESOLVED that the Clerk of Geauga County Board of Commissioners is hereby instructed to transmit a certified copy of this resolution to the Auburn Township Board of Trustees and the Geauga County Engineer.

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Jemison</i>	<i>Absent</i>

COUNTY ENGINEER'S OFFICE – RESOLUTION TO ORDER THE REHABILITATION OF NEWCOMB ROAD BRIDGE AND RECONSTRUCTION OF NEWCOMB ROAD (SECTION E) – EXECUTE SPECIFICATION BOOKLET – SET BID OPENING

Motion: by Commissioner Spidalieri, seconded by Commissioner Samide to approve and execute Resolution #13-078 to Order the Rehabilitation of the Newcomb Road Bridge (Structure #130-4.52) and the Reconstruction of Newcomb Road (Section E) in Middlefield Township.

This resolution also requests the Board approve and execute the Specification Booklet Cover Sheet for the same.

Further, this resolution sets a bid opening on Wednesday, May 15, 2013 at 2:05 p.m. Notice of this bid opening will be advertised on April 25, 2013 and on the county website.

Board of County Commissioners, Geauga County, Ohio

Date: April 18, 2013
Resolution: 13-078

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**RESOLUTION TO ORDER THE REHABILITATION OF THE NEWCOMB ROAD BRIDGE,
STRUCTURE #130-4.52 & THE RECONSTRUCTION OF SECTION E OF NEWCOMB ROAD
IN MIDDLEFIELD TOWNSHIP**

WHEREAS, the Board of County Commissioners of Geauga County has determined by Resolution #12-144 that the public convenience and welfare require the rehabilitation of the bridge on Newcomb Road at mile marker 4.52, and the reconstruction of Section E of Newcomb Road, from Georgia Road (CH 40) to a point approximately 115 feet north of the Middlefield Village line in Middlefield Township in accordance with Section 5555.022 of the Ohio Revised Code; and,

WHEREAS, lands needed to be taken relative to the rehabilitation of the Newcomb Road bridge are in the process of being secured with no objection from landowners; and,

WHEREAS, the County Engineer has secured Ohio Public Works grant funding for this bridge rehabilitation; and,

WHEREAS, the cost of such improvement will not be excessive in view of the public utility thereof and no special assessments shall be collected to fund this improvement; and

WHEREAS, the Geauga County Board of Commissioners, after reviewing the plans with the County Engineer in public session for the rehabilitation of Structure #130-4.52 on Newcomb Road, is satisfied that the public convenience and welfare require that said improvement be made.

NOW THEREFORE, BE IT RESOLVED that the Board of County Commissioners in accordance with Section 5555.13 of the Ohio Revised Code hereby orders that such improvement proceed.

BE IT FURTHER RESOLVED that the Board of County Commissioners in accordance with Section 5555.022 of the Ohio Revised Code hereby approves the surveys, plans, profiles, cross sections, estimates, and specifications for such improvement, the costs of which shall be paid from an Ohio Public Works Commission grant and local funding sources in accordance with Section 5555.43 of the Ohio Revised Code.

BE IT FURTHER RESOLVED that the Clerk of the Board of County Commissioners is hereby ordered to let this project for bids in accordance with Section 5555.61 of the Revised Code. The bids shall be let upon a unit price basis. Bids shall be received until 1:45 P.M. on Wednesday, May 15, 2013 and opened and read aloud at 2:05 P.M. the same day.

BE IT FURTHER RESOLVED that the Clerk of Geauga County Board of Commissioners is hereby instructed to transmit a certified copy of this resolution to the Middlefield Township Board of Trustees and the Geauga County Engineer.

Roll Call Vote:	Commissioner Spidalieri	Aye
	Commissioner Samide	Aye
	Commissioner Jemison	Absent

COMMISSIONERS' OFFICE – APPOINT FRANK ANTENUCCI – ALTERNATE FOR MARY E. SAMIDE – NOACA TAC BOARD, YEAR 2013

Motion: by Commissioner Spidalieri, seconded by Commissioner Samide to appoint Frank Antenucci as Alternate for Mary E. Samide to the Northeast Ohio Area Coordinating Agency (NOACA) Transportation Advisory Committee (TAC) Board for the Year 2013.

Roll Call Vote:	Commissioner Spidalieri	Aye
	Commissioner Samide	Aye
	Commissioner Jemison	Absent

COMMISSIONERS' OFFICE – AGREEMENT – CHARDON ROTARY – PARKING LOT USE DURING MAPLE FESTIVAL

Motion: by Commissioner Spidalieri, seconded by Commissioner Samide to approve and execute the Agreement between the Geauga County Board of Commissioners and

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Chardon Rotary to allow the Chardon Rotary to use the county parking lot located at 208 East Park Street in Chardon for the purposes of a parking lot fund raiser during the annual Geauga County Maple Festival on April 26, 2013 (after 5:00 p.m.) through April 28, 2013.

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Jemison</i>	<i>Absent</i>

COMMISSIONERS' OFFICE – AUTHORIZE COUNTY AUDITOR TO ESTABLISH NEW FUND – FAMILY LIFE INTERVENTION PROGRAM FUND – JUVENILE COURT

County Administrator David Lair explained that this was a follow up to the presentation done by Judge Grendell, adding that the Juvenile Court would like to establish new special revenue fund to track the funds used for this purpose.

Motion: by Commissioner Spidalieri, seconded by Commissioner Samide to authorize the Geauga County Auditor to establish a new special revenue fund to be known as the Family Life Intervention Program Fund to allow for the proper accounting of revenue and expenditures associated with the operation of a family drug intervention program under the direction of the Juvenile Court.

<i>Roll Call Vote:</i>	<i>Commissioner Spidalieri</i>	<i>Aye</i>
	<i>Commissioner Samide</i>	<i>Aye</i>
	<i>Commissioner Jemison</i>	<i>Absent</i>

ACKNOWLEDGEMENTS

- a) A weekly report filed by the County Dog Warden of all dogs seized, impounded, redeemed or destroyed for the week ending April 10, 2013 as required by O.R.C. 955.12.*
- b) A monthly report filed by the Geauga County Sheriff's Office of an account of expenses for the prisoner transport for the month ending March 2013 as required by O.R.C. 325.07.*
- c) A monthly report filed by the Geauga County Sheriff's Office of an account of expenses for the inmate meals for the month ending March, 2013.*

OTHER

The Board reviewed upcoming events.

MEETINGS

- Sun., 4/21 Some of the Commissioners' will be attending the Eagle Scout Court of Honor, 2:00 p.m. at Notre Dame Cathedral Latin O'Brien Performing Arts Center*
- Tues., 4/23 The Commissioners' will hold regular session*
- Thu., 4/25 The Commissioners' will hold regular session*
- Mon., 4/29 Board of Revision, 9:00 a.m. Auditor's Office*
- Tues., 4/30 The Commissioners' will hold regular session*
- Tues., 4/30 The Commissioners' will have a hearing with Catherine M. Cooper and Bruce Seifert at 10:15 a.m. regarding a Fence Obstruction in the Right-of-way, O.R.C. 5547.03 and 5547.04*
- Tues., 4/30 Dam Safety Meeting for Geauga County, 6:00 – 9:00 p.m. at West Woods Nature Center*

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BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, COMMISSIONER SPIDALIERI ADJOURNED THE MEETING AT 10:32 A.M.

Geauga County Board of Commissioners

Tracy A. Jemison

Mary E. Samide

Ralph Spidalieri

Christine Blair, Commissioners' Clerk

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