

COMMISSIONER'S JOURNAL

Monday

Regular

November 9, 2009

The Coshocton County Commissioners met in Regular session on Monday, November 9, 2009 with Mr. Dane Shryock, Mr. Gary Fischer and Mr. D. Curtis Lee in attendance. Also present was Mr. Ken Smailes, WTNS, Ms. Kathie Dickerson, The Tribune and Mrs. Mary Beck, Administrator/Clerk.

Minutes

Mr. Lee made a motion, seconded by Mr. Fischer to approve the minutes of the Wednesday, November 4, 2009 meeting.

Vote:	Shryock	yea
	Fischer	yea
	Lee	yea

Transfers/Additional/Reductions

Mr. Fischer made a motion, seconded by Mr. Lee to approve the following Transfers/Additional/Reductions which have been certified by the County Auditor.

FROM	TO	AMOUNT
Commissioners/Transfer		
001-0420-5260.00 Cont Services	001-0250-5200.01 Postage Clk of Ct	\$3,000.00
001-1410-5112.00 Unemp.Com	001-0270-5400.02 Indigent Defense	\$4,000.00
Commissioners/Additional		
Unappropriated funds	001-1510-5400.00 oth exp-Misc	\$1,800.00
Commissioner/911		
100-0100-5210.00 Equipment	100-0100-5400.00 oth expense	\$20,230.00
100-0100-5200.00 Supplies	100-0100-5400.00 oth expense	\$10,000.00
	Total	\$30,230.00
Commissioners/Reduction Appropriations		
Reduction of Appropriations	220-0547-5260.05 Water Sewer Facilities	-\$12,047.97
Transportation/Transfer		
088-0100-5400.03 oth exp Gas	088-0100-5400.00 oth expense	\$2,324.48
088-0100-5400.02 oth exp fuel	088-0100-5112.00 Unemployment	\$3,529.44
Total		\$5,853.92
Transfer/Clerk of Courts		
001-0250-5210.00 Equip	001-0250-5200.00 Supplies	\$260.13
001-0250-5400.00 oth exp	001-0250-5200.00 Supplies	\$ 2.72
Total		\$262.85

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Transfers/Additional/Reductions Continued
Transfer/Engineer

050-0100-5265.00 Cons. Ser	050-0100-5113.00 HDI	\$2,000.00
050-0100-5265.00 Cons Ser	050-0100-5115.00 Medicare	\$ 300.00
050-0100-5265.00 Cons Ser	050-0100-5102.00 Salaries	\$6,000.00
Total		\$8,300.00

Transfer/Tax Map

001-1210-5400.00 oth Exp	001-1210-5102.00 Salaries	\$2,000.00
001-1210-5400.00 oth Exp	001-1210-5110.00 PERS	\$ 300.00
001-1210-5400.00 oth Exp	001-1210-5115.00 Medicare	\$ 50.00
	Total	\$2,350.00

Vote:	Shryock	yea
	Fischer	yea
	Lee	yea

Request for Payment –BF-08-016-1

Mr. Lee made a motion, seconded by Mr. Fischer to sign Request of Payment and Status of Funds Report for the BF-08-16-01 Formula grant in the amount of \$11,596 at the request of Robin Schonauer, Budget Director.

Vote:	Shryock	yea
	Fischer	yea
	Lee	yea

Approve Bills

Mr. Fischer made a motion, seconded by Mr. Lee to approve the bills per computer printout dated November 9, 2009.

Vote:	Shryock	yea
	Fischer	yea
	Lee	yea

City/County IT Agreement

Mr. Mike LaVigne attended the meeting to discuss a possible IT Agreement with the City of Coshocton. Mr. LaVigne stated that Mr. Robert Batchelor, County Prosecutor has given the ok to proceed with an agreement with the city. Mr. Fischer asked if we have received an official request with the Mayor about the agreement. Mr. LaVigne stated that we have only had an official discussion with Judge France about the Municipal Court part of the agreement and the Judge would like to have everything ready for his court by the first of the year. Mr. Fischer stated that he feels we should at least get some type of formal commitment before we go in and start making any changes. Mr. Shryock suggested that we get a letter from the City stating that they are interested in pursuing this endeavor and requesting some type of quotes from our IT Department. This would be the beginning of our agreement. Mr. Shryock stated that he feels we can proceed with Municipal Court as the Judge has already been into our office to formally request this. However, he feels we should get a letter from the City requesting the information about the maintenance and software before we make any changes to their system. Mr. LaVigne stated that he would prefer to know where everyone (Municipal Court and the City) stands before he goes up there and starts making changes. He is suggesting that before we do any physical engineering, we have an agreement in place with the city. The Commissioners asked that Mr. LaVigne contact the city and have the city make an official request for these services. There was then general discussion on possible items in the agreement. Mr. LaVigne stated that he will contact the city and get back with them.

