

September 8, 2011

LAKE COUNTY COMMISSIONERS' MEETING MINUTES

RAYMOND E. SINES, PRESIDENT
DANIEL P. TROY, COMMISSIONER
ROBERT E. AUFULDISH, COMMISSIONER

LEGAL COUNSEL
MIKE MATAS, BUDGET
DIRECTOR
NEWS MEDIA

AMY ELSZASZ, CLERK

(Tape 2011-0908)

CALL TO ORDER: Commissioner Sines called the meeting to order at 10:05 am, Thursday, September 8, 2011.

ROLL CALL: Upon the roll being called all were present.

APPROVAL OF MINUTES: None

OPEN TO THE PUBLIC: Commissioner Sines asked if anyone in the audience wished to address the Board.

- On behalf of the Lake County Township Association President, Chris Galloway requested a meeting with the Commissioners sometime this month to discuss county budget issues, governmental issues as it relates to townships, and have dialogue as to where the county sees itself going with services.
- Commissioner Troy was frank and stated he does not mind having discussion, but does not plan on getting into ongoing discussions about what the Commissioners are supposed to do in terms of taking care of the townships, especially in regard to sheriff's road patrol. And, he made it very clear that it is time for the townships to step up and start paying for some of the things that this county has paid for, in his opinion, for far too long. He stated that the county is not operating in 1860 anymore in terms of unincorporated areas being very sparsely populated, extremely rural and not requiring a lot of services.
- Commissioner Sines agreed that a discussion needs to take place and requested that Mr. Galloway set a date and assumed that all three Commissioners will be in attendance.

RESOLUTIONS:

1. RESOLUTION APPROVING PLANS, SPECIFICATIONS AND ESTIMATES OF COST IN THE AMOUNT OF \$658,130.50 FOR WORDEN ROAD WATERMAIN REPLACEMENT 328W, CITY OF WICKLIFFE FOR THE LAKE COUNTY DEPARTMENT OF UTILITIES (20110908\U01) (UT-9)

Commissioner Aufuldish and Al Saari, Sanitary Engineer briefly discussed that a 27% grant will be received towards this project from the Ohio Public Works Commission (OPWC).

On a motion of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy
"NAYS": None

2. RESOLUTION APPROVING CHANGE ORDER NO. 2 WITH MIDWEST TRENCHLESS SERVICES FOR SR 91 & 84 TRANSMISSION WATERLINE REPLACEMENT PROJECT NO. 302-W FOR THE LAKE COUNTY DEPARTMENT OF UTILITIES, INCREASING THE TOTAL CONTRACT AMOUNT BY \$74,770 (20110908\U02) (UT-4)

On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy
"NAYS": None

3. RESOLUTION APPROVING FINAL ESTIMATE NO. 7 IN THE AMOUNT OF \$140,182.54 WITH MIDWEST TRENCHLESS SERVICES AND ACCEPTING A MAINTENANCE BOND IN THE AMOUNT OF \$1,335,333 FOR SR 91 & 84 TRANSMISSION WATERLINE REPLACEMENT PROJECT NO. 302-W FOR THE LAKE COUNTY DEPARTMENT OF UTILITIES (20110908\U03) (UT-4)

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On a motion of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: “AYES”: Commissioners: Aufuldish, Sines and Troy
“NAYS”: None

4. RESOLUTION INCREASING APPROPRIATIONS FOR LCDU WATER DISTRICT 279W ASSESSMENT DISTRIBUTION AND SR 91 & 84 TRANSMISSION WATERLINE REPLACEMENT 302W CONTRACT PROJECTS (20110908\U04) (UT-2)

On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: “AYES”: Commissioners: Aufuldish, Sines and Troy
“NAYS”: None

5. RESOLUTION AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING AMONG THE VILLAGE OF MADISON, MADISON LOCAL SCHOOL DISTRICT AND THE BOARD OF LAKE COUNTY COMMISSIONERS (20110908\U05) (UT-4)

Mayor Lee, Madison Village: NOACA will be meeting tomorrow to act on this request to change the 208 boundary to include the middle school for sanitary sewer services.

Commissioner Aufuldish: Mayor, the Ohio EPA has sent you a letter indicating that the village needs to make some major changes and repairs in your sewer system.

Mayor Lee: We have put together a short term program that has been accepted by the Ohio EPA regarding the inflow and infiltration problems.

Commissioner Sines: Mayor, obviously the reason that we agreed to this plan change allowing the village to handle this project was the cost involved to the schools, which has been a cooperative effort. I have noticed that some of the residents of Madison are blaming the Commissioners for the delay of this project, which was never the issue.

Mayor Lee: The school district and village owns a certain amount of responsibility for the delay and didn't address issues in a timely fashion.

