

Commissioners' Journal
December 6, 2011

The Geauga County Board of Commissioners met in session on December 6, 2011 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, Tracy A. Jemison opened the meeting at 10:03 a.m. by leading the Board and audience in reciting the Pledge of Allegiance.

APPROVE MINUTES

Motion: by Commissioner Samide, seconded by Commissioner Jemison to approve and execute the minutes for the meeting of December 1, 2011.

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| <i>Roll Call Vote:</i> | <i>Commissioner Samide</i> | <i>Aye</i> |
| | <i>Commissioner Young</i> | <i>Abstain*</i> |
| | <i>Commissioner Jemison</i> | <i>Aye</i> |

**Commissioner Young was absent from this meeting.*

APPROVE FINANCIALS

Budget Administrator Heidi Delaney explained the financials as a Revenue Certification for the Department of Water Resources County Sewer Improvement fund; a Supplemental Appropriation for the 800 Communication Permanent Improvement fund to put appropriations in place for the 800 system upgrade; Cash transfers for Medical, Dental and Life Insurance for December 2011; Cash transfers out of the General fund for a portion of 2011 funding for the County Home and OWDA debt payments; and a Travel request for the Common Pleas Court.

Motion: by Commissioner Samide, seconded by Commissioner Young to approve and execute Resolution #11-186 itemizing the financials for the meeting of December 6, 2011.

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

**OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT – OHIO SMALL CITIES
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM**

Director Anita Stocker explained that this was the end result of the Public Hearing that was held in June, where presentations were heard from a variety of Townships and Non-profit organizations. Selection was made in July and they have just received the grant agreement back from the State. Ms. Stocker stated that included in the agreement are the six (6) projects that were chosen by the Commissioners, including the Newbury Township sidewalks, parking lot extension for Chagrin Falls Park Community Center, and four others. Ms. Stocker stated that after this step there will be environmental reviews and contracts for the projects. Commissioner Jemison inquired if there were any strings attached to this money and what they were. Ms. Stocker noted that there are always strings attached, but they are the standard strings of being obligated to environmental reviews, certification of subsequent exemption for a categorical exclusion, NOFA, FONSI, and being obligated to anti-discrimination laws. Ms. Stocker stated that this CDBG block grant has been happening for eight years and nothing new has been added that is substantial with way of grant conditions. There is an obligation on any programming commitment that should anything be gained back, the same rules have to be followed to expend it. Ms. Stocker stated that they were the same rules that were required for the Revolving Loan Fund.

Motion: by Commissioner Samide, seconded by Commissioner Young to approve and authorize the President of the Board to execute the State of Ohio Small Cities Community Development Block Grant (CDBG) Program, Community Development Grant Program Grant Agreement (#B-F-11-1AZ-1) with the State of Ohio, Department of Development for the period September 1, 2011 through February 28, 2013 in the amount of \$253,000.00.

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

COUNTY ENGINEER' S OFFICE – ROADWAY USE, REPAIR AND MAINTENANCE
MUTUAL AGREEMENT – CHESAPEAKE EXPLORATION, LLC

Motion: by Commissioner Samide, seconded by Commissioner Young to approve and execute the Roadway Use, Repair, and Maintenance Mutual Agreement between the Geauga County Board of Commissioners and Chesapeake Exploration, LLC to transport heavy, overweight, and / or oversized vehicles or excessive loads, or a combination to the Mast oil and gas well located on Newcomb Road in Parkman Township, pursuant to O.R.C. 4513.34 (D) and further initial that any and all previously executed agreements regarding this project site are hereby terminated and will not be executed upon or enforced by either party.

County Engineer R.L. Phillips explained to the Board that they had been advised that Chesapeake Exploration had begun hauling stone to the site on Sunday and had never been in contact with their office to inform them that they had begun. Mr. Phillips discussed with the Board that he had made several attempts to contact Chesapeake regarding the Engineer's office not being notified of the hauling of stone and that they were indeed missing copies of permits that were supposed to have been submitted per the agreement. Mr. Phillips noted that they had been to the site location and checked the condition of the road and despite the rain that we had recently received that it was holding up. Mr. Phillips also stated that they were working on getting the trucks on the correct route for the hauling of the stone and were hoping to get a scale from the Ohio Department of Transportation (ODOT) to ensure that the loads were within legal limits. Commissioner Samide expressed great concern about the drilling that was going to take place and that this deep, deep drilling to under 10,000 feet would affect the wells in the area and about the materials they use to do the fracking being a carcinogen. Mr. Phillips stated that he was not so much concerned about the material going in as much as what comes back out of the well and where it goes. Mr. Jemison added his concern about the four to six million gallons of material that comes back out and what happens to it. Mr. Phillips explained that they did not know yet, and that Chesapeake said they were going to check water wells within 3,000 feet and that they are required to only do 300 feet, which based on where this is located the 300 feet would not probably include a well. Mr. Jemison inquired if before they begin drilling if they would do a test to create a baseline to go off of. Ms. Samide stated that she felt that we need to be on top of them to be aware of what they are doing. Mr. Phillips explained that there are three separate companies in Chesapeake alone, with hired contractors to do the work. The agreement that was agreed upon was done instead of requiring eight or nine overload permits for the equipment, but that copies of the permits from ODOT for the overload equipment were to be submitted and so far it hasn't happened; we have only received about seventy-five percent of what was agreed upon. Mr. Phillips noted that we have a signed agreement, but that Chesapeake had not fulfilled their obligation in regards to the financial request for surety, however they have provided us with a bond for \$250,000.00 and \$5,000.00 cash. There was some discussion about the bond coming from Chesapeake Appalachia. Chesapeake Energy, Chesapeake Appalachia and Chesapeake Exploration, LLC are the three companies within Chesapeake, but the agreement is with Chesapeake Exploration. Mr. Phillips stated that the Bond, which came from Liberty Mutual in the County's name was in the name of Chesapeake Appalachia.

