

# Minutes for May 13, 2021

Commissioners Present: Crooks, Porter, Cameron  
Staff Present: Susan Reese

**RES 21-0463** Meeting was called to order at 11:00 a.m. on the motion of Commissioner Cameron and the second of Commissioner Crooks.  
Vote was Crooks, aye; Porter, aye; Cameron, aye. Motion carried.

Commissioner Cameron moved to approve the payment of bills, pending review.  
Seconded by Commissioner Crooks .  
Vote was Crooks, aye; Porter, aye; Cameron, aye. Motion carried.

The following legislation was now considered:

**RESOLUTION 21-0464** grant approval to the Muskingum County Board of Elections to dispose of the GEMS Server purchased with Federal Grant monies in 2015. It was last used in the General Election of 2016. Upon approval, the Board of Elections Board will sign the Disposal Form, provided by the Secretary of State. The Form will then go to the Ohio Secretary of State's Office for final approval.  
Motion made by Commissioner Cameron, seconded by Commissioner Porter.  
Roll Call: Crooks, aye; Porter, aye; Cameron, aye. Motion carried.

**RESOLUTION 21-0465** accept in accordance with the Ohio Revised Code Section 5591.42 the weight limit changes for Greenhouse Road Bridge in Muskingum County as determined by Muskingum County Engineer Mark Eicher, as follows:  
*SFN 6037410, Greenhouse Road, platted in South Zanesville as Mill Dale Ave – Remove load limit*  
Motion made by Commissioner Porter, seconded by Commissioner Cameron.  
Roll Call: Crooks, aye; Porter, aye; Cameron, aye. Motion carried.

**RESOLUTION 21-0466** WHEREAS, a letter of request has been submitted by The City of Zanesville, in accordance with the Ohio Revised Code Section 4504.04, for permissive tax funds in the amount of \$55,443.61, and  
WHEREAS, the Muskingum County Engineer finds that the maintenance expense is necessary and conducive to the orderly flow of traffic within and through the City of Zanesville and the County and hereby approve said expenses, now therefore be it  
RESOLVED, that this Board of County Commissioners does hereby authorize the application of funds for payment of permissive tax funds in the amount of \$55,443.61 to The City of Zanesville.  
Motion made by Commissioner Cameron, seconded by Commissioner Porter.  
Roll Call: Crooks, aye; Porter, aye; Cameron, aye. Motion carried.

**RESOLUTION 21-0467** authorize Mollie S. Crooks to sign on behalf of the Board of Muskingum County Commissioners Pay Requests #6 for the Water Main Extensions to North Moose Eye, Lodge, Maplebrook, Nel-Da-Mar, Tammy, McKinley & Tavenner Roads payable to

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Muskingum County Treasurer in the amount of \$140,000.00 for reimbursement to the Muskingum County Water Department.

Motion made by Commissioner Porter, seconded by Commissioner Cameron.

Roll Call: Crooks, aye; Porter, aye; Cameron, aye. Motion carried.

**RESOLUTION 21-0468** authorize Mollie S. Crooks to sign on behalf of the Board of Muskingum County Commissioners Pay Request #5 for Reimbursement for Pay Requests 9 and 10 for the Water Main Extensions to North Moose Eye, Lodge, Maplebrook, Nel-Da-Mar, Tammy, McKinley & Tavenner Roads payable to Muskingum County Treasurer in the amount of \$243,126.73 for reimbursement to the Muskingum County Water Department.

Motion made by Commissioner Cameron, seconded by Commissioner Porter.

Roll Call: Crooks, aye; Porter, aye; Cameron, aye. Motion carried.

**RESOLUTION 21-0469** authorize Mollie S. Crooks to sign the Notice of Commencement for the County Line Road Water Main Extension.

Motion made by Commissioner Porter, seconded by Commissioner Cameron.

Roll Call: Crooks, aye; Porter, aye; Cameron, aye. Motion carried.

**RESOLUTION 21-0470** approve the payment of invoices incurred in 2020 with 2021 Funds payable to the following vendors for invoice(s) dated prior to encumbrances as requested by Mark C. Fleegle, Administrative Judge, Muskingum County Common Pleas Court.

| <u>Name of Vendor</u> | <u>Description</u> | <u>Amount</u> |
|-----------------------|--------------------|---------------|
| Riesbecks's #14       | Juror Supplies     | \$217.69      |

Motion made by Commissioner Cameron, seconded by Commissioner Porter.

Roll Call: Crooks, aye; Porter, aye; Cameron, aye. Motion carried.

**RESOLUTION 21-0471** approve the posting of the position of full-time Housekeeping for the Muskingum County Maintenance Department. This request was submitted by Pam Davis, Human Resources.

Motion made by Commissioner Porter, seconded by Commissioner Cameron.

