

The Board of Commissioners of Belmont County, Ohio, met this day in regular session. Present: Ryan E. Olexo, Charles R. Probst, absent and Mark A. Thomas, Commissioners and Darlene Pempek, Clerk of the Board. Minutes of the meeting of July 6, 2001, were read, approved and signed.

MEETINGS ARE NOW BEING RECORDED
ALL DISCUSSIONS ARE SUMMARIZED, FOR COMPLETE PROCEEDINGS
PLEASE SEE CORRESPONDING TAPE FOR THIS MEETING DAY.

IN THE MATTER OF THE ALLOWANCE OF BILLS
AS CERTIFIED IN THE AUDITOR'S OFFICE.

"BILLS ALLOWED"

The following bills having been certified in the Auditor's office, on motion by Mr. Olexo, seconded by Mr. Thomas all members present voting YES, each bill was considered and it is hereby ordered that the County Auditor issue his warrant on the County Treasurer in payment of bills allowed.

Claim of	Purposes	Amount
U.S. Post Office	Postage-General	10,000.00
Fourseas Electric	Ceiling fans,light fixtures/Eastern-Gen	950.00
Xerox Corporation	Engineer's lease/copier-General	135.04
Roger Taylor, Maintenance	Reimburse expenses-General	15.99
American Electric Power	Service-Dog & Kennel	342.12
Belmont County Agricultural Society	Space rental/Bel Co Fair-Litter Control	80.00
Belmont County Committee On Aging	Jan/Feb expenses-In Home Care Levy	21,899.05
Contingency Fund Replen-BGH	Contingency fund/Boys-Group Homes	78.39
Contingency Fund Replen-GGH	Contingency fund/Girls-Group Homes	603.14
Sam's Club	Supplies-Bel Harrison Juv Group Homes	142.69
Beth Oprisch	Travel & training-Sargus Center	50.03

IN THE MATTER OF APPROVING
RECAPITULATION OF VOUCHERS
FOR THE VARIOUS FUNDS

Motion made by Mr. Thomas, seconded by Mr. Olexo to approve the Recapitulation of Vouchers for the various funds as follows dated for July 11, 2001.

FUND	AMOUNT
General	\$ 9,225.83
General	\$19,342.05
General/Chest Clinic	\$ 1,269.60
Dog & Kennel	\$ 2,137.55
Belmont County 9-1-1	\$ 2,138.58, \$10,624.72
County Home/Park Health Center	\$16,855.98
Engineer's MVTG	\$ 6,577.76, \$406.85
Sargus Center	\$ 4,087.03, \$2,588.30, \$8,656.58
Group Homes	\$ 2,632.24
Oakview Juvenile Rehabilitation District	\$ 2,182.29
Oakview Juvenile Rehab/Aftercare Program	\$ 146.29

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Olexo	Yes

IN THE MATTER OF TRANSFER
WITHIN FUND FOR THE BELMONT HARRISON JUVENILE
DISTRICT DETENTION HOME FUND

Motion made by Mr. Thomas, seconded by Mr. Olexo to make the following transfer within fund for the Belmont Harrison Juvenile District Detention Home Fund.

FROM	TO	AMOUNT
S133-S48 Medicare	S033-S44 P.E.R.S.	\$600.00
S033-S48 Unemployment	S033-S44 P.E.R.S.	575.00
S033-S49 Union Expenses	S044-S44 P.E.R.S.	1,140.00

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Olexo	Yes

IN THE MATTER OF TRANSFERS
WITHIN FUND/DEPARTMENT OF HUMAN
SERVICES-Public Assistance Fund

Motion made by Mr. Thomas, seconded by Mr. Olexo to make the following transfers within the fund for Department of Human Services-Public Assistance Fund.

