

## Minutes for August 05, 2021

---

Commissioners Present: Crooks, Porter

Commissioner Cameron was absent for morning session due to husband's medical procedure

Staff Present: Susan Reese

**RES 21-0733** Meeting was called to order at 10:00 a.m. on the motion of Commissioner Porter and the second of Commissioner Crooks.

Vote was Crooks, aye; Porter, aye; Cameron, absent at the time of voting. Motion carried.

Commissioner Porter moved to approve the payment of bills, pending review.

Seconded by Commissioner Crooks.

Vote was Crooks, aye; Porter, aye; Cameron, absent at the time of voting. Motion carried.

There was discussion regarding the Compliance Officer interviews.

- How will the interview process work
- Pam prepared packets for the Commissioners that included applications and resumes for each candidate to be interviewed
- Commissioner Crooks said these candidates are a place to start
  - She asked Commissioner Porter if there was someone else on the list that he'd like to be interviewed...no

Pam Davis, Human Resources, provided a draft update of COVID-19 Safe Work Practice Guidance for the Commissioners review.

- Pam noted that the updates are not enforcement, but rather guidance
  - Reminding employees that COVID is still here and to continue taking precautions
- There were some recommended changes to the draft
  - Pam will update according to discussion and have ready for the Commissioners after lunch

The Commissioners discussed the Compliance Officer interviews

- Job Description still needs finalized
- Who will be asking questions/moderating

Commissioner Crooks reported that she attended a Tuesday regarding broadband

- A private company
- Looks to have potential to bring broadband to residential
- OMEGA is involved and has asked this company to work with other OMEGA counties, as well

Commissioner Crooks also reported on Board of Revisions meeting with AMG Tuesday.

- Mark Neal and the attorney for Tri-Valley Schools, the counter-complainant, was also in attendance
- The purpose of the hearing was to determine the value of the property
  - Ohio Air Quality has already made it exempt
    - Beyond any local control
  - Transcript from the meeting will be available to the public

# Minutes for August 05, 2021

Commissioner Crooks reported on a Funders Meeting, organized by the Straker Foundation, that she attended Tuesday

- The meeting was about grant and entities sharing what they are doing in that regard

Matt Schley from the City Community Development was also at the meeting and indicated that the City would like to work with the County on infrastructure projects

Commissioner Crooks reported on a phone call she received on her cell phone from someone wanting help to pay their \$100 water deposit.

The following legislation was now considered:

**RESOLUTION 21-0734** approve the Supplemental Appropriation of Funds within Fund Number 053, for the Muskingum County Commissioners, as requested by Beth Iden, Deputy Clerk.

**SUPPLEMENTAL APPROPRIATION OF FUNDS**

<u>Description</u>	<u>Account Code</u>	<u>Amount</u>
Contract Services-K-9 Adoption	053-102-504001	\$121,977.01

Motion made by Commissioner Porter, seconded by Commissioner Crooks.

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

**RESOLUTION 21-0735** approve the increase in Appropriation of Funds within Fund Number 037, for the Muskingum County EMA , as requested by Morgan Olson, Administrative Assistant

**SUPPLEMENTAL APPROPRIATION OF FUNDS**

<u>Description</u>	<u>Account Code</u>	<u>Amount</u>
Other Expenses- Reimbursements	037-461-511300	\$10,000.00

Motion made by Commissioner Porter, seconded by Commissioner Crooks.

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

**RESOLUTION 21-0736** approve the award of bid to Buds Inc in the amount of \$343,909.00 for a Bridge Replacement on Thompson Run Road for the Engineer's Department, as recommended by Mark Eicher, County Engineer.

Motion made by Commissioner Porter, seconded by Crooks.

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

**RESOLUTION 21-0737** approve the Supplemental Appropriation of Funds within Fund Number 162, for the Muskingum County Center for Seniors, as requested by Kurt Ufholz, Fiscal Officer

**SUPPLEMENTAL APPROPRIATION OF FUNDS**

<u>Description</u>	<u>Account Code</u>	<u>Amount</u>
Settlement Deduction	162-696-504393	\$1,019.10

Motion made by Commissioner Porter, seconded by Crooks.

