

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 December 7, 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. Thomas, seconded by Mr. Probst 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
Barrett Brothers	Forms/Probate Court-General	171.75
J. Mark Costine, Judge	Conference reimb/Probate Ct-General	346.12
Treasurer of State of Ohio	Leads/NCIC-General	730.21
Tri-State Petroleum	Boiler supplies-General	51.50
Charles R. Probst, Jr., Commissioner	Conference expenses-General	96.80
Mark A. Thomas, Commissioner	Conference expenses-General	82.80
Ryan E. Olexo, Commissioner	Conference expenses-General	134.80
Darlene Pempek, Clerk	Conference expenses-General	116.13
Mae Whiteley, Assistant Clerk	Conference expenses-General	114.80
Staples	Computer equipment-General	268.18
American Legion Post #52	Reimburse for flags-General	1,017.00
R.E. Michel Co., Inc.	Maintenance supplies-General	339.91
William Eddy, Maintenance Supervisor	Conference expenses-General	11.38
Digital Data Communications	New printer/Commissioner's-General	2,439.69
National Assoc. of Drug Court Prof.	Conference registration-Juvenile Court	3,325.00
Buckeye Exterminating	Nov serv/Eastern Ct-Satellite Building	35.00
Roger Pierce	Hazmat instructions for fire depts.-LEPC	480.00
Roger Pierce	SSD #2 Force Main Easements-San Sewer	500.00
Stratus Wave	Internet serv/Gorence-Common Pleas Grnt	180.00
Universal Buslink Corp.	Power supplies-Sheriff's Reserve	36.25

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 December 12, 2001 as follow:

FUND	GENERAL
General	\$3,669.93, \$4,135.49
General/Makenzie Bldg Maintenance	\$492.04
General/Chest Clinic	\$628.85
Dog Kennel	\$120.28
County Home	\$47,772.03
Sanitary Sewer District	\$71,555.97, \$2,729.80

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 COUNTY HOME FUND

Motion made by Mr. Olexo, seconded by Mr. Probst to approve the following transfer of funds for the County Home Fund.

FROM	TO	AMOUNT
H030-H02 Salary	H130-H14 P.E.R.S.	\$1,000.00

Upon roll call the vote was as follows:

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

IN THE MATTER OF TRANSFER
WITHIN FUND FOR THE BELMONT COUNTY
BOARD OF MR/DD

Motion made by Mr. Olexo, seconded by Mr. Thomas to approve the following transfer within fund for the Belmont County Board of MR/DD.

FROM	TO	AMOUNT
S066-S68 Equipment	S066-S79 Other Exp	\$14,000.00

Upon roll call the vote was as follows:

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

IN THE MATTER OF TRANSFER WITHIN
FUND FOR THE BELMONT COUNTY GENERAL FUND

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

FROM	TO	AMOUNT
A102-G09 PERS	A009-D05 Grave Markers	\$3,000.00

Upon roll call the vote was as follows:

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

IN THE MATTER OF TRANSFER
WITHIN FUND FOR THE BELMONT COUNTY DEPARTMENT
OF JOB AND FAMILY SERVICES/PA FUND

Motion made by Mr. Olexo, seconded by Mr. Probst to approve the following transfers within fund for the BCDJFS/PA H000 Fund.

FROM	TO	AMOUNT
H000-H04 Contracts	H000-H07 Purchase of Serv	\$15,000.00

Upon roll call the vote was as follows:

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

IN THE MATTER OF GRANTING
PERMISSION FOR BCDJFS EMPLOYEES
TO TRAVEL

Motion made by Mr. Olexo, seconded by Mr. Probst granting permission for the following BCDJFS employees to travel.