Commissioner Troy: Just so there is an understanding in terms of facility planning, this particular site is within the county's 208 boundary, which means we are assigned the responsibility to provide sanitary sewer service. The county is expanding its Madison Wastewater Treatment Plant to address future needs and growth. The county is being fairly gracious in agreeing to help the schools reduce their costs by allowing them to tie into the Madison Village Wastewater Treatment System, to which, by action of NOACA that portion of territory will be transferred. I know that the village system is challenged and once that map has been changed it is the responsibility of the village wastewater treatment system to provide that service to that facility. And, I want to make sure the Utilities Department is comfortable with this action.

Al Saari, Sanitary Engineer and Rick Martin, Utilities Director: Yes, we are.

Commissioner Aufuldish: I would like to point out that this MOU states that this 208 plan is temporary fix.

Commissioner Sines: What that is saying is that the school understands in 20-30 years from now there could be an additional assessment to that project, which may or may not happen.

On a motion of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: “AYES”: Commissioners: Aufuldish, Sines and Troy
“NAYS”: None

6. RESOLUTION CERTIFYING UNPAID SEWER AND WATER SUMS TO THE LAKE COUNTY AUDITOR (20110908\U06) (UT-7)

On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: “AYES”: Commissioners: Aufuldish, Sines and Troy
“NAYS”: None

7. RESOLUTION AUTHORIZING EXECUTION OF A RELEASE, SETTLEMENT AND INDEMNIFICATION AGREEMENT BETWEEN THE BOARD OF LAKE COUNTY COMMISSIONERS AND MR. EXCAVATOR, INC. (20110908\U08) (UT-22)

Commissioner Troy: This deals with the notorious headline that stated “Commissioners Sued for Work.” The Lake County Utilities Department was asked to be the lead agency in coordination of this sewer project in Kirtland, which the city is sponsoring. This was a dispute between one of the subcontractors and the settlement is a very small percentage of what they had gone to court seeking.

On a motion of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution

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was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy
"NAYS": None

8. RESOLUTION APPROVING LAKE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES VOUCHERS DATE OF WARRANT SEPTEMBER 12, 2011, IN THE AMOUNT OF \$141,986.37 (20110908\JFS01) (JFS-14)

On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy
"NAYS": None

9. RESOLUTION APPROVING THE LAKE COUNTY PREVENTION, RETENTION, AND CONTINGENCY PLAN BIENNIAL RENEWAL FOR THE PERIOD OF OCTOBER 1, 2011 TO SEPTEMBER 30, 2013; CERTIFYING COMPLIANCE WITH CHAPTER 5108 OF THE OHIO REVISED CODE IN ADOPTING THE PLAN; AND AUTHORIZING EXECUTION OF THE PLAN
(20110908\JFS02) (JFS-16)

Commissioner Aufuldish: There is only one small change in the plan. It has been working well and everybody is satisfied.

On a motion of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy
"NAYS": None

10. RESOLUTION ADOPTING THE REVISED LAKE COUNTY STORMWATER MANAGEMENT DEPARTMENT RULES AND REGULATIONS (20110908\C01) (UT-46)

Commissioner Troy: This will update the Lake County Stormwater Agency Department Rules and Regulations. The rules and regulations were revised to be consistent with the requirements of our National Pollution Discharge Elimination System Permit. The primary changes consist of definition additions and revision of some explanations to mirror Ohio EPA language. It has been reviewed and approved by the Prosecutor's Office. There are not any major changes in terms of stormwater regulations and the Stormwater Advisory Board is in concurrence.

Tim Miller, Stormwater Director: The EPA also gave us some language to add where agencies can use alternative best management practices if site conditions will allow.

Commissioner Sines: I will vote "no." There has been a movement not only in the federal government, but the state government to reduce some of the costly rules and regulations. I would propose that these rules and regulations are extremely costly, not only to residents but to business and industry in the county. Right now, this department has \$4 million surplus in its fund and we would not have a budget problem if we could have access to those funds. Obviously, the taxpayers are paying a fee for these services. We have talked about this and it is not going anywhere to reduce these fees in half and raise areas where needed.

Commissioner Troy: These are not taxes, they are user fees and member communities have requested to participate through a Memorandum of Understanding with our Stormwater Management Agency in order to deal with stormwater issues. If the community wants to reduce those fees, they can withdraw from the program. We know that there are numerous stormwater issues out there in this county; the climate change has certainly brought that to the forefront. Mr. Miller, we do need to address the fact that there is a substantial amount of money in this fund, and we need to work with our member communities to address stormwater issues or this board may have to look at skipping a year of assessments.

- Tim Miller briefly discussed that there are numerous costly projects in the design phase. The \$4 million is earmarked for projects and that surplus has been since the existence of the program in 2003. Some of the difficulties causing delays with our projects is working with regional waterways.

- Commissioner Troy requested a list of pending projects and estimated costs from Mr. Miller in terms of spending those dollars on needed infrastructure improvements.

On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish and Troy "NAYS": Commissioner Sines

11. RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE LAKE COUNTY BOARD OF COMMISSIONERS ON BEHALF OF THE LAKE

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COUNTY PROSECUTING ATTORNEY'S OFFICE AND THE COMMUNICATIONS WORKERS OF AMERICA-LOCAL 4340, EXPIRING MARCH 31, 2012 (20110908\C02) (301b)

Commissioner Aufuldish: We would certainly like to thank the Communication Workers for working with the Commissioners and realizing that no one under the Commissioners' authority has received a raise for four years. The Commissioners' terms were for a one-year contract with no raises.

