

The Board of Commissioners of Belmont County, Ohio, met this day in regular session. Present: Ryan E. Olexo, Charles R. Probst and Mark A. Thomas, Commissioners and Darlene Pempek, Clerk of the Board. Minutes of the meeting of October 12, 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. Probst, 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
Chris McBride	Remodel Judge Sargus's office-Gen	2,943.14
Amy Busic	Guardian ad litem fees/Common Pleas-Gen	287.50
J. Mark Costine, Judge	Reimb for printer cable/Probate-General	31.94
Manatron	Contract services/Auditor's-General	12,374.36
Ameritech	Reimb for phone bill/Probation-General	94.87
Thomas Sable	Replacement cost for damaged refrigerator at Ahmed residence/Prosecutor's-General	550.00
Lawrence Gray	Reimburse expenses/Common Pleas Ct-Gen	206.57
Xerox Corporation	Meter usage/Engineer's-General	29.87
Roger L. Tipton	Aug-Sept refuse bill/Bethesda Satellite	136.00
Belmont County Sanitary Sewer	Service to jail/Jail Maintenance-Gen	1,277.50
Don Harr	Reimb conference expenses/Auditor-Gen	36.29
Roberta Jenkins	Reimburse expenses-General	11.82
Elaine Skorich	Attorney fees-Probate Court	354.75
Michael C. Stewart	Firearms instruction & ammunition for Juvenile Probation officers-Probate Ct	275.00
Eastern Ohio Regional Wastewater	Sewage disposal-Sanitary Sewer	23,202.45
Hammontree & Associates	WWS #3 2000 Waterline ext-San. Sewer	16,604.94
WWS #3 Phase II Bond Account	Transfers-Sanitary Sewer	251,000.00
Johnson Boiler Works, Inc.	Insurance claim-Sanitary Sewer	7,825.00
Belmont County Sanitary Sewer	Service/WW#1-Sanitary Sewer	3,794.21
American Electric Power	Service/WW#1-Sanitary Sewer	219.93
Bd. of Trustees of Public Affairs	Sept. service/WW#1-Sanitary Sewer	9,799.43
Clayton IDS, Inc.	Computer equip for cruisers-Sheriff LEB	9,028.00
Waltz Postal Solutions, Inc.	Certified mailers-Western Computer	505.04
Crystal Springs	Water service/Northern Court Spec Proj	20.95
Sam's Club	Materials-Bel Har Group Homes	230.57
Ford Motor Credit Company	Travel-Bel Har Group Homes	1,223.80
Dawn Burton	Training-Bel Har Group Homes	58.02
Jason Frohnapfel	Training-Bel Har Group Homes	56.24
Sam's Club	Food service exp-Sargus	267.15
Juanita Russell	Travel & training-Sargus	23.11
Beth Oprisch	Travel & training-Sargus	93.09
First USA Bank, NA	Travel & training-Sargus	77.23

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 dated for October 17, 2001 as follow:

FUND	AMOUNT
General	\$3,266.56, \$8,006.15
General/Sheriff's	\$11,163.46, \$3,819.14, \$1,883.51
General/Disaster Services	\$630.54
Makenzie Building Maintenance-Gen	\$135.00
Martins Ferry Satellite-Gen	\$1,085.10
Belmont County 9-1-1	\$197,971.59, \$48.75
BCDJFS/PA	\$35,964.93, \$17,970.00, \$21,812.32,\$88,465.63, \$86,801.00, \$6,824.65
BCDJFS/CSEA	\$15,017.20, \$23,144.49
BCDJFS/Children Services	\$79,681.00, \$130,258.83

Litter Control	\$584.73
Engineer's MVGT	\$89.14, \$9,082.05
Sanitary Sewer District	\$1,119.19, \$83.93, \$32,086.68, \$3,736.33
	\$10,472.30, \$71,075.02
Eastern Satellite Building	\$75.05
Oakview Administration Bldg.	\$6,839.86
Disaster Services LEPC	\$92.82
Western Court Computer	\$365.04

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Olexo	Yes
Mr. Probst	Yes

IN THE MATTER OF TRANSFER OF FUNDS FOR THE BELMONT COUNTY SANITARY SEWER DISTRICT

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

FROM:	TO:	AMOUNT
P053 - P15 Other Expense	P053 - P16 Transfers	\$40,000.00

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Olexo	Yes

IN THE MATTER OF TRANSFER OF FUNDS FOR THE BELMONT COUNTY JUVENILE COURT'S DRUG COURT II M068 FUND

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

FROM:	TO:	AMOUNT
M068-M04 Medicare	M068-M12 Advances Out	\$ 91.53
M068-M05 Insurances	M068-M12 Advances Out	362.44
M068-M07 Supplies	M068-M12 Advances Out	972.61
M068-M09 Other	M068-M12 Advances Out	749.82
Total		\$2,176.40

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 & GROUP HOMES PRC GRANT FUND

Motion made by Mr. Olexo, seconded by Mr. Probst to make the following transfer within fund for the Belmont Harrison Juvenile District-Detention & Group Homes PRC Grant Fund.