Name: Peggy Graham, Jeanie Orrison
Destination: Canton, OH
Dates of travel: December 19, 2001
Purpose: Work Activity Meeting
Estimated Expenses: \$95.90

Name: Lisa Fijalkowski, Linda Farrier
Destination: Columbus, OH
Dates of travel: December 12, 2001
Purpose: EICMS Meeting
Estimated Expenses: \$102.80

Name: Judy Cilles
Destination: Columbus, OH
Dates of travel: December 12, 2001
Purpose: Ohio Human Services Training
Estimated Expenses: \$92.80

Upon roll call the vote was as follows:

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

IN THE MATTER OF DISCUSSION HELD
RE: ROAD IMPROVEMENT HEARING HAD

County Engineer Fred Bennett explained that this is a follow up to the court action that basically dictated this action. This is the new alignment that was agreed upon.

Attorney Daniel Frizzi approached the Board representing David and Rick Cervelli, who were in attendance for the Road Improvement Hearing. Mr. Frizzi stated, " The purpose for being here today is to designate what has been ordered by the court upstairs - the setting of the road as agreed upon by the parties. The agreement was to re-establish the centerline of a part of the road.

Robert Keefer stated that this particular road runs through his property. He continued, "If it is going to be a county road then the whole thing should be a county road." Mr. Fred Bennett, County Engineer, stated this was a township road, not a county road.

Mr. Frizzi stated his clients were not in disagreement to expanding the road, however, the purpose for being here today was to enter into the records and to authorize the road as it is being done. Mr. Keefer stated the court papers he had states, "this is a county road." Commissioner Probst stated that in actuality township roads are eventually county roads. Mr. Frizzi stated, "We ask this preceding be tied in with the 1930's agreement because this is a continuance of that."

IN THE MATTER OF THE
LOCATION OF MELVIN RUTTER RD
LOCATED IN PULTNEY TOWNSHIP RD IMP 1060

"Hearing had-9:30 A.M."

Present for the hearing were Ruth Graham, Engineer's Department; Fred Bennett, County Engineer; Dan Frizzi, Attorney for the Cervelli's; David A. Cervelli, Richard A. Cervelli, Robert Keefer, Rebecca A. Keefer, residents; Joselyn King, Intelligencer, D.K. Wright, WTRF-TV and Norm Jones, WTOV-9.

REPORT OF COUNTY ENGINEER
REV. CODE, SEC. 5553.06

To the Board of County Commissioners of Belmont County, Ohio:

The undersigned, in obedience to your order, dated December 5, 2001, proceeded on the 6th day of December, 2001, to make an accurate survey and plat of the Public Road proposed to be improved and respectfully submits the following report:

In the opinion of the undersigned the proposed improvement should _____ be granted.

The width to which said improvement should be opened is thirty feet.

An Accurate survey and plat, and an accurate and detailed description of each tract of land which the undersigned County Engineer believe will be necessary to be taken in the event the proposed improvement be made, together with the name of each owner, accompany this report and are made apart hereof.

An accurate and detailed description of the proposed improvement describing therein the center line and right of way lines follow:

"see attached plat"

The undersigned recommends the following changes in the proposed improvement which in his judgment should be made in the event the proposed improvement be granted. to-wit:

Fred F. Bennett /s/
County Engineer of Belmont County, Ohio

IN THE MATTER OF THE
LOCATION OF MELVIN RUTTER RD
LOCATED IN PULTNEY TOWNSHIP
SEC 32,T3,R2/RD IMP 1060

Imp. 1060
Office of County Commissioners
Belmont County, Ohio

RESOLUTION-GRANTING PROPOSED IMPROVEMENT
ORDERING RECORD, ETC.

Mr. Olexo moved the adoption of the following Resolution:

WHEREAS, This day this matter came on to be heard on the report, survey, plat, and detailed and accurate descriptions as filed by the County Engineer, and said report having been read in open session, the Board proceeded with the hearing of testimony bearing upon the necessity of the said improvement for the public convenience or welfare and offered either for or against going forward with the proposed improvement by interested persons; and

WHEREAS, Said Board has considered said report and all the testimony offered, and all the facts and conditions pertaining to said matter; therefore, be it

RESOLVED, That said Board of County Commissioner do find said improvement will serve the public convenience and welfare; and be it further

RESOLVED, That said improvement as set forth and defined in said report, survey, plat and detailed and accurate descriptions as filed by the County Engineer be and the same is hereby granted and said road is hereby ordered located.