Roll Call: Crooks, aye; Porter, aye; Cameron, aye. Motion carried.

**RESOLUTION 21-0472** approve the Supplemental Appropriation of Funds within Fund Number 001 and 053, for the Muskingum County Commissioners, as requested by Stephanie Spencer, Chief Administrator.

## SUPPLEMENTAL APPROPRIATION OF FUNDS

| <u>Description</u>         | <u>Account Code</u> | <u>Amount</u> |
|----------------------------|---------------------|---------------|
| General Fund- Transfer Out | 001-999-510002      | \$130,000.00  |
| Kennel Project Fund        | 053-102-504001      | \$130,000.00  |

Motion made by Commissioner Cameron, seconded by Commissioner Crooks.

Roll Call: Crooks, aye; Porter, aye; Cameron, aye. Motion carried.

Commissioner Cameron asked about the kennel funds at the Muskingum Community Foundation.

- The Dog Warden is the one who will have access to the funds
- Commissioner Crooks will check on getting those funds released for use in the Kennel Project

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**RESOLUTION 21-0473** accept the specification, plans and authorize the advertisement of Okey Road Bridge Replacement.

*To Note: This is a Federally funded project that requires a twenty one day or three week advertisement period and must be advertised three (3) times within the period. The letting date must be a minimum of 21 day from the first advertisement. One advertisement per week for three consecutive weeks (May 18, 25, June 1) with a letting date scheduled for the next week's regular session following the final advertisement (June 10; 11:00 a.m.) should satisfy the Federal requirements.*

Motion made by Commissioner Porter, seconded by Commissioner Cameron.

Roll Call: Crooks, aye; Porter, aye; Cameron, aye. Motion carried.

**RESOLUTION 21-0474** accept and sign Plan Sheets for MUS-VAR-GR2022; Improvement of various County roads by constructing and replacing guardrail and end treatments. Requested by Mark Eicher, Muskingum County Engineer.

Motion made by Commissioner Cameron, seconded by Commissioner Porter.

Roll Call: Crooks, aye; Porter, aye; Cameron, aye. Motion carried.

**RESOLUTION 21-0475** accept and sign Plan Sheets for MUS-C.R.VAR-PM-FY2022; Improvement of various County roads by pavement marking. Requested by Mark Eicher, Muskingum County Engineer.

Motion made by Commissioner Porter, seconded by Commissioner Cameron.

Roll Call: Crooks, aye; Porter, aye; Cameron, aye. Motion carried.

Commissioner Cameron reported that Sheriff Lutz said former Dwight Taylor properties sold for \$181,000 today at the public auction today.

Commissioner Porter said he could not get logged in to the ARP webinar Monday because attendance was to capacity.

At 11:15 a.m. Don Madden came in to meet with concerned residents of Twin Hills.

- Mike Gonder; Rob Beight; Mark Weiser; Chris Crook
  - They explained that several residents are hauling water, have low water or iron in their water
  - They understood the project would start in July

Don reported that the County has continued to apply for grant money through WSRLA.

- No grant monies awarded...all loan money; probable 0% interest over 30 years
- Estimate for this project is \$669,250
- There are 22 residents that have indicated they are interested in water
- Normal monthly rate is \$30
  - To debt service this project over 30 years would cost the residents \$84.63 per month
- In applying for grant funding, the Projects Department, along with the Commissioners, prioritized the projects
  - Twin Hills was lower on the list because of being the most difficult to permit
    - Railroad
    - Easement from Army Corp

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- Environmental documents
  - Watershed; Dillon Lake
    - Twin Hills is in the works, but just not happening within this year
- Don will receive result for grant funding late May, possibility of grant money being Grant Year 2021
  - Expecting that Twin Hills will not score well because Grantor looks at
    - Health issues
    - Economic status
- Mike Gonder asked the results of the arsenic testing
  - Don said the County does not have the ability to test for arsenic
  - Mike said when he met with Don face to face in his office, he was told they would be moving forward in July
  - He asked what makes them the “Coal Run” of Falls Township
  - Mr. Gonder reported a minimum of 43 homes
  - Don said according to the survey, 22 responded they were interested and 12 indicated they were not
- Don fully intends to continue the administrative work on the Twin Hills project in June
- Mike is looking for a date and time the project will begin, because it’s only a \$600,000 project; what makes them different that they are not getting water
  - Commissioner Crooks said not sure how to give you date and time when dealing with entities such as railroads and Army Corp
    - But Twin Hills is definitely on the list
- Commissioner Porter told them that the engineering is done and Don just received the PTI, so that means it’s going to happen
- Chris Crooks said that Gratiot water project was bumped up because there was elevated arsenic in the water
  - That’s a concern and why he asked to have the testing for arsenic done
  - Don says that is an expensive test done by a certified lab, we don’t have the equipment to do that
  - Commissioner Porter said if he was in their (Twin Hills) shoes and thought there was arsenic in my water, I would pay for the test; the Health Department could probably help
- Don’s next step will be to get easements and rail permit sent in this summer
  - Another concern is that the price of pipe has doubled
    - \$669,000 may no longer be a good number
- Commissioner Porter would suggest that there may be infrastructure funds coming in the future through the American Rescue Plan; that’s still unclear
  - The important stuff is done...Engineering and PTI completed
- Commissioner Cameron wanted them to know that the reason it’s not been done, is not because it won’t pay for itself
- Don will try to find out where the water might be tested for arsenic
- Mike asked if the County could send them updates on the progress of the project
  - Yes

