

COMMISSIONER’S JOURNAL

Monday Regular November 16, 2009

Transfer – Engineer  
050-0100-5265.00 Consultant Serv. 050-0100-5102.00 Salaries – Admin \$2,308.00  
  
Transfer-JFS  
035-0200-400.01 ARRA RMS 035-0100-260.00 Contract Services \$15,000.00  
  
Transfer-Auditor  
001-0120-5111.00 Workers Comp 001-0120-5200.02 Supplies \$100.00

Vote: Shryock yea  
Fischer yea  
Lee yea

Then and Now Certificates

Mr. Lee made a motion, seconded by Mr. Fischer to approve the following Then and Now Certificates which have been certified by the County Auditor.

| PAYEE             | AMOUNT     | DEPARTMNET    | ACCOUNT NUMBER   |
|-------------------|------------|---------------|------------------|
| Debra Brown       | \$2,152.51 | Hopewell      | 080-0100-260.00  |
| CDC of Ohio       | \$2,500.00 | Commissioners | 220-0200-5260.00 |
| Vote: Shryock yea |            |               |                  |
| Fischer yea       |            |               |                  |
| Lee yea           |            |               |                  |

Credit Bureau Collection Services, Inc.

Ms. Janet Mosier attended the meeting to explain the need for a collection services for the Clerk of Courts. She stated that court costs are established by the Ohio Revised Code and these are fees that the Clerk of Court is permitted to collect. At this time if the bills are not paid within 120 days, they are permitted to take further action. In the past they did not take any further action. At this time she would like to have a collection agency collect these fees that are over 120 days past due. The Commissioners are in favor of this agreement. Mr. Fischer made a motion, seconded by Mr. Lee to sign a Collection Agreement with Credit Bureau Collection Service, Inc., for a period of 1 year with a 33% fee added on top of the Primary Balance, and commission is not collected until Primary Balance is paid in full as requested by Ms. Janet Mosier, Clerk of Courts.

Vote: Shryock yea  
Fischer yea  
Lee yea

Warranty Deed – Sims Home

Mr. Lee made a motion, seconded by Mr. Fischer to sign the Warranty Deed for the Sims Home property located at 316 N. 3<sup>rd</sup> Street, Coshocton, Ohio to Sonshine Holdings, LLC.

Vote: Shryock yea  
Fischer yea  
Lee yea

COMMISSIONER’S JOURNAL

Monday

Regular

November 16, 2009

NSP – Demolition – Village of Warsaw – Bid Award

Mr. Lee made a motion, seconded by Mr. Shryock to award the NSP – Demolition Bid for the Village of Warsaw to All Aspects Contracting, Elyria, Ohio with a low bid of \$27,809.00 as recommended by Mr. John Cleek, CDC of Ohio and to also sign the Notice to Proceed.

|                        |       |         |                           |
|------------------------|-------|---------|---------------------------|
| the Village of Warsaw) | Vote: | Shryock | yea                       |
|                        |       | Fischer | abstain (affiliation with |
|                        |       | Lee     | yea                       |

Meeting Request – Common Pleas Court

Mr. Lee made a motion, seconded by Mr. Fischer to approve a meeting request for Judge Richard Evans to attend Winter Conference at an estimated cost of \$757.20.

|       |         |     |
|-------|---------|-----|
| Vote: | Shryock | yea |
|       | Fischer | yea |
|       | Lee     | yea |

Contract Amendment – Ohio Coordination Program

Mr. Fischer made a motion, seconded by Mr. Lee to sign a Contract Amendment with Ohio Coordination Program for the Coshocton County Coordinated Transportation Department in the amount of \$41,965 for a total of \$105,362.00 for the time period of January 1, 2009 to December 31, 2010.

|       |         |     |
|-------|---------|-----|
| Vote: | Shryock | yea |
|       | Fischer | yea |
|       | Lee     | yea |

Mike LaVigne – Internet Update

Mr. Mike LaVigne attended the meeting to discuss the WiFi issue at the Court Square. He stated that he has been contacted by Sony Pictures and they requested that we turn the WiFi back on. The Commissioners had Mr. LaVigne turn the WiFi back on Friday, November 13, 2009.