RESOLVED, That the County Engineer be and he is hereby directed to cause a record the proceeding, including the survey and play and accurate and detailed description of said proposed improvement, to be forthwith entered in the proper road records of said County; and be it further

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

Mr. <u>Olexo</u>	, <u>Yes</u>
Mr. <u>Probst</u>	, <u>Yes</u>
Mr. <u>Thomas</u>	, <u>Yes</u>

Adopted the 12th day of December, 2001

**IN THE MATTER OF AUTHORIZING
BIDDING FOR ELECTRICAL WORK/
BETHESDA SATELLITE BUILDING**

Motion made by Mr. Thomas, seconded by Mr. Probst authorizing the Clerk to proceed with advertising for bids for necessary electrical work at the Bethesda Satellite Building as per the specifications developed by Bill Eddy, Belmont County Building and Grounds Superintendent.

Upon roll call the vote was as follows:

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

**IN THE MATTER OF APPROVING
THE MINUTES OF REGULAR BOARD
OF COMMISSIONERS MEETING**

Motion made by Mr. Thomas, seconded by Mr. Probst to approve and sign the minutes of the regular Board of Commissioners meeting of November 30, 2001.

Upon roll call the vote was as follows:

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

**IN THE MATTER OF SIGNING
PERMIT APPLICATION FOR U.S.RT. 40 AND
STATE ROUTE 149 (EXIT 205)
SEWAGE PUMP AND FORCE MAIN/SANITARY SEWER DISTRICT**

Motion made by Mr. Thomas, seconded by Mr. Probst authorizing Board President Ryan E. Olexo to sign and submit the State of Ohio Department of Transportation Permit Application for the construction of a 17 ft. by 20 ft. masonry wall pump station and 8 inch sanitary force main located in Belmont County along State Route 149 1,225 ft. south of I-70 East exit ramp at State Route 149, Exit 208. Work will commence on or about January 1, 2002 and will require 194 days (total project).

Upon roll call the vote was as follow:

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

**IN THE MATTER OF SIGNING
NOTICES TO PROCEED FOR THE
U.S. RT. 40, STATE RT. 149
SEWAGE LIFT STATION/SANITARY SEWER**

Motion made by Mr. Olexo, seconded by Mr. Thomas to sign the following Notices to Proceed for the U.S. Rt. 40, S.R. 149 Sewage Lift Station Project for the Belmont County Sanitary Sewer District.

NOTICE TO PROCEED

To: The James White Construction Co.
4156 Freedom Way
Weirton, WV 26062-5296

Date: December 12, 2001
Project: Contract No. 4-General
Route 40 West Sewage Life Stations

You are hereby notified to commence WORK on the Project south of I-70 on State Route 149, in accordance with the Agreement Dated

September 28, 2001, on or before December 12, 2001, and you are to complete the WORK within 194 consecutive calendar days thereafter. The date of completion of all WORK is therefore June 23, 2002.

Belmont County Commission
Owner

By: Ryan E. Olexo /s/
Charles R. Probst, Jr. /s/
Mark A. Thomas /s/

IN THE MATTER OF SIGNING
NOTICES TO PROCEED FOR THE
U.S. RT. 40, STATE RT. 149
SEWAGE LIFT STATION/SANITARY SEWER (cont'd)

ACCEPTANCE OF NOTICE

Receipt of the above NOTICE TO PROCEED is hereby
acknowledged by _____
this the _____ day _____, 2001.
By: _____
Title: _____

NOTICE TO PROCEED

To: Davison Electric Co. Date: December 12, 2001
15 South Fifth St., P.O. Box 338 Project: Contract NO. 5-Electrical
Martins Ferry, OH 43950

You are hereby notified to commence WORK on the Project south of I-70 on State Route 149,
in accordance with the Agreement Dated
September 28, 2001, on or before December 12, 2001, and you are to complete the WORK
within 194 consecutive calendar days thereafter. The date of completion of all WORK is
therefore June 23, 2002.