FROM	TO	AMOUNT
S035-S01 Salaries	S035-S03 Hospitalization	\$278.61

Upon roll call the vote was as follows:

Mr. Olexo	Yes
Mr. Probst	Yes
Mr. Thomas	Yes

IN THE MATTER OF GRANTING SANITARY SEWER EMPLOYEES REQUEST TO TRAVEL

Motion made by Mr. Olexo, seconded by Mr. Thomas granting permission for the following employees of the Sanitary Sewer District to travel to Columbus, Ohio to take an Ohio EPA Test and use a county vehicle for transportation.

Wednesday, October 24, 2001-Ronald Pacifico

Thursday, October 25, 2001-William Meyers, Michael Murray and Michael Stewart

Upon roll call the vote was as follows:

Mr. Olexo	Yes
Mr. Thomas	Yes

IN THE MATTER OF REQUEST
FOR CERTIFICATION OF MONIES FOR THE GENERAL FUND

Motion made by Mr. Olexo, seconded by Mr. Thomas request the following monies be certified.

October 12, 2001
Budget Commission
Belmont County Courthouse
St. Clairsville, Ohio 43950

Dear Sirs:

Requesting certification of monies for the General Fund as follows:

\$119,196.93 paid into A045-Q00 on October 10, 2001
Insurance reimbursement/damage to water sewer plant

\$1,805.08 paid into A045-Q00 on October 10, 2001
Insurance reimbursement/damage to phone system/School of Hope

\$608.57 paid into A045-A00 on October 10, 2001
Reimbursement of advertisement/ads for mediator and staff position/Common Pleas

\$3,110.00 paid into A213-C00
Intense probation fees paid in from April May and June 2001

\$4,072.10 paid into A213-C00
Intense Probation fees paid in from July, August and September, 2001

\$7,560.45 paid in October 12, 2001
check from CSEA IV-D/Common Pleas Court Magistrate reimbursement

Thank you for your consideration.

Very truly yours,
BELMONT COUNTY COMMISSIONERS
Ryan E. Olexo /s/
Mark A. Thomas /s/

Upon roll call the vote was as follows:

Mr. Olexo	Yes
Mr. Thomas	Yes

IN THE MATTER OF BID
OPENING FOR CITY OF BELLAIRE
STREET IMPROVEMENT PROJECT/
CDBG FORMULA FY 2001

BID OPENING

This being the day and 9:30 A.M. being the hour that bids were to be on file in the Commissioners' Office for the City of Bellaire Street Improvement Project, a CDBG Formula FY 2001 paving project, they proceeded to open the following bids.

Lash Excavating & Paving Colerain, Ohio	Bid Bond	\$21,566.95
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Tri-State Asphalt Rayland, Ohio	Bid Bond	\$20,473.23
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Present for the bid opening were Ed Leonard, Tri-State Asphalt Co., Wilson Adams, Lash Excavating & Paving, Fred Bennett, County Engineer, Jeremy Midei, Times Leader and Joselyn King, Intelligencer.

Motion made by Mr. Olexo, seconded by Mr. Probst to turn bids over to Clerk Darlene Pempek to hold for A.C. Wiethe's (Bel-O-Mar Regional Council) review and recommendation.

Upon roll call the vote was as follows:

Mr. Olexo	Yes
Mr. Probst	Yes
Mr. Thomas	Yes

IN THE MATTER OF ENTERING
INTO AGREEMENT WITH WHEELING ENTERTAINMENT CORPORATION
RE: WASTEWATER TRANSPORTATION TO FOX SHANNON WASTEWATER TREATMENT FACILITY
AND CORRESPONDING EASEMENTS

— Motion made by Mr. Olexo, seconded by Mr. Probst to enter into the following agreement and corresponding easements with Wheeling Entertainment Corporation for the transportation of the Corporation's wastewater to the Fox Shannon Wastewater Treatment Facility.

AGREEMENT
BELMONT COUNTY BOARD OF COMMISSIONERS
AND
WHEELING ENTERTAINMENT CORPORATION

This agreement, made and entered into this 17th day of October, 2001 by and between the Board of County Commissioners, for the Belmont County Sanitary Sewer District, 101 West Main Street, St. Clairsville, Ohio 43950, a political subdivision of the State of Ohio, hereinafter referred to as the Commissioners, and Wheeling Entertainment Corporation, 1015 Main Street; Wheeling, WV 26003, hereinafter referred to as the Corporation.