Commissioner Troy: We do have ongoing discussions with one department regarding proposed three year contracts in and out of fact finding. We appreciate the fact that the bargaining unit representing the Lake County Prosecuting Attorney's Office recognizes these very uncertain times and that this Board is only in a position to enter into a one year contract and it does not allow for any increases.

On a motion of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy
"NAYS": None

12. RESOLUTION APPROVING PAYMENT OF BILLS AS LISTED ON THE COMMISSIONERS' APPROVAL JOURNAL IN THE AMOUNT OF \$2,494,360.42 (20110908\BC01) ©-4)

On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy
"NAYS": None

13. RESOLUTION APPROVING PURCHASE ORDERS AS LISTED ON THE COMMISSIONERS' PURCHASE ORDER APPROVAL JOURNAL IN THE AMOUNT OF \$588,701.67 (20110908\BC02) ©-17)

On a motion of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy
"NAYS": None

14. RESOLUTION INCREASING APPROPRIATIONS FOR VARIOUS NON GENERAL FUND ACCOUNTS (20110908\BC03) (C-111)

On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy
"NAYS": None

15. RESOLUTION TRANSFERRING CASH AND APPROPRIATIONS WITHIN VARIOUS GENERAL AND NON GENERAL FUND ACCOUNTS (20110908\BC04) (C-111)

On a motion of Commissioner Aufuldish, seconded by Commissioner Troy, the foregoing resolution was adopted with the vote as follows: "AYES": Commissioners: Aufuldish, Sines and Troy
"NAYS": None

UTILITIES: Al Saari, Sanitary Engineer reported the results for the Cedar Glen/Park Estates/Eastern Woodlands Sanitary Sewer Rehabilitation bid opening as follows:

Engineer's Estimate \$289,000

(5) bidders

High Bidder - \$332,886 15% over the estimate

Low Bidder - \$229,420 20% below the estimate

Inland Waters Pollution Control, Inc. Detroit, MI

Mr. Saari: Inland performed the Bellflower area rehabilitation work and we were very pleased.

Commissioner Aufuldish: You do feel comfortable with their estimate and that they can meet those numbers and it is a prevailing wage project?

Al Saari: Yes.

STORMWATER: None

JOB AND FAMILY SERVICES: None

ADMINISTRATIVE SERVICES: None

FINANCE: Commissioner Troy and Mike Matas, Budget Director, briefly discussed that on future

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agendas we will be seeing a few resolutions decreasing appropriations from departments as a result of the recently enacted state budget and the effect it will have on our county budget funds.

CLERK: None

LEGAL: None - Ben Neylon was present on behalf of Pat Nocero.

OLD BUSINESS: There was no old business.

NEW BUSINESS: There was no new business.

PUBLIC COMMENT: Mr. Muzik of Painesville Township inquired if any additional benefits were negotiated regarding resolution 11.

- Bill Margalis: There was only a language change regarding the definition of immediate family for the purpose of funeral leave.

- Mayor Lee, Madison Village thanked the Commissioners for the positive action with regard to the MOU on resolution 5. He stated that there will be a hardship request on behalf of the school system asking the Commissioners to look favorably on the additional approximate cost of \$100,000 - \$200,000 to lay the pipe from the new middle school for water.

Commissioner Troy: The county runs a utility system and we have basically accommodated the school district and have made what is probably not the best business decision on transferring the 208 territory. The county provides bulk treated water to Madison Village to distribute. At one point the county was losing money because Madison Village was getting a great deal of \$.88 per 100 cubic feet for water when it was costing the county \$1.50 to provide it. The rest of the county water users were subsidizing Madison Village. The county worked with the village over a five year period to prevent sticker shock. I understand that the high school is being served by the village, but it is technically in the county franchise area and should have never been served by the village to begin with.

- The Commissioners said thank you and they will continue to have discussion.

EXECUTIVE SESSION: On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the Board convened an Executive Session at 11am to discuss legal, personnel, real estate and security matters, with the vote as follows:

"AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

The Lake County Board of Commissioners recessed Executive Session at 11 am.

The Lake County Board of Commissioners reconvened Executive Session at 11:04 am.

On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the Board terminated the Executive Session at 4:16 pm, with the vote as follows:

"AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

ADJOURN: On a motion of Commissioner Troy, seconded by Commissioner Aufuldish, the Board adjourned the meeting at 4:17 pm, with the vote as follows:

"AYES": Commissioners: Aufuldish, Sines and Troy "NAYS": None

Minutes approved this 22nd day of September, 2011.

BOARD OF LAKE COUNTY COMMISSIONERS

RAYMOND E. SINES, PRESIDENT

DANIEL P. TROY, COMMISSIONER

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ROBERT E. AUFULDISH, COMMISSIONER

AMY ELSZASZ, CLERK