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

## Minutes for August 05, 2021

**RESOLUTION 21-0738** approve the Supplemental Appropriation of Funds within Fund Number 162, for the Muskingum County Center for Seniors, as requested by Kurt Ufholz, Fiscal Officer

### SUPPLEMENTAL APPROPRIATION OF FUNDS

<u>Description</u>	<u>Account Code</u>	<u>Amount</u>
Vehicles	162-696-506010	\$49,160.00

Motion made by Commissioner Porter, seconded by Crooks.

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

Motion carried.

**RESOLUTION 21-00739** accepts Official Amended Certificate Number Nineteen (19) as submitted by Muskingum County Auditor, Debra J. Nye, on behalf of the Muskingum County Budget Commission dated July 26, 2021.

Motion made by Commissioner Porter, seconded by Crooks.

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

Motion carried.

**RESOLUTION 21-0740** approve the resignation of Nancy Lestock, Maintenance-Housekeeping, for the reason of retirement, effective November 30<sup>th</sup>, 2021.

Motion made by Commissioner Porter, seconded by Crooks.

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

Motion carried.

**RESOLUTION 21-0741** approve the Supplemental Appropriation of Funds within Fund Number 077, for the Muskingum County Sheriff, as requested by Sheriff Matthew Lutz.

### SUPPLEMENTAL APPROPRIATION OF FUNDS

<u>Description</u>	<u>Account Code</u>	<u>Amount</u>
Law Enforcement Trust-Equipment	077-458-503032	\$70,000.00
Law Enforcement Trust- Misc	077-458-507001	\$15,000.00

Motion made by Commissioner Porter, seconded by Crooks.

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

Motion carried.

### **RIGHT OF WAY PERMIT SIGNED:**

**Guernsey Muskingum Electric Cooperative- New Concord**

**Meigs Township, Sugargrove Road & Ridgeview Road**

**Overhead/Underground phone line install & pole installation @ Sugargrove Rd & Ridgeview Rd.**

**Beginning: 08/01/2021 Completion: 08/31/2021**

Commissioner Crooks asked Commissioner Porter about the EMA Hazardous Waste Spill meeting on Tuesday.

- Commissioner Porter said it was well prepared
- Productive
- Some key players were not there
  - Shilo West from Perry Township
  - EPA
- TMC determines if it's a TRIP call
  - No one locally makes that call
- Everyone got their concerns off their chest
- Jeff did what was asked
- Gene Hanning asked for cameras at mile marker 157
  - And Perry Township at mile marker 160

## Minutes for August 05, 2021

There was discussion regarding the July 29 minutes

- Referring to page to page five, Commissioner Porter wants to clarify that he thought we agree that all invoices go back to Kelly at CVB, the small ones
  - Kelly handles the money, she knows the profit and loss

Commissioner Crooks moved to approve the minutes of the July 29, 2021 session.

Commissioner Porter seconded.

Vote was Crooks, aye; Porter, aye; Cameron, absent.

Motion carried.

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

Commissioner Cameron was present for the afternoon session.

Todd Hixson, County Treasurer came to present his recommendation for County Depository and the following was considered:

**RESOLUTION 21-0742** accept the recommendation of County Treasurer, Todd A. Hixson, to accept the proposal from Community Bank as the Depository for Muskingum County for the period of September 03, 2021 through September 02, 2025.

Motion made by Commissioner Porter, seconded by Commissioner Crooks.

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

Motion carried.

The Commissioners reviewed and approved the response letter drafted by Mark Zanghi, to Mr. Cherevas.

The Commissioners reviewed Pam's revisions to the COVID-19 Safe Work Practice Guidance Policy.

Commissioner Porter presented a letter from Mr. Haddox, dated May 22, 2017, to the Board, outlining what the Commissioners could and could not spend money on.

- "The Board of County Commissioners can provide financial assistance to non-profit agencies or social services for older persons and emergency food for the needy"
  - Commissioner Porter believes that would cover the Center for Seniors

Stan Lucas, Sewer Department Manager, came to meet with the Commissioners.

Commissioner Crooks reported that she received a call from Jim Smith, Newton Township Trustees asking about the installation of a sewer line.

- She directed him to Stan
- Stan said that he talked to Mr. Smith several times

Don Madden, Projects Director, joined the conversation to discuss HB168 and ARPA funding for Water and Sewer Projects.