WHEREAS, it is the intent of the Commissioners to construct a sewer trunk line, with appropriate appurtenances along US Route 40 (National Road), in Richland and Union Townships, west of St. Clairsville, connecting it to the Fox Shannon Wastewater Treatment Facility;

WHEREAS, the Commissioners wish to improve the environment by providing sewage treatment to property owners along U.S. Route 40;

WHEREAS, the Fox Shannon Wastewater Treatment Facility has the capacity to treat wastewater generated by the Corporation;

WHEREAS, the Corporation owns the property and sewage at a business site along U.S. Route 40 (National Road); and,

WHEREAS, the Corporation desires to protect the environment by having its wastewater properly treated:

NOW THEREFORE, in consideration of the mutual promises, covenants and conditions herein, the Commissioners and the Corporation agree as follows:

Section I

The Commissioners agree to permit the Corporation to connect to the sewer line for the purpose of transporting the Corporation's wastewater to the Fox Shannon Wastewater Treatment Facility.

Section II

The Commissioners shall construct the necessary pump station and force main on the Corporation's property to US Route 40 per Project Engineer Vaughn, Coast and Vaughn's design, its drawings attached as Exhibit A.

Section III

The Corporation shall grant an easement to the Commissioners for the sewer line and pump station along the eastern edge of the Corporation's property, as per attached Exhibit A.

Section IV

The Corporation shall grant ingress and egress over and across property to access the pump station upon the following conditions:

1. No entry at any time when any event is being held at the premises unless a dire emergency exists.
2. On all other occasion notice of date and time of entry shall be given to the Corporation.

Section V

The Corporation shall make a gift of twenty-five thousand dollars (\$25,000.00) towards the cost of the construction of the new pump station on its land with the Commissioners paying all other costs associated with the pump station and sewer force main.

Section VI

The Corporation agrees to pay a users rate, as determined by the Commissioners, based upon flow of the water used by the Corporation, which will be standard for all users where its wastewater is treated at the Fox Shannon Wastewater Treatment Facility.

Section VII

The Commissioners shall not be responsible for any claim or damages for interruption of service to the Corporation arising from causes beyond the Commissioners' control. The Corporation shall not be responsible for any claims or damages for interruption of service beyond the Corporation's control.

Section VIII

This agreement shall become effective immediately upon execution hereof and embodies the entire agreement between the parties.

Section IX

This agreement shall be subject to and conditioned upon and construed in accordance with the rules, regulations and laws of the State of Ohio and applicable to similar agreements which shall be binding upon the successors and assigns in interest of the parties hereto.

Section X

This agreement is executed by the Board of Commissioners of Belmont County Ohio, for and on behalf of the Belmont County Sanitary Sewer District, pursuant to a resolution duly adopted at the meeting held on the 17th day of October, 2001, and is likewise executed for and on behalf of the Wheeling Entertainment Corporation pursuant to a resolution adopted by the Board of Directors at a meeting held on the _____ day of _____, 2001.

Witnesses:

Darlene Pempek /s/

Mae Whiteley /s/

Belmont County Commissioners

Ryan E. Olexo /s/
Ryan E. Olexo, President

Mark A. Thomas /s/
Mark A. Thomas

Charles R. Probst, Jr. /s/
Charles R. Probst, Jr.

Witnesses:

Wheeling Entertainment Corporation

President

Approved as to form:

Robert Quirk /s/
Belmont County Prosecuting Attorney

Counsel for Wheeling Entertainment Corporation

Right of Way Easement

KNOWN ALL MEN BY THESE PRESENTS:

That in consideration of One Dollar (\$1.00) and other good and valuable consideration paid to Wheeling Entertainment Corporation, hereinafter referred to as GRANTOR by the Belmont County Sanitary Sewer District, hereinafter referred to as GRANTEE, the receipt of which is hereby acknowledged, the GRANTOR does hereby grant, bargain, sell, transfer, and convey unto the GRANTEE, its successor and assigns, a perpetual easement with the right to erect, construct, install and lay, and thereafter use, operate, inspect, repair, maintain, replace or remove a sewer line, over, across and through the land of the GRANTOR situated in Belmont County, State of Ohio, said land being described as follows:

EASEMENT #1

**DESCRIPTION FOR SANITARY FORCE MAIN EASEMENT
ALONG THE EXISTING FENCE ON EAST SIDE OF PROPERTY
TO LIFT STATION, THEN FROM LIFT STATION TO OHIO
DEPARTMENT OF TRANSPORTATION PROPERTY LINE**

Situated in Union Township, County of Belmont, State of Ohio, and being a portion of Section 2 and Section 3, Township 8, Range 5 and being more particularly described as follows:

Beginning for the description at a point which bears S85°55'11"W, 18.22 feet, and S35°59'22"W, 35.19 feet from the Northeast Corner of Wheeling Entertainment Corporation property as recorded in Volume 656, Page 849 in the Belmont County Recorder's Office:

Thence from the said point of beginning and being a Permanent Easement 16 feet wide, 8 feet on each side of the following described centerline and also a Temporary construction Easement 20; wide funning along the West and North side and contiguous with the above described Permanent Easement, for the following bearings and distances:

1. S07°51'34"E, 223.32 feet
2. S01 °47'03"W, 92.98 feet
3. S05 °11'14"E, 196.42 feet
4. S01 °35'03"E, 198.87 feet
5. S03 °34'49"W, 361.53 feet

6. S00 °05'04"W, 243.90 feet
7. S22 °33'34"W, 141.24 feet
8. S14 °20'11"W, 294.26 feet
9. S02 °10'dd"E, 329.83 feet
10. S03 °37'37"W, 345.26 feet to the center of a 100 foot by 100 foot square easement for a proposed lift station.
11. Thence from the center of the proposed 100 foot by 100 foot square easement N55°25'42"W, 349.56 feet.
12. Thence S70 °33'37"W, 128.20 feet to the point of termination on the boundary line between the Ohio Department of Transportation and Wheeling Entertainment Corporation Property as recorded in Volume 656, Page 861 as recorded in the Belmont County Recorder's Office.

The bearings for the above-described easement are based on the same bearing system for Wheeling Entertainment Corporation Property described in Volume 656, Page 649.

EASEMENT #2

DESCRIPTION FOR SANITARY FORCE MAIN EASEMENT ALONG THE SOUTH SIDE OF U.S. ROUTE 40

Situated in Union Township, County of Belmont, State of Ohio, and being a portion of Section 3, Township 8, Range 5, and being more particularly described as follows:

Beginning for the description at a point which bears S85 °55'11"W, 18.22 feet from the Northeast Corner of Wheeling Entertainment Corporation property as recorded in Volume 656, Page 849 in the Belmont County Recorder's Office:

Thence from the said point of beginning and being a Permanent Easement sixteen (16) feet wide, eight (8) feet on each side of the following described centerline and also a Temporary Construction Easement twenty (20) feet wide running along the West side and contiguous with the above described Permanent Easement, for the following bearings and distances:

1. S84 °46'28"W, 450.17 feet
2. S86 °25'00"W, 1808.51 feet to the point of termination on the West property line of Wheeling Entertainment Corporation Property as recorded in Volume 658, Page 309 as recorded in the Belmont County Recorder's Office.

The bearings for the above-described easement are based on the same bearing system for Wheeling Entertainment Corporation Property described in Volume 656, Page 649.

The above described Sanitary Force Main Easement is for the right to erect, construct, install, lay, and thereafter use, operate, inspect, repair, maintain, replace, enlarge, or remove the sewer force main through the land of the Owner.

The above easement was prepared by William Street, Registered Surveyor No. 5486 in September 2001.

The same being a permanent easement sixteen (16) feet in width, eight (8) feet on each side of the centerline of the proposed line as constructed. Also a temporary easement for construction purposes only twenty (20) feet in width giving a total width both of the permanent and temporary easement of the thirty six (36) feet together with the right of ingress and egress over the adjacent land of the GRANTOR, successors and assigns for the purpose of this easement. Said easement shall be located as shown on Exhibit "A" hereto and made a part hereof by reference.

The consideration hereinabove, plus restoration to land and/or landscape as a result of construction shall constitute partial payment for any damages to the land of the GRANTOR, his successors and assigns, by reason of the installation, operation and maintenance of the structures or improvements referred to herein. The GRANTEE covenants to maintain the easement in good repair so that no unreasonable damage will result from its use to the adjacent land of the GRANTOR, his successors and assigns.

Said easement to be located so as not to interfere with the development of said premises either as to the surface estate or mineral estate. Therefore, it is expressly agreed, that if said water and/or sewer line impedes or in anyway interferes with the development of GRANTOR's surface estate, coal estate or mineral estate, it shall be moved at GRANTEE's costs to the adjacent land of the GRANTOR, his successors and assigns.

In addition, as further consideration for this easement, GRANTOR, his successors, shall be given one (1) sewer tap at said sewer pump station.

The grant and other provisions of this easement shall constitute a covenant running with the land for the benefit of the GRANTEE, its successors and assigns.

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this _____ day of _____, 2001.

SIGNED AND ACKNOWLEDGED IN THE PRESENCE OF:

Witnesses:

GRANTOR:

STATE OF WEST VIRGINIA

SS:

COUNTY OF OHIO

Before me, a Notary Public in and for said County, personally appeared the above named _____ who acknowledged that he did sign the foregoing instrument for the corporation and that the same is his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name at _____ West Virginia this _____ day of _____, 2001.