FROM	TO	AMOUNT
H000-H03 Equipment	H000-H12 PERS	\$40,000.00
H000-H05 Public Assistance	H000-H04 Contracts	209,000.00
H000-H07 Purchase of Srv	H000-H16 WIA	160,000.00
H000-H09 Facilities	H000-H04 Contracts	100,000.00

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Olexo	Yes

IN THE MATTER OF TRANSFERS
WITHIN FUND FOR THE S86 BELMONT COUNTY
NORTHERN DIVISION COURT SPECIAL PROJECT FUND

Motion made by Mr. Olexo, seconded by Mr. Thomas to make the following transfer of funds as follows:

FROM	TO	AMOUNT
S086-S06 Supplies	S086-S10 Transfers Out	\$5,000.00
S086-S07 Equipment	S086-S10 Transfers Out	2,000.00
S086-S08 Other Expenses	S086-S10 Transfers Out	2,263.57

Upon roll call the vote was as follows:

Mr. Olexo	Yes
Mr. Thomas	Yes

IN THE MATTER OF TRANSFER
WITHIN FUND FOR THE S87 BELMONT COUNTY
EASTERN DIVISION COURT SPECIAL PROJECT FUND

Motion made by Mr. Olexo, seconded by Mr. Thomas to make the following transfer of funds as follows:

FROM	TO	AMOUNT
S087-S08 Other Expenses	S087-S10 Transfers Out	\$9,263.57

Upon roll call the vote was as follows:

Mr. Olexo	Yes
Mr. Thomas	Yes

IN THE MATTER OF TRANSFER
WITHIN FUND FOR THE S88 BELMONT COUNTY
WESTERN DIVISION COURT SPECIAL PROJECT FUND

Motion made by Mr. Olexo, seconded by Mr. Thomas to make the following transfer of funds as follows:

FROM	TO	AMOUNT
S088-S08 Salaries	S088-S10 Transfers Out	\$9,263.57

Upon roll call the vote was as follows:

Mr. Olexo	Yes
Mr. Thomas	Yes

IN THE MATTER OF TRANSFER BETWEEN
FUNDS FOR THE S86, S87 AND S88 BELMONT COUNTY
NOTTHERN, EASTERN AND WESTERN DIVISION COURT
SPECIAL PROJECT FUNDS AND THE GENERAL FUND

Motion made by Mr. Olexo, seconded by Mr. Thomas to make the following transfer of funds as follows:

FROM	TO	AMOUNT
S086-S10 Transfers Out	A047-A00 Transfers In	\$9,263.57
S087-S10 Transfers Out	A047-A00 Transfers In	9,263.57
S088-S10 Transfers Out	A047-A00 Transfers In	9,263.57

Upon roll call the vote was as follows:

Mr. Olexo	Yes
Mr. Thomas	Yes

IN THE MATTER OF APPROVING
THE PURCHASE OF PAPER TRAYS FOR
XEROX COPIER/AUDITOR'S OFFICE

Motion made by Mr. Thomas, seconded by Mr. Olexo to approve the purchase of two additional paper trays for the Auditor's copier machine from Hughes Xerographic Equipment Agency, Inc., Bellaire, Ohio. This will increase the total monthly lease payment by approximately \$11.00.

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Olexo	Yes

IN THE MATTER OF DISCUSSION HELD
RE: BETHESDA SATELLITE BUILDING UPDATE

Bill Hooker, Architect for the Bethesda Satellite building project provided the Board with an update. Mr. Hooker stated the fire system and exit lighting as well as the back up lighting systems all need updating. He is ready to seek state certification and is leaving the documents with the board for their review. Commissioner Thomas stated the Board is ready to proceed and requested William Eddy, Building and Grounds Superintendent, review the documents.

IN THE MATTER OF ADVERTISING
FOR BIDS FOR EMERGENCY LIGHTING AND FIRE ALARM SYSTEM/
BETHESDA C-CAP SCHOOL/JUVENILE COURT

Motion made by Mr. Olexo, seconded by Mr. Thomas to advertise for the following:

ADVERTISE FOR BIDS

It appearing to the Board that it would be to the best interest of the Public to ask and receive bids for emergency lighting and fire alarm system for the Belmont County C-Cap School, Bethesda, Ohio, the Clerk is hereby directed to have published in the Martins Ferry Times Leader, a newspaper having general circulation in the County, a "Notice to Bidders" as follows:

NOTICE TO BIDDERS

Sealed bids will be received by the Belmont County Board of Commissioners at their offices located in the Court House, St. Clairsville, OH 43950 until 9:30 A.M. Friday, August 3, 2001 and opened immediately thereafter for furnishing the necessary labor, materials, tools, equipment, and transportation required for:

EMERGENCY LIGHTING AND FIRE ALARM SYSTEM
For
BELMONT COUNTY C-CAP SCHOOL
BETHESDA, OHIO

Copies of drawings and specifications may be obtained by prime bidders from the office of William Hooker AIA, Architect, 40 12th Street, Wheeling, WV 26003 upon deposit with them \$25 in cash or check made payable to the Architect for each set of bidding documents. Upon receipt of a request, accompanied by the deposit the Architect will forward copies of bidding documents, shipping charges collect. The full deposit will be returned to bona fide bidders who submit a proposal and return documents in good condition within 10 days after the receipt of bids.