## Sewer Department ARPA Funding Request

1. Weber Lift Station Capacity- Final project cost estimate has not been developed at this date but the construction of a Sewer Package Plant could easily exceed \$8 million and require up to 3 years to design and construct. This project would increase the sewer capacity for most of eastern Muskingum County and allow for expansion to new areas. It should also reduce or eliminate the problem with hydrogen sulfide gas, that will be an ongoing issue with east sewer flows. The project could be built in such a manner as to allow for expansion as the demand increases. Funding for the project will be difficult without a new business to help show the need for additional capacity and provide a possible funding source. It would be almost impossible to build the new facility and have it operational in the same length of time a new business could be constructed that would create excess demand.
2. Juanita, Valley Gem, and El Camino sewer project, this project will change the homes served from variable grade sewer with failing septic tanks and failing surge tanks to gravity sewer. Other funding sources will be limited with no current grant funding options available. It will serve existing customers with virtually no new revenue for the Sewer Department.
3. Licking View Sewer Project is currently estimated to cost \$3.2 million and serve 127 Benefited Units. (A home is the equivalent of a Benefited Unit.) Currently the goal is to apply for CDBG, Muskingum Watershed, and fund 168 funding. CDBG funding would help the homeowners but have minimal impact on reducing the funding of the project because any homeowner receiving CDBG funding can not be charged a tap fee. Do not anticipate a large grant from the Muskingum Watershed but believe worth pursuing. The most helpful of grant funding would be the new 168 state grant program and if the county received 50% of the project paid for by the grant the remainder would debt service through the monthly bills.
4. Dillon Hills Sewer project has not progressed far enough to justify consideration for this money. The force main from the ODNR facility to Rt. 146 should be an easy project and the State has indicated they will pay for the project. The gravity sewer project to serve Dillon Hills will be extremely difficult and expensive due to rock excavation, narrow right of ways, and steep rolling terrain. The Zanesville-Muskingum County Health Department has indicated they have had very few failed septic systems within the area and when one has failed it has been repaired by the homeowners. At the present time it's recommend to build a large enough force main to handle the residential flow in the future and obtain permission from ODNR to allow any future flow to gravity to the pump station but not move forward with any sanitary sewer project for the Dillon Hills area.
5. Duncan Falls Sewer. Businesses in Duncan Falls are requesting enhanced sewer systems. The Dunfalls Association, a semi-public sewer facility, is operating at approximately 45% capacity and has declined to expand it's sewer system to additional businesses.

Stan left the meeting and Commissioner Porter left session, as well, to talk with Stan. Commissioner Cameron said she would guess that part's not supposed to be on recording. Commissioner Porter returned and Don presented the following:

## Water ARPA Funds Request

We have several projects that are either designed or petitioned for waterline construction.

## Minutes for August 05, 2021

1. County Line Road is nearly complete and his intent was to pay for the project from water department funds without a loan.
2. Southern-Sundale or Zane Grey, Zane Trace Road water project is ready to bid the pipe acquisition and the construction would be ready to bid as soon as the pipe is delivered. The engineers estimate for the WSRLA loan was \$2,396,989 but with increased pipe costs I seriously doubt if we can construct the project within that budget. This project did not receive any WSRLA grant funding but would be eligible for ARPA funding or HB 168 funding. We could also pay the debt service by a rate increase for all customers within the system.
3. The Big B, Mutton Ridge project is similar to Southern-Sundale project. It is ready to bid the pipe acquisition with construction to follow. The engineers estimate is \$530,000, again probably low given pipe prices. How to proceed is a commissioner decision.
4. Twin Hills Road water project is moving forward. The rail permit has been submitted and other easements will be obtained in the near future. Engineers estimate is \$640,000, again probably low because of pipe prices. How to proceed is a commissioner decision.

All the above projects are designed, permitted, and nearly ready to bid. I have a bid package from Morgan Coast that would allow us to advertise for all the pipe necessary for projects 2 through 4. I am waiting response from Ohio Department of Development on whether we would be ineligible for HB 168 funding if we purchased pipe for the project prior to any grant approval connected with HB 168.

Below are other projects that have been discussed but are not designed or permitted at this time.