Notary Public

Upon roll call the vote was as follows:

Mr. Olexo	Yes
Mr. Probst	Yes
Mr. Thomas	Yes

IN THE MATTER OF BID
OPENING FOR FURNISHING BULK SALT
FOR SNOW AND ICE CONTROL/ENGINEER’S

BID OPENING

This being the day and 9:45 a.m. being the hour that bids were to be on file in the Commissioners’ Office for furnishing bulk salt for snow and ice control for the Belmont County Engineer’s Department, they proceeded to open the following bids:

Morton Salt Division		No bid
Cargill Salt		No bid
International Salt Co. 655 Northern Blvd. Clarks Summit, PA 18411	Bid Bond	\$47.42/ton
IMC Salt Incorporated		No bid

Present for the bid opening were County Engineer Fred Bennett, Jeremy Midei, Times Leader and Joselyn King, Intelligencer.

Motion made by Mr. Probst, seconded by Mr. Olexo to turn the bids over to the County Engineer for review and recommendation.

Upon roll call the vote was as follows:

Mr. Probst	Yes
Mr. Olexo	Yes
Mr. Thomas	Yes

IN THE MATTER OF PROCLAMATION
IN SUPPORT OF CHARACTER COUNTS! WEEK

Motion by Commissioner Thomas, seconded by Commissioner Probst to issue the following Proclamation:

PROCLAMATION

WHEREAS, CHARACTER COUNTS! is a nationwide initiative to strengthen the character of our next generation; and

WHEREAS, good character is based on six positive values: Trustworthiness, Respect, Responsibility, Fairness, Caring and Citizenship; and

WHEREAS, by displaying these “Six Pillars of Character” in their daily lives, Belmont County’s youth will significantly contribute to the future strength of the county; and

WHEREAS, every citizen has a responsibility to serve as a positive role model to help our young people grow in character; and

WHEREAS, a countywide CHARACTER COUNTS! Initiative, in partnership with schools, organizations and individual citizens, will reemphasize the importance of our shared values and help to expand character development activities.

NOW THEREFORE, the Board of Commissioners of Belmont County, Ohio do hereby proclaim October 22-26, 2001 to be CHARACTER COUNTS! WEEK.

BE IT ALSO PROCLAIMED, THAT; Belmont County, Ohio is a CHARACTER COUNTS! Community.

The roll being called upon its adoption, the vote resulted as follows:

Mr. Thomas	Yes
Mr. Probst	Yes
Mr. Olexo	Yes

RECESS

IN THE MATTER OF BID
OPENING FOR REPLACEMENT FILTER MEDIA
FOR WATER TREATMENT PLANT/SANITARY SEWER

BID OPENING

This being the day and 10:45 A.M. being the hour that bids were to be on file in the Commissioners' Office for furnishing a Replacement Filter Media for the Sanitary Sewer District's Water Treatment Plant, they proceeded to open the following bids:

Unifilt Corporation Fombell, PA	Bid Bond	\$33,400.00
Downing Construction Baltimore, Ohio	Bid Bond	\$80,000.00
FIMCO Navarre, Ohio	Bid Bond	\$79,142.00

Present for the bid opening were John Christopher, Sanitary Sewer District Director, Jeremy Midei, Times Leader and Joselyn King, Intelligencer.

Motion made by Mr. Thomas, seconded by Mr. Olexo to turn bids over to John Christopher, Sanitary Sewer District Director, for review and recommendation.

Mr. Olexo	Yes
Mr. Thomas	Yes
Mr. Probst	Yes

IN THE MATTER OF BID
OPENING FOR WATERLINE EXTENSION
CONTRACT NO.1-COUNTY RD 4,TWP 716, TWP 299
AND STATE ROUTE 147, TWP 210/SANITARY SEWER

BID OPENING

This being the day and 10:45 A.M. being the hour that bids were to be on file in the Commissioners' Office for the installation of approximately 29,746 feet of PVC waterline in Belmont County for the Sanitary Sewer District, they proceeded to open the following bids:

MJ Excavating Services, Inc. Sugarcreek, Ohio	Bid Bond	\$504,408.13
Stonegate Construction Belpre, Ohio	Bid Bond	\$393,210.00
Seneca Valley Caldwell, Ohio	Bid Bond	\$495,488.50
James White Construction Weirton, WV	bid Bond	\$599,843.85

Present for the bid opening were John Christopher, Sanitary Sewer District Director; Stephen Hanson, Sara Greemore, Scott Ellsworth, Hammontree & Associates; David Grum, Consultant; Chuck Dawson, Hammontree & Associates; Karen Hiehle, Jeremy Midei, Times Leader and Joselyn King, Intelligencer.

Motion made by Mr. Probst, seconded by Mr. Thomas to turn bids over to Scott Ellsworth, Hammontree & Associates and John Christopher, Sanitary Sewer District Director for review and recommendation.