There was some discussion regarding the schedule, and that as far as Mr. Phillips understood was that they drill one vertical shaft and one horizontal shaft and that after they are done fracking, that they can come back in and drill additional horizontal shafts off the same vertical shaft. The area the site is located is on six hundred acres.

Mr. Phillips explained to the Board that on Tuesday, December 13, during the CCAO Winter Conference taking place in Columbus, at 9:00 a.m. there was going to be a presentation by ODOT, District 11, with the possibility of a sample agreement being presented that would address some of these issues. Also that same day at 10:00, Mr. Dean from Chesapeake would be presenting the process and would give the Board the opportunity to ask questions. There was discussion about the possibility of Townships and Counties being removed from the process. Mr. Jemison noted that the only piece of this process that the Board has any control over is the roads. Ms. Samide added that the Board has some control over the storm water. Mr. Phillips agreed about the only two pieces we have control over.

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Ms. Samide expressed her concern again about when the fracking process begins about the fluid material and gas that would be coming up out of the well. Mr. Phillips stated that we would have to wait and see what they do. Mr. Phillips assumes that while they are doing the drilling that they would set up for the fracking operation and that with the amount of water they need that they would set up tanks on site and start bringing in water ahead of time, because they couldn't bring in four million gallons in a week's time. Ms. Samide inquired if they would be pulling water from a nearby lake. Mr. Phillips was unsure of where the water would be coming from and noted that the site itself is about 1,000 feet off the road and unless you are back there it is hard to see what is going on. Commissioner Young inquired about the six hundred acres and if they were all owned by the Amish in the community. Mr. Phillips believed that it was, but noted that he wasn't sure, adding that the leases were old, some of them being thirty years old. Mr. Phillips stated that they were given out in the 1970's on shallow wells about 300 feet, some of which are still active and producing. Mr. Phillips noted that there is a collection line on Newcomb and feels that Chesapeake is partnered with another company to put in this well.

Mr. Jemison expressed that he would like to wait until after they come back from Columbus and hear what is presented on Tuesday, noting that we have the bond and the cash. Mr. Phillips stated that we have an agreement, that didn't change other than the form of the surety, which we have in a bond and the check has been deposited so if they need to do a repair they are able and will bill Chesapeake, but that they had the money to do it. Mr. Phillips stated that they need to try and get Chesapeake to do what they agreed to and to continue to do so. Mr. Phillips added that since they handle the utilities for Parkman that is one of the reasons they are so involved, but that the Township Road Superintendent and Trustees were keeping on the site and fielding calls from concerned residents.

This motion was not read or voted on, it was motioned by Commissioner Samide, seconded by Commissioner Young to table any action until further information could be obtained by the County Engineer from Chesapeake Exploration before moving forward with the amended Agreement.

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

OTHER – UPDATE ON WISNER ROAD

Mr. Phillips explained to the Board that about three weeks ago it came to light that they were required to do a Gusset Plate Analysis on the bridge located at the south end of the section proposed to be vacated by the end of the year in order to keep Ohio in good standing with the Federal Government regarding federal funding with bridges. The bridge involved in the vacation was not done because it was anticipated back in March that it would no longer be in the county's inventory. Information has been passed onto Holden Arboretum that the bridge will be closed before December 30, 2011 and that this action can be taken by the County Engineer. Holden asked for time to do the demolition and hauling away of a cabin on their property. Holden has decided that they would like the bridge removed and that they would build a smaller structure that would meet their needs. Mr. Phillips stated that once Holden was done with the use of the bridge for the removal of the structure, that the Engineer's office would remove the bridge and that they could move ahead with the vacation. Mr. Phillips added that they have worked with Chardon Township about getting the turnaround in on the other end that was discussed. Mr. Phillips also added that they had spoken with Columbus regarding the Gusset Analysis and that if it was not on the books it was ok.

PROSECUTOR'S OFFICE – CRIMINAL JUSTICE – OHIO OFFICE OF CRIMINAL JUSTICE SERVICES SUBGRANT AGREEMENT STANDARD ASSURANCES AND CERTIFICATION FORM

Motion: by Commissioner Samide, seconded by Commissioner Young to approve and authorize the President of the Board to execute the Ohio Office of Criminal Justice Services Subgrant Agreement Standard Assurances and Certification Form for the Prosecutor's Criminal Justice Investigator, Karen Sweet for the period January 1, 2012 through December 31, 2012 in the amount of \$54,000.00 (\$34,000.00 from Ohio Office of Criminal Justice Services and \$20,000.00 from the General Fund) subgrant #2011-JG-A02-6468.