Documents may be viewed during business hours at the following locations:

Office of the County Commissioners
Courthouse
St. Clairsville, OH 43950

Office of the Architect
40 - 12th Street
Suite 307 McLain Building
Wheeling, WV 26003

Ohio Valley Construction Employers Council
21 Armory Drive
Wheeling, WV 26003

And

329 North Fourth Street
Steubenville, OH 43942

Bids must be submitted on forms furnished, addressed to Board of Commissioners, Courthouse, St. Clairsville, Ohio 43950 sealed and endorsed on the outside with bidder's identity and project title.

Mechanics and laborers shall be paid a prevailing rate of wage predetermined by the Ohio Bureau of Employment Services, Wage and Hour Division.

Each bid must contain the full name of every person or company interested in same, shall state the price for labor and materials and must be accompanied by a Bid Guarantee in the amount of 100 percent of proposal sum.

The Bidder shall not discriminate against any employee or applicant for employment, because of race, color, religion, national origin, ancestry, age, handicap, sex, or disability as that term is defined in the American with Disabilities Act. The Bidder shall take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, religion, national origin, ancestry, handicap, sex or disability as that term is defined in the Americans with Disabilities Act. Such action shall include, but is not limited to the following: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination; rate of pay or other forms of compensation; and selection for training, including apprenticeship. The Bidder agrees to post in conspicuous places, available to employees and applicants for employment, notices as may be provided by the Department, setting forth the provisions of this nondiscrimination clause.

The Bidder agrees that he shall fully cooperate with the STATE Equal Employment Opportunity Coordinator, with any other official or agency of the State of Federal Government, which seeks to eliminate unlawful employment discrimination, and with all other State and Federal efforts to assure equal employment practices under this contract.

The Bidder agrees to comply with all applicable State and Federal laws regarding a drug-free workplace. The Bidder shall make a good faith effort to ensure that all contract employees, while working on this Project, will not purchase, transfer, use or possess illegal drugs or abuse prescription drugs in any way.

No bidder may withdraw his bid within 30 days after the actual date of the opening thereof.

Said Contract will be let to the lowest and best responsible Bidder in accordance with the Resolution adopted by the Belmont of Commissioners listing bidding factors. If in the opinion of the Board of Commissioners the acceptance of the lowest bid is not in the best interest of all concerned, another proposal so opened may be accepted. The Board of Commissioners reserves the right to waive any informalities and to accept or reject any or all bids.

BY ORDER OF BELMONT COUNTY COMMISSIONERS
Darlene Pempek /s/
Darlene Pempek, Clerk

Upon roll call the vote was as follows:

Mr. Olexo	Yes
Mr. Thomas	Yes

IN THE MATTER OF AWARDING
BID FOR REPLACING BRICK PAVERS
IN FRONT OF COURTHOUSE/BUILDING AND GROUNDS

William Eddy, Building and Grounds Superintendent stated he has reviewed the bids for the brick pavers job and recommended the board award the project to Ponzani Landscaping, St, Clairsville, Ohio, the low bidder. Commissioner Olexo stated since this was a job of random bricks being repaired; the bid was done in a manner to be charged by the square foot not by the job. Bill Eddy stated the area being discussed was at most, 100 square foot. Commissioner Olexo stated there is a safety concern for the public, due to uneven levels of the pavers. Bill stated the level of the pavers were off by 1-1 ½ inch in some places.

Motion made by Mr. Thomas, seconded by Mr. Olexo to award the bid for the "Request for Proposals" for replacing and leveling brick pavers in front of the Courthouse as outlined in the specifications, to the low bidder, Ponzani Landscaping, St. Clairsville, Ohio, in the amount of \$2.00/sq. ft. or \$6.00/sq. ft alternate, based upon the recommendation of Bill Eddy, Building and Grounds Superintendent.