Upon roll call the vote was as follows:

Mr. Probst	Yes
Mr. Thomas	Yes
Mr. Olexo	Yes

RECESS AT 11:00

IN THE MATTER OF PRESS RELEASE
RE: BELMONT COUNTY COMMITTEE ON AGING

Motion made by Mr. Thomas, seconded by Mr. Olexo to release the following statement:

P R E S S R E L E A S E
For Immediate Release
BELMONT COUNTY COMMISSIONERS
ADDRESS CONCERNS ABOUT COMMITTEE ON AGING

To: All media outlets
From: Belmont County Commissioners
Re: Committee on Aging
Date: October 17, 2001

In the past few months, some allegations have been raised against the Belmont County Committee on Aging. The BCCOA is a private non-profit corporation, not a county agency. The COA is under contract with the Belmont County Commissioners to provide senior services for residents within the county. Because they are not a county agency, all of their activities are established and reviewed by a Board of Trustees, and not the Board of Commissioners.

Senior services have been a high priority of the current Board of Commissioners. The Board filed a lawsuit against the COA to clarify how the levy funds could be expended. In the judgment entry, it states that levy funds may be spent for any of the costs associated with providing senior services, including the costs of acquiring, improving and/or occupying real estate buildings and other facilities.

The next step taken by the Commissioners was to address the contract between the Board and the COA. Commissioner Probst stated, "I feel that the contract is more than adequate and if both parties were to abide by the contract language as written, these questions probably would not be raised today." The Commissioners sent a letter to COA Director, Bob Laxton, after adoption of a motion, informing him that the Board wants to and will start abiding by the contract and requesting him to do the same. The Committee on Aging and their Director has agreed. Commissioner Thomas stated, "I think it is important to note the progress already made by this board. Once again, this is a problem inherited by this board and we are doing everything we can to answer to these allegations."

In yesterday's Commissioners meeting, the Board announced they were going to form an advisory board, taking yet another step to address concerns. As stated the advisory board will be comprised of a senior representative from each of the county's senior centers, elected by a majority of their respective centers' members and six (6) members to be appointed by the Board of Commissioners. Also, an independent consultant is being brought in to review the contract language and establish an effective way to monitor services provided by the levy.

With a renewal levy for senior services on the ballot in November, discussions have heated up and the Board of Commissioners agree that the levy is the best way to provide services to the seniors now and more importantly in the future. The county's median age continues to rise and with the "baby boomers" approaching their golden years, requests for these services will definitely see an increase in demand. Commissioner Olexo added, "It is essential to remember that everyone involved has one goal, and that is the best care possible for the senior citizens in our county."

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Olexo	Yes

IN THE MATTER OF BID
OPENING FOR OAKVIEW JUVENILE
REHABILITATION DISTRICT PROJECT

BID OPENING

This being the day and 1:00 P.M. being the hour that bids were to be on file in the Commissioners' Office for the Oakview Juvenile Rehabilitation District Project, they proceeded to open the following bids.

	<u>GENERAL CONTRACTOR</u>
Bedway Development Bid Bond	\$2,482,642.00
Alternate #1 \$79,000.00	Alternate #2 \$86,000.00
	\$21,566.95
Grae-Con Construction Bid Bond	\$2,291,000.00
Alternate #1 \$68,900.00	Alternate #2 \$91,600.00

Colaianni Construction	\$ 2,155,000.00
Alternate #1 \$71,000.00	Alternate \$75,000.00
JD&E Inc.	\$ 2,355,000.00
Alternate #1 \$80,000.00	Alternate #2 \$95,000.00

Electrical Contract

ERB Electric Bid Bond	\$458,670.00
	Alt.#1 \$ 4,734.00
Davison Electric Bid Bond	\$417,200.00
	Alt.#1 \$14,500.00
United Electric Bid Bond	\$486,912.00
	Alt.#1 \$ 7,101.00

Security Contract

ERB Electric Bid Bond	\$297,000.00
	Alt.#2 \$ 83,820.00
Davison Electric Bid Bond	\$296,000.00
Alternate #1 \$1,000.00	Alt.#2 \$84,900.00

HVAC Contract

Cattrell Companies Bid Bond	\$914,000.00
Alternate #1 \$8,000.00	
H.E. Neuman Co. Bid Bond	\$ 753,251.00
Alternate #1 \$6,094.00	

Plumbing Contract

H.E. Neuman Co. Bid Bond	\$ 359,000.00
Alternate #1 No change	

Present for Oakview Juvenile Rehabilitation District Bid Opening:

Mike Majeski, Chad Sokolowski, Danny Popp, Judge Mark Costine, Randy Beihl, Glenn Kesselring, Wilson Wright, Jonathon Bedway, Paula Burkhart (JD&E), Mary Ann Colaianni ,Jim Keenan, Bob Kubovicz, Jeff Long, Mike McCleary, Jeremy Mindel Times Leader and Joselyn King, Intelligencer.

Motion made by Mr.Olexo, seconded by Mr. Probst to turn bids over to Mike Majewski, AIA, URS and Chad Sokolowski, Director, Oakview Juvenile District Rehabilitation for review and recommendation.