Mr. LaVigne then stated that he met with the Mayor last week and discussed the types of services they are requesting. He stated that they would like to have access to all of our network capabilities. He then asked them the amount the city is paying for these services at this time. He stated that the City is paying a lot of money for their services. He stated that they are looking at utilizing a wireless solution. This will be the least expensive option. He stated that we are already working on bringing Municipal Court onto the county network. Mr. Shryock asked if we have enough space to bring them on at this time. Mr. LaVigne stated that we do have enough for us right now, but once we bring them on we may need to purchase additional space. That is why he feels we need to build this cost into the monthly charges. The Commissioners are in agreement with this idea. Mr. Fischer stated that he spoke with the Mayor and the City would like to sit down with the Commissioners to discuss all the issues. The Commissioners thanked Mr. LaVigne for attending.

Public Hearing – Private Road Standards

At 10:00 a.m. a public hearing for the Private Road Standards was held with the following persons present: Dane Shryock, Gary Fischer, D. Curtis Lee, Mary Beck, Tiffany Swigert, Ken Smailes, WTNS, Kathie Dickerson, The Tribune and Jim Henry. Mrs. Swigert stated that the Commissioners are required to hold a public hearing before the adoption of these standards. She stated that a resolution for the adoption is needed in order for them to become effective. There were no persons at the hearing that voiced any objection to the standards. That being all, at 10:10 a.m. the public hearing was closed.

\* Please refer to the Addendum on 4/1/13 of the minutes and "Exhibit A" Jr. 53, pg. 746

COMMISSIONER'S JOURNAL

Monday

Regular

November 16, 2009

Private Road Standards

Mr. Lee made a motion, seconded by Mr. Fischer to adopt the Private Road Standards as presented to the Board of Coshocton County Commissioners on November 16, 2009 as requested by the Coshocton County Regional Planning Commission.

|       |         |     |
|-------|---------|-----|
| Vote: | Shryock | yea |
|       | Fischer | yea |
|       | Lee     | yea |

Brian Simmons – Utilities Director Update

Mr. Simons stated that he was approached by Mr. Melvin Pew last week and he was upset about where the manholes in the field will be located. One manhole will be approximately four rows into the field. Mr. Simmons stated that can realign the next two manholes to keep them out of the field. The Commissioners asked Mr. Simmons to talk with Mr. Pew to see if this adjustment will be satisfactory to him.

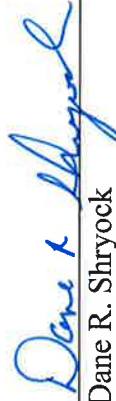
OEPA Agreement

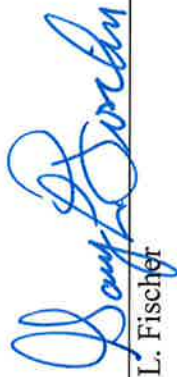
Mr. Fischer made a motion, seconded by Mr. Lee to sign an Ohio Environmental Protection Agency Agreement pertaining to the Fresno/Pearl Forced Main Project.

|       |         |     |
|-------|---------|-----|
| Vote: | Shryock | yea |
|       | Fischer | yea |
|       | Lee     | yea |

Adjourn

At 2:24 p.m. Mr. Shryock adjourned the meeting.

  
Dane R. Shryock

  
Gary L. Fischer

  
D. Curtis Lee

  
Administrator/Clerk

## 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 Hiler  
Ohio Department of Development  
P.O. Box 1001  
Columbus, Ohio 43216-1001

RE: Coshocton County NSP Grant

Dear Mr. Hiler:

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](http://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

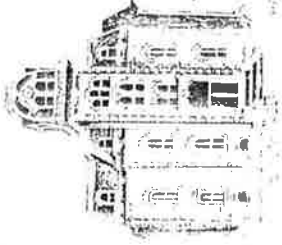
cc: John Saunders  
Commissioners

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 2<sup>nd</sup> 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 2<sup>nd</sup> day of April, 2012.

[Signature]  
Notary Public



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