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr.Olexo	Yes

IN THE MATTER OF ENTERING
EXECUTIVE SESSION AT 9:45 A.M.
BOARD AND CLERK OF THE BOARD

Motion made by Mr. Olexo, seconded by Mr. Thomas to enter executive session at 9:45 A.M. to discuss compensation of public employees upon adoption of the following:

RESOLUTION OF THE BELMONT COUNTY
BOARD OF COUNTY COMMISSIONERS

WHEREAS, the Board of Belmont County Commissioners are permitted to meet in executive session in order to consider those matters specifically authorized by R.C. 121.22 (G) (1); and

WHEREAS, a majority of a quorum of the Board of Belmont County Commissioners has determined, by roll call vote, to hold an executive session to consider **the compensation of a public employee;**

WHEREFORE, BE IT RESOLVED THAT: the Board of Belmont County Commissioners shall hold an executive session to consider **the compensation of a public employee;**

WHEREFORE, BE IT FURTHER RESOLVED THAT: the Board of Belmont County Commissioners shall only adopt a resolution, resolution or formal action regarding the matters considered in executive session at an open meeting of the Board.

ROLL CALL on the adoption of the Resolution resulted as follows:

Mr. Olexo	Yes
Mr. Thomas	Yes

IN THE MATTER OF ADJOURNING
EXECUTIVE SESSION AT 9:55 A.M.
BOARD AND CLERK OF THE BOARD

Motion made by Mr. Olexo, seconded by Mr. Thomas to adjourn executive session at 9:55 A.M. to discuss compensation of public employees.

Upon roll call the vote was as follows:

Mr. Olexo	Yes
Mr. Thomas	Yes

- NO ACTION TAKEN

IN THE MATTER OF DISCUSSION HELD
RE: PARK HEALTH CENTER FACILITY UPDATE

Lynn Agostini, Administrator of the Park Health Center and William Eddy, Building and Grounds Superintendent, presented an update on the proposal from Johnson Control for the installation of an addressable fire alarm system under House Bill 300. According to Mr. Eddy, Johnson Controls met with them to discuss the proposed cost for an addressable system in comparison to a zone system. Mr. Eddy and Ms. Agostini have not yet heard back from Johnson Controls with the results.

Commissioner Olexo questioned why they were requesting changes from the first quote. Ms. Agostini stated, "We have problems with the system not being accurate, the current system does not work properly. I wanted to see proposals on both types, the addressable and the zone system." Ms. Agostini's recommendation is to remain with an addressable system if the cost is feasible. She explained that the current system has caused problems and sometimes the Fire Department has had to come to the facility two or three times a week.

Commissioner Olexo asked about a previous problem with a lock on the door, which had been discussed prior to this day's meeting. Ms. Agostini stated it is functioning well and will not need changed.

Mr. Eddy stated that Virgil Markovich, Park Health Center Maintenance Superintendent, has informed him that the maintenance department can replace the ballasts and bulbs on their own - this will save a considerable amount of money. Mr. Eddy has advised Johnson Control to eliminate that project from the proposal. Commissioner Olexo stated the board's main concern is to dispose of the ballasts properly. Mr. Eddy said, " We feel they are not PCB but will check."

Mr. Eddy continued that House Bill 300 pertains to energy conservation The installation of new lighting could save 40% of the bill, you pay your project off with the money saved by improving your facility. He explained any work performed would be an extension of the previous work done by Johnson Control in 1997.

IN THE MATTER OF DISCUSSION HELD
RE: DEEP RUN WATERLINE EXTENSION PROJECT UPDATE

Present for the discussion were: Jeff Vaughn, Vaughn, Coast and Vaughn, Engineer for the Deep Run Waterline Extension Project, Steve Hanson, Seneca Valley, Inc., General Contractor and John Christopher, Director of Belmont County Sanitary Sewer. The individuals presented an update on the completion of the Deep Run Waterline extension project to the Board.

Mr. Christopher stated there were a small number of complaints from residents in the vicinity that needed addressed. He took a crew from the department and met with each resident to hear their concerns. Mr. Christopher stated they took care of lawns and gravel replacement, mainly landscaping issues, and all the complainants were satisfied. He explained that there is a 20-foot section tie in that had been crushed and when it rains, they get a catch basin that gathers the water. Mr. Christopher has spoken to Steve Hanson in regards to this issue and it will be rectified.

