

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 March 23, 2001, were read, approved and signed.

EVENING MEETING-POWHATAN POINT

IN THE MATTER OF THE ALLOWANCE OF BILLS **"BILLS ALLOWED"**
AS CERTIFIED IN THE AUDITOR'S OFFICE. 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	Purpose	Amount
Belmont County Commissioners	Rent/Dec & Jan/Public Defender-General	833.34
Wal Mart	Supplies-General	1,425.92
Lamar Advertising Co.	Advertising/Fair Housing-General	700.00
Crystal Springs	January water rental-General	20.90
Paul B. Jefferis	Misc. attorney fees-General	482.70
Whiteside Chevrolet Olds Buick	Vehicle/Maintenance-General	14,725.00
Jayme Strauss	Reimburse seminar exp/Probate-Gen	25.67
Ohio Weights & Measures Assoc.	Registration fees/Training for D Harr-Gen	75.00
Greg's Computer Service	New computer-Litter Control	941.84
Gabriel Brothers	Clothing for child/Placement-Juvenile	100.41
Doan Ford	Maintenance to CCap vans-Juvenile	68.43
Belmont National Bank	Computer pmts, Apr-Dec-Eastern Comp	14,557.32
P-Treasurer, State of Ohio	License application/WW#1-Sanitary Sewer	987.84
Buckeye Exterminating	Jan service/Eastern Ct-Eastern Satellite	35.00
CSEA	Jan '01 pmt/Clk of Crts-Computer Fund	1,184.10
CCI Maximus	Cisco Switch & Support-Western Computer	3,630.00
First Net	March internet ser-County Crt Probation	19.99
Ohio Chief Probation Officers Assoc	Probation officer seminar-Cty Ct Probatn	150.00
Delinquent Collector of Ohio, Inc.	Collection of delinquent trlr tax-Treas	2,940.61
Health Assurance PPO	April premium-Insurance	100,076.83
Health Assurance HMO	April premium-Insurance	58,238.08
Health Plan	April premium-Insurance	79,280.33

IN THE MATTER OF APPROVING
RECAPITULATION OF VOUCHERS
FOR THE GENERAL/SHERIFF'S FUND

Motion made by Mr. Probst, seconded by Mr. Olexo to approve the Recapitulation of Vouchers for the General Fund in the amounts of \$2,459.56, \$15,815.34, \$8,279.66 and \$4,907.70 and for the Sheriff's Fund in the amounts of \$48.00 and \$404.41 dated for March 28, 2001.

Upon roll call the vote was as follows:

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

IN THE MATTER OF APPROVING
RECAPITULATION OF VOUCHERS
FOR THE GENERAL/SECURITY FUND

Motion made by Mr. Probst, seconded by Mr. Olexo to approve the Recapitulation of Vouchers for the General/Security Fund in the amount of \$956.40 dated for March 28, 2001.

Upon roll call the vote was as follows:

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

IN THE MATTER OF APPROVING

RECAPITULATION OF VOUCHERS
FOR THE WESTERN BELMONT COUNTY SATELLITE FUND

Motion made by Mr. Probst, seconded by Mr. Olexo to approve the Recapitulation of Vouchers for the Western Belmont County Satellite Fund in the amount of \$3,642.03 dated for March 28, 2001.

Upon roll call the vote was as follows:

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

IN THE MATTER OF APPROVING
RECAPITULATION OF VOUCHERS
FOR THE DOG AND KENNEL FUND

Motion made by Mr. Probst, seconded by Mr. Olexo to approve the Recapitulation of Vouchers for the Dog and Kennel Fund in the amounts of \$1,857.30 and \$3,222.77 dated for March 28, 2001.

Upon roll call the vote was as follows:

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

IN THE MATTER OF APPROVING
RECAPITULATION OF VOUCHERS
FOR THE BELMONT COUNTY 9-1-1 FUND

Motion made by Mr. Probst, seconded by Mr. Olexo to approve the Recapitulation of Vouchers for the Belmont County 9-1-1 Fund in the amounts of \$13,771.50 and \$4,434.45 dated for March 28, 2001.