5. Virginia Ridge Road Waterline, we have WSRLA loan funds available. The engineers estimate is \$1,070,000 based on anticipated customers the project would need \$685,000 of grant funding.
6. Sunflower- Getz Road Waterline, again we have WSRLA loan funds available. The engineers estimate is \$750,000, based on anticipated customers the project would need \$635,000 in grant funding.
7. Norfield-Arch Hill Road, no grant or loan funds have been secured at this time. The engineers estimate is \$1,250,000, based on anticipated customers the project would need \$900,000 in grant funding.
8. New Well at the well field, Morgan is developing a cost estimate but early guesses are nearly \$400,000 for drilling the well, installing the pump, and adding the needed controls. My intent was to pay for this from Water Department Funds
9. Sara Sowers petition, would extend the Rt. 555 project from the intersection of Rt. 555 and Cannelville Road to nearly the Morgan County line and a couple of short extensions onto side roads. No engineer's estimate but it could easily approach \$700,000 and currently we have 16 or 17 homes represented. No funding has been applied for at this time. 17 taps would debt service about \$130,000 over 30 years.
10. Treatment Plant upgrade- With the new well to be drilled it will bring the treatment plant to full capacity. We will be able to pump 4 Million Gallons per Day from the well field and treat that amount of water through the existing facilities at the treatment plant. Currently, we can produce 3 MGD and the new well will give us reserve capacity. However, some of the companies approaching Matt Abbott have requested as much as 500,000 gallons per day and we expect AMG to be our largest user when they come online. Several issues exist if we need to expand beyond 4 MGD. The only property left to locate a well at the well field is a narrow parcel of land upstream of the current well field. The parcel may be too narrow to allow a well to be located on it or

## Minutes for August 05, 2021

we would need to approach ODOT about purchasing a portion of the Rt. 60 road right of way. If that was successful than significant upgrades would be needed at the Water Treatment plant. I have no estimate for this work. Another option I am considering would be to locate another well field north of Zanesville possibly near Rt. 666 and Memory Road with the goal of supplying all the customers on the west side of the river from the new well field.

Project	Cost/Tap	No of customers
Sundale-Southern	\$21,988	86
Big B Mutton Ridge	\$18,573	24
Twin Hills	\$18,698	29
Sunflower-Getz	\$25,053	27
Virginia Ridge	\$19,141	50
Norfield-Arch Hill	\$27,777	45
Sara Sowers-No engineer's est	na	na

Mark Zanghi, Assistant Prosecutor joined the conversation.

HB168 has \$250,000,00 competitively available for all 88 Ohio Counties.

Don reported that Mark Eicher will rank the projects.

- Entities who provide a 50% local match have a better change at the HB168 funding.

Mark Zanghi reported that he emailed the packet of information to each Township Fiscal Officers regarding the ARPA Funding. Deadline is September 4 to apply.

- He has told them to apply and worry about how to spend later
- He has found that most Townships are not wanting to apply
  - He has received phone calls from three Townships

Don Madden left and Mark Zanghi requested the following:

**RESOLUTION 21-0743** declare an Executive Session at 3:19 a.m. for the purpose of discussing a Pending Litigation pertaining to Muskingum County Commissioners. This session ended about 3:42 p.m.

Motion made by Commissioner Crooks, seconded by Commissioner Porter.

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

Motion carried.

**RESOLUTION 21-0744** AUTHORIZING the Board of County Commissioners, Muskingum County, Ohio to execute the Participation Agreement for the OneOhio Subdivision Settlement with McKesson Corporation, Cardinal Health, Inc., and AmerisourceBergen Corporation (“Settling Distributors”) pursuant to the OneOhio Memorandum of Understanding regarding the pursuit and use of potential opioid litigation settlement funds and consistent with the material terms of the July

## Minutes for August 05, 2021

21, 2021 proposed National Opioid Distributor Settlement Agreement available at <https://nationalopioidsettlement.com/>.

WHEREAS, Muskingum County, Ohio is a political subdivision formed and organized pursuant to the Constitution and laws of the State of Ohio; and

WHEREAS, the people of the State of Ohio and its communities have been harmed by misfeasance, nonfeasance and malfeasance committed by certain entities within the Opioid Pharmaceutical Supply Chain; and

WHEREAS, the State of Ohio, through its Attorney General, and certain Local Governments, through their elected representatives and counsel, are separately engaged in litigation seeking to hold Opioid Pharmaceutical Supply Chain Participants accountable for the damage caused by their misfeasance, nonfeasance and malfeasance; and