Commissioner Thomas questioned, "Number one, does everyone have water that was supposed to and do they have good water pressure?" John Christopher stated "Yes they do. There had been a problem last week with water pressure but it has been taken care of. Mr. Shemensi is taken care of. The lady who called last week is taken care of."

Commissioner Thomas stated, "The Board appreciates your coming in today. As you know we have received many complaints over the last few weeks. The Commissioner's intent is to put this issue to rest and move on. Our concern is that this Board has received too many phone calls from residents. We wanted a final update on what exactly needs done."

Mr. Hanson stated the 12" culvert is all that is left to be taken care of and as soon as it is decided what has to be done and who is to do it, it will be completed in a matter of a couple of hours. John Christopher stated their guys, or our guys, either one can do it.

Commissioner Thomas questioned again, if all landscape issues were cleared up. Mr. Christopher again affirmed that they were indeed all settled. Commissioner Thomas then questioned Mr. Vaughn if he was satisfied. Mr. Vaughn stated he was indeed satisfied and would like to get the contractor paid. He continued, "The remainder of the final payment, the four percent retainage, is to cover these types of issues, the payment for the work accomplished should not have been held up. The contractor did indeed complete his job satisfactorily. There were few people that had problems. The overall perspective is that these minor items don't justify holding payment. I am satisfied with the work Mr. Hanson completed."

Commissioner Thomas asked for an update on the Neffs project. Mr. Vaughn stated the force main line itself is in and tested satisfactorily. The pump stations are being put in and the contractor will have the work completed by August.

**IN THE MATTER OF APPROVING
PAYMENT REQUEST NO. 3 TO SENECA VALLEY, INC.FOR
THE DEEP RUN WATERLINE EXTENSION PROJECT/SANITARY SEWER**

Motion made by Mr. Olexo, seconded by Mr. Thomas to approve the payment of Requisition No. 3 to Seneca Valley, Inc., 48035 Twp. Rd. #108, Caldwell, OH for the Deep Run Waterline Extension Project in the amount of \$66,974.10 and to hold \$15,065.55 in retainage.

Upon roll call the vote was as follows:

Mr. Olexo	Yes
Mr. Thomas	Yes

**IN THE MATTER OF 2002
BUDGET HEARING-11:00 A.M.**

Motion made by Mr. Olexo, seconded by Mr. Thomas to approve the 2002 Budget and submit it to the Budget Commission. The Board of County Commissioners of said County hereby submits its annual budget for the fiscal year commencing January 1, 2002 to the Auditor of said County for consideration by the County Budget Commission.

Upon roll call the vote was as follows:

Mr. Olexo	Yes
Mr. Thomas	Yes

Commissioner Olexo gave a brief overview of the budget. He highlighted the improvement issues and requests from the general fund. Commissioner Olexo reiterated that the 911 budget is now included in the general fund budget. He explained this had been a difficult year due to the state budget cutbacks, the down turn in local economy, and sales tax. He also clarified that the Board of Commissioners prepares the budget and submits it to the County Budget Committee which consists of County Auditor Joseph Pappano, County Treasurer Joseph Gaudio, and Belmont County Prosecutor Frank Pierce.

Commissioner Thomas stated the 18 million does include the 911 budget and the 2002 infrastructure estimated at 3 million. Commissioner Olexo stated that one common misconception is that one and a half million dollars for 911 and the one and a half million dollars for infrastructure reflects the downturn and if it continues it will change local government funding.

**IN THE MATTER OF 2002
BUDGET HEARING-11:00 A.M. (cont'd)**

Commissioner Thomas stated, "We would publicly like to thank the Clerk, and department heads for preparing the budget in a timely manner, this aides in efficiently operating our county's general fund." He also added that it will be a difficult year for the Board in making decisions and implementing them due to the State budget cuts that become effective July 1, 2001.

Commissioner Olexo stated that indeed the department heads requests are minimal and conservative.

**IN THE MATTER OF APPROVING
THE QUARTERLY FINANCIAL REPORT FORM
FOR THE OAKVIEW JUVENILE REHAB/AFTERCARE PROGRAM GRANT**

Motion made by MR. Olexo, seconded by Mr. Thomas to approve the signing and submittal of the Quarterly Financial Report Form for the Aftercare Program, Subgrant No. 2000-JB-013-A112, Initial Payment Request: \$27,300.00 for the Oakview Juvenile Rehabilitation District.