Belmont County Commission
Owner
By: Ryan E. Olexo /s/
Charles R. Probst, Jr. /s/
Mark A. Thomas /s/

ACCEPTANCE OF NOTICE

Receipt of the above NOTICE TO PROCEED is hereby
acknowledged by _____
this the _____ day _____, 2001.
By: _____
Title: _____

NOTICE TO PROCEED

To: Seneca Valley, Inc. Date: December 12, 2001
48035 Township Road 108 Project: Contract NO. 3-Route 40 West
Martins Ferry, OH 43950 Force Main

You are hereby notified to commence WORK on the Project south of I-70 on State Route 149,
in accordance with the Agreement Dated
September 28, 2001, on or before December 12, 2001, and you are to complete the WORK
within 194 consecutive calendar days thereafter. The date of completion of all WORK is
therefore June 23, 2002.

Belmont County Commission
Owner
By: Ryan E. Olexo /s/
Charles R. Probst, Jr. /s/
Mark A. Thomas /s/

ACCEPTANCE OF NOTICE

Receipt of the above NOTICE TO PROCEED is hereby
acknowledged by _____
this the _____ day _____, 2001.
By: _____
Title: _____

Upon roll call the vote was as follows:

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

IN THE MATTER OF ACCEPTING
PROPOSAL FOR NEW CARD ENTRY
DOOR SYSTEM AT REAR ENTRANCE DOOR/
BELMONT COUNTY JAIL OFFICE BUILDING

Motion made by Mr. Thomas, seconded by Mr. Probst to accept the proposal from
Advance Lock & Security, Wheeling, West Virginia, in the amount of \$1,712.00 for the
installation of a new card entry door system at the employee entrance (rear door) of the
Belmont County Jail office building.

Upon roll call the vote was as follows:

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

**IN THE MATTER OF CANCELING
COMMISSIONERS MEETING FOR
DECEMBER 21, 2001**

Motion made by Mr. Thomas, seconded by Mr. Olexo to cancel the regularly scheduled meeting of the Board for December 21, 2001 and address all issues on Wednesday, December 19, 2001 .

Upon roll call the vote was as follows:

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

**IN THE MATTER OF DISCUSSION HELD
RE: OU EXTENSION AGENCY UPDATE**

Mr. Steve Schumacher, County Extension Agent, came before the Board with an agency update. He stated that some PRC grants have ended and some will be able to continue. Mr. Schumacher stated, "Thank you for allowing us the opportunity to come before the board throughout the year to present our agency updates. I felt it was important the you get to know everyone involved in our programs." He then highlighted the past year's events, and informed the Board of the upcoming events that the agency will be sponsoring. Mr. Schumacher thanked the Board for their continued support. He stated, "We have been conservative on the expenditures we have made and have only asked for what we had to have." He also stated he would like to become more involved in community development.

**IN THE MATTER OF DISCUSSION HELD
RE: LANCIONE BUILDING RENOVATIONS**

Joselyn King, Reporter, Wheeling Intelligencer, asked the board for an update on the Lancione Building. Commissioner Olexo stated, "Outside circumstances have arisen that have made the Board think twice about the renovations of the building. That is basically where it stands now. I don't know at this pint in time if we are at liberty to talk about that due to confidentiality and sensitivity of possible clients. This information was not supposed to be released to the media until negotiations either fail or proceed. I would prefer not to make any statement to the press."

Commissioner Thomas stated, "Out of due respect, the Board can not make a formal statement. We are pursuing other options, there may be a possible development in and around the Lancione building. That is why the renovations are on hold. I would hope by the end of the year we would have a more formal comment." Commissioner Olexo stated the proposed renovations to the Lancione building were going to include accommodations for the Board of Elections.

**IN THE MATTER OF DISCUSSION HELD
RE: AGENDA ISSUES/ MICHAEL BIANCONI**

Former Commissioner Michael Bianconi stated that he wanted to be put on the agenda for three issues relative to 1. funding for old buildings, the feasibility study being done for the Department of Job and Family Services and Community Action Commission. 2. "historical structures" and 3. funding for the Committee on Aging. Mr. Bianconi proceeded to request to be placed on the agenda for Friday December 14, 2001. Commissioner Olexo stated, "If you are asking questions and we have no advance notice of them, please understand, you may not get answers at that time."