WHEREAS, the State of Ohio, through its Governor and Attorney General, and its Local Governments share a common desire to abate and alleviate the impacts of that misfeasance, nonfeasance and malfeasance throughout the State of Ohio; and

WHEREAS, the State and its Local Governments, subject to completing formal documents effectuating the Parties Agreements, have drafted and the County has adopted, and hereby reaffirms its adoption of, a OneOhio Memorandum of Understanding (“MOU”) relating to the allocation and the use of the proceeds of any potential settlements described; and

WHEREAS, the MOU has been collaboratively drafted to maintain all individual claims while allowing the State and Local Governments to cooperate in exploring all possible means of resolution; and

WHEREAS, the Board of County Commissioners, Muskingum County, Ohio understands that an additional purpose of the MOU is to create an effective means of distributing any potential settlement funds obtained under the MOU between the State of Ohio and Local Governments in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Ohio, as well as to permit collaboration and explore potentially effectuation earlier resolution of the Opioid Litigation against Opioid Pharmaceutical Supply Chain Participants; and

WHEREAS, nothing in the MOU binds any party to a specific outcome, but rather, any resolution under the MOU requires acceptance by the State of Ohio and the Local Governments; and

WHEREAS a settlement proposal is being presented to the State of Ohio and Local Governments by distributors AmerisourceBergen, Cardinal, and McKesson (collectively the “Settling Distributors”) to resolve governmental entity claims in the State of Ohio using the structure of the OneOhio MOU and consistent with the material terms of the July 21, 2021 proposed National Opioid Distributor Settlement Agreement; and

WHEREAS, Board of County Commissioners, Muskingum County, Ohio wishes to agree to the material terms of the proposed National Opioid Distributor Settlement Agreement with the Settling Distributors (the “Proposed Settlement”):

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, MUSKINGUM COUNTY, OHIO:**

Section 1. That the Board of County Commissioners, Muskingum County, Ohio accepts the Proposed Settlement on behalf of Muskingum County, pursuant to the terms of the OneOhio MOU.



## Minutes for August 05, 2021

Section 2. That it is found and determined that all formal actions of the Board relating to the adoption of this resolution were adopted in an open meeting of this Board and that all deliberations of this Board were in compliance with all legal requirements.

Section 3. This Resolution is hereby declared to be an emergency measure, necessary for the preservation of the public peace, health, welfare and safety of Muskingum County, Ohio. The reason for the emergency is to ensure prompt pursuit of funds to assist in abating the opioid epidemic throughout Ohio.

Motion made by Commissioner Porter, seconded by Commissioner Crooks.

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

- Mark reported that he talked with Grant Stubbins, Attorney for Dunfalls. He explained to him that there is ARPA funding available for infrastructure and the Commissioners would be considering running sewer to the Duncan Falls area. Dunfalls is currently running at 45% capacity. If the County runs sewer line, residents have to connect
- Grant said he would pass the information along to the Dunfalls Association. He feels their concern is with becoming a public plant

Commissioner Crooks asked about the format for the Compliance Officer interviews Monday and Tuesday.

Commissioner Porter said he would be lucky to be here

- He will be attending the interview held at 11:30 Monday in session
- He's willing to bet, there's already one picked
- Commissioner Cameron asked who that is
  - We'll wait and see
- Commissioner Cameron told him if he wants someone to pick from the list, call them

3:59 p.m. Commissioner Porter left session...

- Commissioner Crooks asked him if he was leaving...no response
  - He never returned

There was brief discussion regarding a conversation that Commissioners Porter and Cameron had out of session.

Commissioner Cameron reported that she had sent a list of all the applicants and the scoring, that Pam had provided last week during session, to Commissioner Porter.

Commissioner Crooks said she had also asked Commissioner Porter if he had any additions for interviews.

The Job Description for the Compliance Officer was reviewed and approved.

Commissioner Crooks moved to approve the minutes of the August 02, 2021 session with changes.

Commissioner Cameron seconded.

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

## Minutes for August 05, 2021

---

Pam Davis, Human Resources, came back in to discuss the COVID-19 Safe Work Practice Guidance.

- The Commissioners approved

Pam reported that they will be doing three more Maintenance interviews next Wednesday.

With no further business being before the Board, the meeting was adjourned at approximately 4:23 p.m. on the motion of Commissioner Crooks and the second of Commissioner Cameron.



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.*