Upon roll call the vote was as follows:

Mr. Olexo	Yes
Mr. Thomas	Yes

**IN THE MATTER OF APPROVING
THE QUARTERLY INVOICE FOR THE SARGUS JUVENILE
CENTER**

Motion made by Mr. Olexo, seconded by Mr. Thomas to approve the signing and submittal of the Quarterly Invoice for the Sargus Juvenile Center, Subsidy for Operation nad Maintenance of Detention Facility, Fiscal Year 2001, Total Allocation: \$156,928.00 for the Fourth Quarter (April, May, June) to the Ohio Department of Youth Services.

Upon roll call the vote was as follows:

Mr. Olexo	Yes
Mr. Thomas	Yes

IN THE MATTER OF THE

**VACATION OF A STREET AND ALLEY
IN THE HAMLET OF KINSMAN AS RECORDED IN
CABINET B, SLIDE 180, WHEELING TOWNSHIP/RD IMP 1057**

**OFFICE OF COUNTY COMMISSIONERS
BELMONT COUNTY, OHIO**

Petitioned for by freeholders and others

**Journal Entry--Order Upon view of Proposed Improvement
ORDER TO COUNTY ENGINEER
Gen'l Code Sec. 6865**

Mr. Olexo moved the adoption of the following:

RESOLUTION

WHEREAS, On the 11th day of July, 2001, the time heretofore fixed for view of the proposed improvement, we, the Board of County Commissioners having jurisdiction in said matter, went upon the line of said proposed improvement and made personal view of the proposed route and termini thereof, and after full investigation and due consideration of all the facts and conditions pertaining thereto; therefore be it

RESOLVED, That we do find and consider said improvement of sufficient public importance to instruct the County Engineer to make an accurate survey and plat of the same, and furnish an accurate and detailed description of the proposed improvement describing the center line and right of way lines thereof.

Said County Engineer shall also furnish an accurate and detailed description of each tract of land which he believes will be necessary to be taken in the even the proposed improvement be made, together with the name of each owner.

Said County Engineer shall also, at the time of making such survey, set stakes at the termini of each right of way line and at all angles between such termini, and at sufficient other points on the right of way lines so that the bounds of the proposed improvement may be discernible to property owners and other interested persons; and be it further

RESOLVED, That the said County Engineer be and he is hereby directed to make a report in writing to this Board, on or before the 18th day of July, 2001 the date fixed for the final hearing, setting forth the opinion of said County Engineer either for or against said proposed improvement, ² and the width to which said improvement shall be opened, which shall not be less than thirty feet; said report shall be accompanied by said plat and detailed and accurate descriptions, and filed with the County Commissioners, and this case is continued unto said date.

Mr. Thomas seconded the Resolution and the roll being called upon its adoption, the vote resulted as follows:

Mr. Olexo Yes
Mr. Thomas Yes

Adopted July 11, 2001

**IN THE MATTER OF AWARDING
BID FOR BROOKSIDE PARK PROJECT/CDBG**

Motion made by Mr. Olexo, seconded by Mr. Thomas to award the bid for the Brookside Park Project, a Community Development Block Grant project, to Miracle Recreation based upon the recommendation of A.C. Wiethe, Bel-O-Mar Regional Council as follows:

NOTICE OF AWARD

To: Miracle Recreation
P.O. Box 465
Medina, OH 44258

PROJECT Description: See Contract

The OWNER has considered the BID submitted by you on July 3, 2001, (BID Date) for the above described WORK in response to its Advertisement for BIDS and Information for BIDDERS.

You are herby notified that your BID has been accepted for items in the amount of \$7,665.00.

Your are required by the Information for BIDDERS to execute the Agreement and furnish the required CONTRACTOR'S Contract BOND if applicable, and Certificates of Insurance within 10 calendar days from the date of this notice to you.

If you fail to execute said Agreement and to furnish said BOND within 10 days from the date of this notice, said OWNER will be entitled to consider all of your rights arising out of the OWNER'S acceptance of your BID as abandoned and as a forfeiture of your BID guaranty subject to the liabilities set forth in Section 153.54 of the Ohio Revised Code. The OWNER will be entitled to such other rights as may be granted by law.