Upon roll call the vote was as follows:

Mr. Olexo	Yes
Mr. Probst	Yes
Mr. Thomas	Yes

**IN THE MATTER OF ENTERING
INTO AGREEMENT WITH DAVID JONES, AUCTIONEER
FOR THE 2001 BELMONT COUNTY AUCTION**

Motion made by Mr. Olexo, seconded by Mr. Probst to enter into an agreement with David Jones, CAI as auctioneer for the 2001 Belmont County Auction to be held October 27, 2001. Mr. Jones will receive seven (7) percent of the gross proceeds of the sale.

Upon roll call the vote was as follows:

Mr. Olexo	Yes
Mr. Probst	Yes
Mr. Thomas	Yes

**IN THE MATTER OF APPROVING QUARTERLY
FINANCIAL REPORT FORMS FOR
BELMONT COUNTY DRUG COURT GRANTS/JUVENILE COURT**

Motion made by Mr. Probst, seconded by Mr. Olexo to sign and submit the Quarterly Financial Report Forms for the Belmont County Juvenile Court as follow:

Subgrant Title: Belmont Co. Drug Court
Report Period Ending: 9/30/01
Subgrant No. 1999-JB-009-A004A
Final Report Correction

Subgrant Title: Belmont Co. Drug Court
Report Period Ending: 9/30/01
Subgrant No. 2000-JB-009-A004A
Quarterly Payment Request: \$9,830.00

Upon roll call the vote was as follows:

Mr. Probst	Yes
Mr. Olexo	Yes
Mr. Thomas	Yes

**IN THE MATTER OF APPROVING QUARTERLY
FINANCIAL REPORT FORMS FOR
DOMESTIC VIOLENCE INVISTIGATION GRANT/SHERIFF'S**

Motion made by Mr. Probst, seconded by Mr. Olexo to sign and submit the Quarterly Financial Report Forms for the Sheriff's Department Domestic Violence Investigation Grant as follows:

Subgrant Title: Domestic Violence Investigation
Report Period Ending: 9/30/01
Subgrant No. 2000-WF-VA2-8412
Quarterly Payment Request: \$20,096.00

Upon roll call the vote was as follows:

Mr. Probst	Yes
Mr. Olexo	Yes
Mr. Thomas	Yes

**IN THE MATTER OF DISCUSSION HELD
RE: COMMITTEE ON AGING**

Former Belmont County Commissioner, Michael Bianconi came before the Board to request information regarding the Committee on Aging. He stated he had attempted to get on the agenda but was told by two (2) Commissioners that he was not following proper procedures. Mr. Bianconi continued that he, as well as others, had been in attendance for fifty minutes waiting to come into the meeting. Commissioner Olexo read the procedure requiring forty-eight hours notice in order for an individual to be placed on the agenda. Mr. Bianconi stated he had asked eight days ago to be put on the agenda to discuss Belmont County Committee on Aging (BCCoA) and it's expenditures. He said, "This is a public meeting, I encourage anyone with an opinion to come. I'm not going to mislead you. There were problems when I was a Commissioner, things happened. There was an audit done and it came back with corrections and findings." Mr. Bianconi stated "I was content staying home until the Board of Commissioners recently purchased the Mediterranean Building for the BCCOA. He continued that he had documentation of this transaction obtained by reviewing the minutes and meeting tapes from previous Belmont County Commissioners Meetings. He read partial minutes from meetings dated February 21; March 2; March 21; May 18; May 30; June 27; September 21; July 11; July 18; July 20; July 25; August 8; August 12; all of 2001. He asked the following questions of the Board:

1. "Unless things have changed since this morning, you spent one hundred eighty-five thousand dollars to buy the building for the Committee on Aging."
2. Where does the levy money go?
3. Has the title been changed to reflect the Commissioners own the building
4. Have Sheila Smith's questions regarding BCCoA been answered
5. Why hire a consultant if, as the Board stated previously, all is in very good condition.
6. Why is the county going to create a handbook for a private company?

Mr. Bianconi stated that his understanding of the agreement of "First Right of Refusal" between the Commissioners and the BCCoA confirmed to him that the County "...just bought this building with tax money for a private company. One hundred eighty-five thousand dollars and now we have a right to purchase it back. This isn't right, I have expressed my concerns and nothing is happening."

Joselyn King, Reporter, Wheeling Intelligencer, asked if during the years Mr. Bianconi was a Commissioner if Mr. Laxton was required to submit reports. "Why didn't he come in when you were a Commissioner?" Mr. Bianconi stated he did not know, continuing that the Commission at that time did request an audit, which took eighteen months to complete. He continued that the State Auditors were not familiar with the different fundings. Ms. King asked if Mr. Bianconi was aware of the contract requiring Mr. Laxton to submit information to the Board. Mr. Bianconi stated, "Yes, I do now, I did then. There were problems when I was there and that was one of them." A public citizen questioned an article in a local newspaper that stated the total price after remodeling would be five hundred thousand dollars, yet there was an agreement signed between the Commissioners and the BCCoA that if the building ever goes up for sale, the Commissioners will have first purchase rights.