Don stayed to discuss a couple of items with the Board.

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- Because of the price of pipe doubling he has sent an email to Debbie Nye and Mark Zanghi about the County buying pipe and supplying it for the smaller projects then just bidding the labor
  - Mark and Debbie think that's okay
  - Commissioners agreed...Commissioner Porter thought he had mentioned that before
  - Don will look into State purchasing
- At some point, Don would like to address hiring an individual for the water treatment plant
  - Don's proposal would be to have this individual work at the treatment plant half a day and work with Don on projects the other half
  - Commissioner Porter asked how one person is going to do both, sounds like you might need two
    - Don would have concerns with the Union wages in hiring someone
  - Commissioner Crooks asked if he could just tie in working at the treatment plant with the managerial position
  - Commissioner Cameron told Don he knows best what he needs; he runs a pretty successful department
- Commissioner Crooks asked Don if he would consider different ways to reach out to customers and potential customers
  - Commissioner Cameron would think if you wanted water badly enough, they could fill out the letter and send it back

The Commissioners adjourned for lunch to resume session at 1:30 p.m.

Troy McCollister, MCJFS Director, called to inform the Commissioners that he had a call from someone who is frustrated because they are receiving fraudulent unemployment claims.

- Troy explained to him that they don't do anything with the unemployment system
- Troy has reached out to OJFS

Commissioner Cameron asked Troy how many children JFS pays for at the Little Barnyard Daycare.

- He will research

Mark Zanghi, Assistant Prosecutor, came down to talk with the Commissioners about the Center for Seniors Interim Director position. The following was then considered:

**RESOLUTION 21-0476** WHEREAS, Pursuant to R.C. 307.694, a board of county commissioners may expend funds for senior citizens services or facilities; and

WHEREAS, the Muskingum County Center for Seniors requires the services of an Interim Director; now therefore

BE IT RESOLVED, that this Board of County Commissioners of Muskingum County, Ohio does hereby authorize entering into a Memorandum of Understanding with the Muskingum County Center for Seniors for the purpose of funding the position of Interim Director.

Motion made by Commissioner Cameron, seconded by Commissioner Porter.

Roll Call: Crooks, aye; Porter, aye; Cameron, aye.

Motion carried.

Stan Lucas, Sewer Department Manager, joined the conversation.

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Commissioner Cameron said Steve Dillon, Falls Township Trustee, texted and wanted to know if she could talk...no, she was at calling hours.

- He was calling about the camper site on Licking Road
- He said he sent a letter regular mail and certified
- They (Trustees) will be in contact with Mark Zanghi to ask what is next step
- He asked about Licking View and she told him if he wants to talk about that, he'd better come in to session

Mark said he would question whether the Township has any liability or is responsible for anything at Licking View.

- Townships are responsible for keeping water off roads...cleaning ditches

Stan says that they were originally thinking it was a storm water system

- After going down and looking at it, it's actually field tile
- The story is that the developer put that in to drain the area
- Now, the problem is that some residents have illegally tapped it and put sewer into it
  - Mark says if that's the case we could bring suit against individual homeowners and force them to do something
  - Commissioner Cameron thought maybe that's what the Health Department was trying to say

Mark referred to an Attorney General's opinion in 2010, from Warren County

- Was Warren County or any other governmental entity, specifically the township, was required to maintain and/or repair an underground storm water drainage facilities installed by a developer of a subdivision in an unincorporated territory
  - The answer is no
- Commissioner Porter asked if it's in the accepted roadways
  - Mark said the problem is that was a hundred years ago and they've been used as public streets

Could the CARES or ARP funds be spent for a project such as Licking View.

- Would have to follow federal and state guidelines

Commissioner Cameron said she told Steve Dillon that she understood he was not at the meeting, in which this was discussed, and wondered if everyone should come in.