You are required to return an acknowledged copy of this NOTICE OF AWARD to the OWNER.

Dated this 11th day of July, 2001.

Belmont County Commissioners
Owner
By: Ryan E. Olexo /s/
Name: Ryan E. Olexo
Title: President

ACCEPTANCE OF NOTICE

Receipt of the above NOTICE OF AWARD is hereby acknowledged by Miracle Recreation Equipment Co. on this 23rd day of July, 2001.

By: Jim Pefferman /s/

Name and Title: Jim Pefferman, Vice-President

cc: CONTRACTOR'S Surety
Surety's Agent

CONTRACT

This AGREEMENT made this 11th day of July, 2001 by and between Miracle Recreation hereinafter called the "Contractor" and Belmont County Commissioners hereinafter called the "Owner".

WITNESSETH, that the Contractor and the owner for the considerations stated herein mutually agree as follows:

ARTICLE 1. Statement of Work

The Contractor shall furnish all supervision, technical personnel, labor, materials machinery, tools, equipment and services including utility and transportation services, and perform and complete all work required for the construction of the improvements embraced in the project; namely, Brookside Playground Equipment, and required supplemental work for the project all in strict accordance with the Contract Documents including all addenda thereto, numbered _____, dated _____, and _____ dated _____ all as prepared by Village of Brookside acting and in these Contract documents preparation, referred to as the "Engineer".

ARTICLE 2. The Contract Price

The Owner will pay the Contractor for the total quantities of work performed at the unit prices stipulated in the Bid for the respective items of work completed for the sum not to exceed Seven thousand six hundred fifty-five and 00/100 (Dollars) subject to additions and deductions as provided in Section 109 hereof.

*see attached

Article 3. Contract

The executed contract documents shall consist of the following:

- a. This Agreement
- b. Addenda
- c. Invitation for Bids
- d. instructions to Bidders
- e. Signed copy of Bid
- f. General Conditions, Part I and II
- g. Special Conditions
- h. Technical Specifications
- i. Drawings (as listed in the Schedule of Drawings)

This Agreement, together with other documents enumerated in this Article 3, which said other documents are as fully a part of the Contract as if hereto attached or herein repeated, forms the Contract between the parties hereto. In the event that any provision in any component part of this Contract conflicts with any provision of any other component part, the provision of the component part first enumerated in this ARTICLE 3 shall govern, except as otherwise specifically stated.

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be executed in Two original copies on the day and year first above written.

CONTRACTOR
Miracle Recreation Equipment Co.

OWNER: Belmont County
Commissioners

Jim Pefferman /s/
Signature

Ryan E. Olexo /s/
Signature

Jim Pefferman
Typed/printed name

Ryan E. Olexo
Typed/printed name

Vice-President
Title

President
Title

NOTICE TO PROCEED

To: Anderson Recreational Design, Inc.
P.O. Box 316
Colerain, OH 44258

PROJECT Description: See Contract

You are hereby notified to commence WORK in accordance with the Agreement Dated July 11, 2001, on or before July 21, 2001, and you are to complete the WORK within 35 consecutive calendar days thereafter. The date of completion of all WORK is therefore August 25, 2001.

Belmont County Commissioners
Owner
By: Ryan E. Olexo /s/
Name: Ryan E. Olexo
Title: President

ACCEPTANCE OF NOTICE

Receipt of the above NOTICE TO PROCEED is hereby acknowledged by Miracle Rec. on this 23rd day of July, 2001.

By: Jim Pefferman /s/
Name: Jim Pefferman
Title: Vice President

Upon roll call the vote was as follows:

Mr. Olexo	Yes
Mr. Thomas	Yes

IN THE MATTER OF ADJOURNING
COMMISSIONERS MEETING

Motion made by Mr. Thomas, seconded by Mr. Olexo to adjourn the Commissioners meeting.

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Olexo	Yes

Read, approved and signed this 11th day of July A.D., 2001.

_____ COUNTY COMMISSIONERS

Charles R. Probst, Jr., absent

We, Ryan E. Olexo and Darlene Pempek, President and Clerk respectively of the Board of Commissioners of Belmont County, Ohio, do hereby certify the foregoing minutes of the proceedings of said Board have been read, approved and signed as provided for by Sec. 305.11 of the Revised Code of Ohio.

_____ PRESIDENT

_____ CLERK