Mr. Bianconi stated he felt he had been stonewalled previously when he requested to be put on the agenda. Commissioner Thomas stated, "You have not followed proper procedure. You have not been stonewalled (in reference to the agenda). I want more information. Funding of old buildings, I don't know if you plan in your own little way to educate us. What new information do you have to present to us on Committee on Aging? Mr. Bianconi is not following proper procedure in getting on the agenda and should not be on at all. If Mr. Bianconi wants on the agenda for Wednesday December 19, he can have fifteen minutes." Mr. Bianconi stated for the record that he was requesting one hour. Commissioner Thomas stated, "Just so you know, I may not be here. My guess is going to be, it is repetitive and the sole purpose and intent of your being on the agenda is to create controversy that does not need to be. Follow the proper procedure and submit to the Board, information by Monday the seventeenth. If you want questions answered on the others, I will speak with you at any time. Some of the questions you have can be dealt with outside of a public meeting with one commissioner. We have addressed the issues in these meeting that you want to discuss -the study in regards to the Department of Job and Family Services and the Community Action Commission. There is no need to discuss it again at a Commissioners meeting."

Mr. Bianconi stated, "No disrespect, but those who don't get to attend meetings, read the paper, then may have questions on issues that were discussed in the meeting. When you speak as a Board, then the public has the right to ask questions."

IN THE MATTER OF DISCUSSION HELD

RE: AGENDA ISSUES/ MICHAEL BIANCONI (cont'd)

Commissioner Thomas stated thirty thousand dollars was received by the County from the Department of Administrative Services, State of Ohio to address the feasibility study of the county buildings. We have already discussed this in this meeting. You are going to complain as a taxpayer that we don't need new facilities."

Mr. Bianconi stated, "There was no greater time of building than the eight years I served as Commissioner. A lot of new facilities were built - the jail, 9-1-1 Center, county garages, dog shelter - many more and a lot of money was put into the older structures."

Commissioner Probst stated, "This is an open public meeting, if we don't have answers to the residents questions when they walk in then it is common for us to respond at a later date. I agree we should ask for forty-eight hours from our department heads, but the general public should be able to come in at anytime to be heard. I tend to agree with Commissioner Thomas if it is the same thing on Committee on Aging - a repetition of the same issues, but if it is new information, then Mike should be heard." He continued, " We have to serve the people, it is our duty, to listen and if we don't have the answers we have the obligation to get them."

Commissioner Thomas stated, "There has never been a time in the eleven and one half months I have served as a Commissioner, where someone has been refused the opportunity to speak. My sole point is not a refusal of anyone - it is the continued comment on what we have already discussed at previous meetings.

Commissioner Olexo stated, " The point to the Board's rules is that we need the information in advance, so we can gather information or answers to your questions. The Ohio Revised Code states we don't have to allow the public to speak at a meeting." He continued that when there is a redundancy of issues, it becomes cumbersome, and does not allow the Commissioners to conduct their other business. Commissioner Olexo stated, "Anyone who has been at this meeting has been allowed to speak, anyone has the ability to speak. No one has been stonewalled."

Commissioner Thomas stated, "This office is more accessible to the public than it has ever been. There is no duty or right to speak under the Ohio Revised Code. That is why this door is always open five days a week. The only issue, is the repetition of information to the Board. Mr. Bianconi has fifteen minutes next Wednesday, if Mr. Bianconi has new questions on the Committee on Aging, or funding issues, that's fine. As far as I'm concerned repetition of questions on the Committee on Aging is a nuisance in this meeting.

IN THE MATTER OF ADJOURNING

COMMISSIONERS MEETING AT 10:27 A.M.

Motion made by Mr. Olexo, seconded by Mr. Thomas to adjourn the meeting at 10:27 A.M.

Upon roll call the vote was as follows:

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

Read, approved and signed this 14th day of December 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