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Bid Opening – NSP Demolition – Village of Warsaw

At 10:00 a.m. bids for the NSP Demolition – Village of Warsaw were opened with the following persons present: Mr. John Cleek, CDC of Ohio, Mr. Denis Lowe, Ohio Regional Development Corporation, Mr. Robert Small, Smalls, Mr. Don Wells, William Albert, Inc., Ms. Dawn Burson, Ours Excavating, Ltd., Mr. Greg Sharkey, Cutting Edge Construction, Ms. Kim Kalapos, All Aspects Contracting, and Mr. Tom Brown, Raze. The following bids were submitted: Neal Kirchner, Cleveland, Ohio with a total Bid of \$38,700.00, William Albert, Inc., Coshocton, Ohio with a total bid of \$43,300.00, Smalls Asphalt Paving, Inc., Gambier, Ohio with a total bid of \$62,572.46, Ours Excavating, Ltd, Mt. Gilead, Ohio with a total bid of \$31,200.00, Raze international Inc., with a total bid of \$35,000.00, and ALL Aspects, Elyria, Ohio with a total bid of \$27,809.00. Mr. Lee made a motion, seconded by Mr. Shryock to turn over all bids for the NSP Demolition – Village of Warsaw to Mr. John Cleek, CDC of Ohio for his recommendation.

Vote:	Shryock	yea
	Fischer	<u>abstain</u>
	Lee	yea

Mr. Gary Fischer abstained from the vote because of his connection to the Village of Warsaw.

Energy Savings Grant

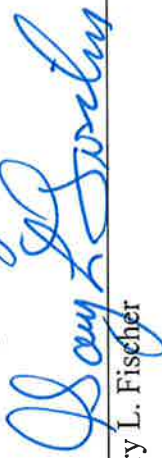
Mr. TJ Justice attended the meeting to discuss the Energy Savings Grant Application. Mr. Justice stated that he would like to prepare the application for this grant, but he will need a little information. He stated that in our RFP, we have a base project as well as an alternate project. He needs to know if the Commissioners want to fund a portion of the project or the base and the alternate. After much discussion, the Commissioners determined that they would like to do the base project as well as the alternate project and the Commissioners will provide a match of 26% of the total project. Mr. Justice then suggested that the Commissioners do a formal resolution stating that they want to apply for the grant and intent to contribute 26% of the counties funds toward this project. The Commissioners stated that they will get his requested information as soon as possible.

Recess

At 12:10 p.m. Mr. Shryock moved the meeting to recess. At 1:13 p.m. the meeting was returned to regular session.

Adjourn

At 1:46 p.m. Mr. Shryock adjourned the meeting.

	_____
Dane R. Shryock	
	_____
Gary L. Fischer	
	_____
D. Curtis Lee	


 Administrator/Clerk

→ *Please refer to minutes dated 4/1/13 Jr. 53, Pg 746
 Addendum "Exhibit A"

ADDENDUM

This addendum is made to incorporate the attached "Exhibit A", a letter from Coshocton County Prosecutor Jason W. Given dated 4/4/2012 and written statements from Commissioner D. Curtis Lee and Commissioner Dane R. Shryock in reference to a structure located at 409 Main Street, Warsaw, Ohio and owned by Mrs. Patricia A. Lewis, mother of Commissioner Gary L. Fischer. May it also be noted that this structure qualified for the NSP Demolition Program and Commissioners Gary L. Fischer did abstain from all voting and discussion on this issue.