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

COMMISSIONERS' OFFICE – RESOLUTION – BE A SANTA TO A SENIOR

Motion: by Commissioner Samide, seconded by Commissioner Young to approve and execute Resolution #11-187 "Be a Santa to a senior".

Board of County Commissioners, Geauga County, Ohio

Resolution: 11-187

Date: December 6, 2011

"BE A SANTA TO A SENIOR"

WHEREAS, Geauga County seniors are valued members of society and it is our collective responsibility to ensure they are remembered during the holiday season. The well-being of all seniors is in the interest of all and further adds to the well-being of Geauga County communities; and

WHEREAS, The "Be a Santa to a Senior" program sponsored by Home Instead Senior Care is in its eighth year. The "Be a Santa to a Senior" program brightens the lives of hundreds of older adults in Geauga County with gifts who otherwise might not be remembered this holiday season and is also designed to help stimulate human contact and social interaction for seniors in Geauga County who may not have companionship during the holidays; and

WHEREAS, The "Be a Santa to a Senior" program is a way that we can give back to our community by providing gifts to some of our most treasured residents and guarantee that they will be treated with respect and dignity this holiday season; and

WHEREAS, local non-profit organizations will identify the seniors and provide names to Home Instead Care. Look for Christmas trees located in merchant locations throughout Geauga County and will feature ornaments with first names of seniors and their gift request.

NOW, THEREFORE, BE IT RESOLVED, that the Geauga County Board of Commissioners hereby proclaim support for "Be A Santa To A Senior Day" from Thanksgiving through Christmas and encourage all our citizens to recognize and celebrate the 2011 holiday season of Geauga County seniors through The "Be A Santa To A Senior" program.

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

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

DEPARTMENT OF WATER RESOURCES – WATER POLLUTION CONTROL LOAN FUND AGREEMENT – WATER POLLUTION CONTROL LOAN FUND EXHIBIT #1 – INFIRMARY CREEK WASTEWATER TREATMENT PLANT REPLACEMENT PROJECT

Director Doug Bowen explained that this was the official document from WPCLF for the Water Pollution Control loan for the Infirmary Creek project. The amount of the entire project was \$1.8 million and this loan is for around \$1.2 million because it is just the hospital's share. The Exhibit in the agreement shows the local share that we are paying for and that we are borrowing \$1,195,000.00 so the hospital will be billed around \$38,000.00 every six months. Every two months when they receive a bill from us, it will be their usual \$15,000.00 and include an additional \$12,000.00 and allow them to pay it off over the next twenty years. Mr. Jemison inquired what the interest rate on the loan was. Mr. Bowen stated that it was 2.3%.

Motion: by Commissioner Samide, seconded by Commissioner Young to approve and authorize the President of the Board to execute the Water Pollution Control Loan Fund Agreement (WPCLF) and the Water Pollution Control Loan Fund Exhibit #1 to fund the Infirmary Creek Wastewater Treatment Plant Replacement Project (#P0304) in the amount of \$1,195,000.00.

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

DEPARTMENT OF WATER RESOURCES – EXECUTIVE SESSION

Motion: by Commissioner Samide, seconded by Commissioner Young to move into executive session for the purpose of discussion ongoing labor union contract negotiations.

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

Mr. Jemison stated that County Administrator David Lair, Director Doug Bowen, and Human Resources Administrator Colleen Lockhart would be joining the Board in executive session. The Board returned from executive session at 11:12 a.m. No action was taken as a result of this executive session.

ACKNOWLEDGEMENTS

- a) *The annual report filed by the Geauga County Sheriff's Office regarding all fines and costs in criminal prosecutions collected and paid as required by O.R.C. 311.16.*

OTHER

The Board reviewed upcoming events.

MEETINGS

Tues., 12/6 Portage / Geauga Joint Detention Center Meeting, 2:30 p.m. Commissioners Chambers

Thu., 12/8 The Commissioners will hold regular session.

Thu., 12/8 Geauga Trumbull Solid Waste Luncheon, 12:00 p.m.

Thu., 12/8 Chagrin River Watershed Partners, Inc. Board of Trustees Meeting, 4:00 p.m.

Fri., 12/9 NOACA Meeting, 10:00 a.m.

12/11 – 12/13 The Commissioners will attend the CCAO Winter Conference, Columbus, Ohio

*Tues., 12/13 **The Regularly scheduled Commissioners' meeting is cancelled.***

Tues., 12/13 The Planning Commission meeting at 7:00 p.m. in the Planning Commission meeting room, Bldg. #1C, 470 Center Street, Chardon

Thu., 12/15 The Commissioners will hold regular session.

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***BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, COMMISSIONER
SAMIDE ADJOURNED THE MEETING AT 11:12 A.M.***

Geauga County Board of Commissioners

Tracy A. Jemison

William S. Young

Mary E. Samide

Christine Blair, Commissioners' Clerk