Mr. Bianconi stated that almost three quarter million dollars will be invested in the building, "We don't need that building."

Ms. Sheila Smith stated she had been told to provide information to the Board in regards to what she would be coming to the meeting for, prior to being placed on the agenda. She stated she had confirmed the information she provided had been received in the Commissioners office. However, she received notification that she would not be allowed on the agenda along with paperwork stating the proper procedures to follow for acquiring a time slot on the agenda with the Commissioners. She continued, " I spoke with Commissioner Olexo the first of the week, and was told my topic was too broad." She continued that she would like to know what has been done, concerning the BCCoA and the Mediterranean Building. The new Commissioners have evidence of co-mingling of funds, etc., I am wondering why you need to hire a consultant and why are we gong to pay for a consultant and an employee handbook?" Ms. Smith questioned, " How many levy meals do we prepare out of that kitchen?

IN THE MATTER OF DISCUSSION HELD
RE: COMMITTEE ON AGING (cont'd)

No levy meals. Title III meals are reimbursed at \$2.40, the rest of the money (up to \$7.20) is subsidized by levy money. That's my contention- there are no levy meals served. What is happening to our levy money?"

Ms. Smith continued, "Two dollars and ninety-six cents for a cash meal, anywhere else in the state, they are accepting that in full, as it states in the contract. We are not calling into question Mr. Laxton's private business. We are questioning where are the levy funds. Ms. Smith stated that the cost to prepare a bulk meal was one dollar and fifty cents. Mr. Laxton sends out slanderous news releases. Why are we continuing to contract with an entity that has substandard service?"

Mr. Bianconi stated he had asked various county personnel to be in attendance at this meeting and thanked the auditor's office for sending a representative. He stated there were people involved trying to keep them off the agenda. Mr. Bianconi continued by stating, "It is truly ironic that the board issued a press release today. In May the Board stated everything was okay, I don't think it is okay. The homebound person is the person I am worried about. They are the individuals that need special attention- maybe the Board should look at that more, these people. These people are our parents, grandparents, retired workers, the funds are there to help them."

Ms. Smith stated, "We support the levy, we want the seniors served." Mr. Bianconi stated that he also supports the levy, "Make sure you spend the money right." Ms. Smith said, "I have reviewed every agenda topic since May 18, 2001 and not yet, has there been a topic related to COA. When are you discussing it? You now have the facts."

Commissioner Probst stated, "This is a very complicated issue. I tried to dig in and get you answers. I asked Mr. Laxton for names, addresses, and phone numbers, he denied this request. I asked the County Prosecutor's office to investigate this. I was told this must be requested by a majority of the Commissioners. To date this hasn't happened. I want to see what the checks and balances are, a spreadsheet, a breakdown. We cannot get the information we need from Mr. Laxton. I have as much concerns as you have, that's why we are in the process of hiring a consultant. To look at all of it."

Ms. Smith asked why the Board hasn't come to the experts in home health on this subject, stating they have knowledge and understanding on this topic. She continued, " I understand it's complicated. Why aren't you seeking council from someone who is educated in that area."

Commissioner Probst stated, "We have a contract, a very good contract. He's not abiding by the contract." Ms. Smith stated a "payor" has a right to the information that has been requested of Mr. Laxton. Bruce Smith, Owner, Advance Health stated that when there had previously been trouble at Park Health Center, the Board had called upon Ms. Smith to help at no cost. He continued, " I sent my aides there and charged the County per hour." Ms. Smith stated she understood that it may be complicated to the Board but it is not complicated to her and others in the field.

Mr. Deleski stated that at the Bridgeport evening meeting, Mr. Laxton was required to make a monthly report. He asked why the contract was still in service if this had not been done. Ms. King asked what the Board could do if the BCCoA did not abide by the contract.

Mr. Thomas entered the session and stated, "Terminate the contract, very simple. Our Prosecutor's office has been involved in this for a very long time and we of course are willing to abide by their legal advice, if necessary."

Ms. Smith questioned the phrase, "if necessary". Commissioner Thomas explained, "If he is not abiding by the terms of the contract, we have options. One of which is to terminate."

Commissioner Olexo stated, "I have written down the questions from Mike and Sheila, the Board will respond to these."

IN THE MATTER OF ADJOURNING
COMMISSIONERS' MEETING AT 1:25 P.M.

Motion made by Mr. Thomas, seconded by Mr. Probst to adjourn the meeting at 1:25 P.M.

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Probst	Yes

Read, approved and signed this 19th day of October A.D., 2001.

_____ COUNTY COMMISSIONERS

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