- Steve said they don't have the money to do that and they're not doing it

Stan said that Gary Williams from the Engineer's office said they could handle the storm water in Licking View with ditches, etc

- That would mean the Township would have to install culverts, as well
- Stan said when they investigated, this tiling is not for storm water
  - For ground water
- Mark said the township is not responsible, but neither is the County
  - It's the developer's responsibility
- Gary believes they can design a storm water system to drain the area
- There are currently 76 septic systems
- Stan has reported to the Health Department those that have illegally tapped sewer into the ground water system
  - Some residents don't even have running water
  - Mark Hemmer from the Health Department said he would research

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- Commissioner Porter suggested that those residents should be condemned for a year until sewer/septic is installed
  - Some residents probably don't even have enough room for a septic system

Is it Stan's responsibility to fix this problem

- No...EPA told Stan he "could" fix it
- EPA told Stan the Health Department needs to address
  - Would prefer a letter from the EPA

Commissioner Porter asked about a Homeowners Association for that area

- Those are put in place usually when the development occurs

Mark is willing to draft a letter to the residents explaining that the County is not responsible

Also, to write an agreement with the Township

- To clarify the responsibilities of Falls Township
  - Taking the surface water away from the roads
    - The Engineer is willing to design that
- Water being collected on individual properties (ground water) is the responsibility of the homeowner
  - Stan says the problem is that it lies beneath the township road
    - An individual cannot just go dig in a township road
      - How is that handled
      - Did the township inherit that when they became township roads
      - Mark says you might say then it's the responsibility of the township, but if someone tapped it to their house, that would be their responsibility
- The County is exploring the possibility of a sanitary sewer system
- Commissioner Porter commented that the township is benefitting from this drain line
- It would be Stan's opinion that if the line is in the road and the road is the Township's then it has to be their responsibility because no one else can come and dig there

Commissioner Porter asked if it's not zoned, is there still fire code

- Mark thinks it's probably in the Health Code

Mark asked Stan to get the addresses of the resident's that he knows are illegally tapped and he will get with Andy to do a search of that area and have map made with parcels and current owners.

- Commissioner Porter said you'll have to have some kind of proof
- Commissioner Cameron asked wouldn't the Health Department have the right to ask about their septic system

It was agreed for the Commissioners to meet with the Falls Township Trustees, Stan, Mark, and the Engineer's office.

- One question to ask, is their policy on culverts
- Commissioner Cameron would prefer that everyone comes to session, so it can be recorded and in the minutes
- Stan reported that he talked with John Huey and he agreed that it is not Muskingum County Sewer's responsibility

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- He then said it the Highway Department's responsibility because the Township doesn't own any roads
- Mark says that is not correct
- Commissioner Porter said they have a road inventory list that they sign off on every year

The Commissioners shared the Dunfalls response with Stan.

Pam Davis, Human Resources; Scott Lee and Robbie Frame from Maintenance, came to talk with the Commissioners and the following was then considered:

**RESOLUTION 21-0477** declare an Executive Session at 3:06 p.m. for the purpose of discussing a Personnel Matter pertaining to the Disciplinary Action of a public employee of Muskingum County Maintenance. This session ended about 3:44 p.m.

Motion made by Commissioner Porter, seconded by Commissioner Cameron.

Roll Call: Crooks, aye; Porter, aye; Cameron, aye. Motion carried.

**RESOLUTION 21-0478** approve the posting of the position of Maintenance Technician I for the Muskingum County Maintenance Department . This request was submitted by Pam Davis, Human Resources.

Motion made by Commissioner Cameron, seconded by Commissioner Porter.

Roll Call: Crooks, aye; Porter, aye; Cameron, aye. Motion carried.

Pam explained that Kandace Shover declined the part time position at Records and asked to consider the following:

**RESOLUTION 21-0479** approve the employment of Hannah Zacharias for 10 hours per week at a wage of \$10.00 per hour for the Muskingum County Records Center, contingent upon passage of the pre-employment assessments.

Motion made by Commissioner Porter, seconded by Commissioner Cameron.

Roll Call: Crooks, aye; Porter, aye; Cameron, aye. Motion carried.

Commissioner Crooks moved to approve the minutes of the May 10, 2021 session.

Commissioner Porter seconded.

Vote was Crooks, aye; Porter, aye; Cameron, aye. Motion carried.

Commissioner Crooks reported that she talked with Kelly Ashby about the Lorena and Captain Page.

- Kelly said things are much better, worked things out
- Looking forward to a great season

Commissioner Crooks reported on a meeting with Frank LaRose, Secretary of State, this morning.

- He reported the positives for 2020
  - More people voted
  - More people started new businesses



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With no further business being before the Board, the meeting was adjourned at approximately 4:10 p.m. on the motion of Commissioner Cameron and the second of Commissioner Porter.

  
Mollie S. Crooks

James W. Porter

  
Cindy S. Cameron

*This is a condensed version of today's session. For a more detailed account, feel free to request a DVD recording.*