Benjamin E. Hall
Assistant Prosecuting Attorney

Randall H. Peddicord
Assistant Prosecuting Attorney



Christie M. L. Thornsley
Assistant Prosecuting Attorney

Dennis Wood
Investigator

Jason W. Given

Coshocton County Prosecuting Attorney

April 4, 2012

Mr. Michael Hilier
Ohio Department of Development
P.O. Box 1001
Columbus, Ohio 43216-1001

RE: Coshocton County NSP Grant

Dear Mr. Hilier:

Coshocton County is the sub-recipient of an NSP Grant that is administered by Ohio Regional Development Corporation for the City of Coshocton. Coshocton County used its funding to demolish homes in various areas of Coshocton County, one being the Village of Warsaw. The Village of Warsaw was designated as one of Coshocton County's "target areas", however the Village Administrator, Ed Robinette, struggled to find homes within the village in need of demolition. With that being said, one of the homes Mr. Robinette identified and requested demolition of was owned by a family member of Commissioner Gary Fischer.

It has been brought to my attention that your office is now questioning the legitimacy of the expenditure for the demolition of the property in question. Therefore, in addition to researching the issue, I have also conducted interviews with Judge Robert J. Batchelor. Judge Batchelor was the Coshocton County Prosecuting Attorney at the time the expenditure in question was approved by the Coshocton County Commissioners.

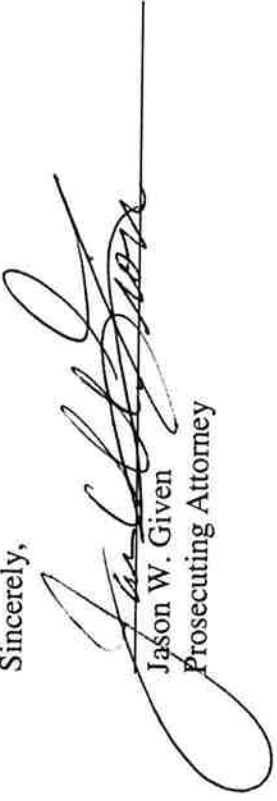
Judge Batchelor informed me that he received a call on or about September 23, 2009 from Commissioner Shryock. He further indicated that Commissioner Shryock requested his verbal opinion as it related to Commissioner Fisher's involvement in the proceedings pertaining to the Fisher property in Warsaw, Ohio. Judge Batchelor informed me that he informed Commissioner Shryock that, in accordance with the guidelines set forth under Ohio Ethics Laws, Commissioner Fisher should abstain from any portion of the process involving his family member's property. Judge Batchelor also indicated that at the time he believed that Commissioner Fisher's abstention resolved any conflict of interest issues. This opinion was given via telephone conference only. Commissioner Fischer did as he was advised and abstained from all discussion and voting on this issue.

318 Chestnut Street • Coshocton, Ohio 43812-1116
740-622-3566 • Fax 740-623-6520 • www.coshoctoncounty.net/agency/prosecutor

I believe that the Board of County Commissioners has followed the law as set forth by the Ohio Revised Code. The Board was not made aware of any internal policies or procedures at the state level relating to this issue.

Please find attached appropriate documentation that will support the counties efforts in this matter.

Sincerely,



Jason W. Given
Prosecuting Attorney

Enclosure

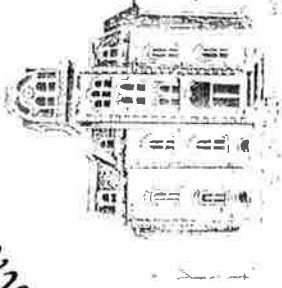
cc: John Saunders
Commissioners

Coshocton County Commissioners

Board of Commissioners

Gary L. Fischer
Dane R. Shryock
D. Curtis Lee

401½ Main Street
Coshocton, Ohio 43812
Phone 740-622-1753
Fax 740-622-4917



Mr. Dane Shryock and Mr. D. Curtis Lee, Coshocton County Commissioners voted "Yea" on Resolution 2009-67, dated September 23, 2009 and Mr. Gary Fischer abstained from this vote. Mr. Fischer did not in any way influence our decision on this vote. This Resolution pertained to the demolition of homes in the Village of Warsaw. The vote was made based on the information that was collected and presented to our office by the Warsaw Village Administrator, Ed Robinette.

Signature: Dane R. Shryock
Dane R. Shryock

Sworn to me and subscribed in my presence this 2nd day of April, 2012.

[Signature]
Notary Public



ROBIN D. SCHONAUER
Notary Public, State of Ohio
My Commission Expires
July 17, 2016

Signature: D. Curtis Lee
D. Curtis Lee

Sworn to me and subscribed in my presence this 2nd day of April, 2012.

[Signature]
Notary Public



ROBIN D. SCHONAUER
Notary Public, State of Ohio
My Commission Expires
July 17, 2016