Upon roll call the vote was as follows:

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

IN THE MATTER OF APPROVING
RECAPITULATION OF VOUCHERS
FOR THE DEPARTMENT OF HUMAN SERVICES FUND

Motion made by Mr. Probst, seconded by Mr. Olexo to approve the Recapitulation of Vouchers for the Department of Human Services Fund in the amount of \$43,089.31 dated for March 28, 2001.

Upon roll call the vote was as follows:

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

IN THE MATTER OF APPROVING
RECAPITULATION OF VOUCHERS
FOR THE ENGINEER'S MVGT FUND

Motion made by Mr. Probst, seconded by Mr. Olexo to approve the Recapitulation of Vouchers for the Engineer's MVGT Fund in the amount of \$3,819.71 dated for March 28, 2001.

Upon roll call the vote was as follows:

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

IN THE MATTER OF APPROVING
RECAPITULATION OF VOUCHERS
FOR THE JUVENILE COURT C-CAP FUND

Motion made by Mr. Probst, seconded by Mr. Olexo to approve the Recapitulation of Vouchers for the Juvenile Court C-Cap Fund in the amount of \$760.98 dated for March 28, 2001.

Upon roll call the vote was as follows:

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

IN THE MATTER OF APPROVING
RECAPITULATION OF VOUCHERS
FOR THE OAKVIEW ADMINISTRATION BUILDING FUND

Motion made by Mr. Probst, seconded by Mr. Olexo to approve the Recapitulation of Vouchers for the Oakview Administration Building Fund in the amount of \$1,094.42 dated for March 28, 2001.

Upon roll call the vote was as follows:

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

IN THE MATTER OF APPROVING
RECAPITULATION OF VOUCHERS
FOR THE SANITARY SEWER DISTRICT FUND

Motion made by Mr. Probst, seconded by Mr. Olexo to approve the Recapitulation of Vouchers for the Sanitary Sewer District Fund in the amount of \$6,092.01 dated for March 28, 2001.

Upon roll call the vote was as follows:

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

IN THE MATTER OF APPROVING
RECAPITULATION OF VOUCHERS
FOR THE WESTERN DIVISION COURT SPECIAL PROJECTS FUND

Motion made by Mr. Probst, seconded by Mr. Olexo to approve the Recapitulation of Vouchers for the Western Division Court Gen Special Projects Fund in the amount of \$230.00 dated for March 28, 2001.

Upon roll call the vote was as follows:

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

IN THE MATTER OF APPROVING
RECAPITULATION OF VOUCHERS
FOR THE NORTHERN COURT SPECIAL PROJECTS FUND

Motion made by Mr. Probst, seconded by Mr. Olexo to approve the Recapitulation of Vouchers for the Northern Court Special Projects Fund in the amount of \$1,549.13 dated for March 28, 2001.

Upon roll call the vote was as follows:

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

IN THE MATTER OF APPROVING
RECAPITULATION OF VOUCHERS
FOR THE CLERK OF COURTS CERTIFICATE OF TITLE FUND

Motion made by Mr. Probst, seconded by Mr. Olexo to approve the Recapitulation of Vouchers for the Clerk of Courts Certificate of Title Fund in the amount of \$786.26 dated for March 28, 2001.

Upon roll call the vote was as follows:

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

IN THE MATTER OF APPROVING
RECAPITULATION OF VOUCHERS
FOR THE PROBATE COURT COMPUTER FUND

Motion made by Mr. Probst, seconded by Mr. Olexo to approve the Recapitulation of Vouchers for the Probate Court Computer Fund in the amount of \$443.59 dated for March 28, 2001.

Upon roll call the vote was as follows:

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

IN THE MATTER OF APPROVING
RECAPITULATION OF VOUCHERS
FOR THE JOB TRAINING FUND

Motion made by Mr. Probst, seconded by Mr. Olexo to approve the Recapitulation of Vouchers for the Job Training Fund in the amounts of \$32,578.48 and \$1,600.51 dated for March 28, 2001.

Upon roll call the vote was as follows:

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

IN THE MATTER OF TRANSFERS
WITHIN FUND FOR THE OAKVIEW JUVENILE
REHABILITATION DISTRICT AFTERCARE PROGRAM FUND

Motion made by Mr. Thomas, seconded by Mr. Olexo to make the following transfers within the fund for the Oakview Juvenile Rehabilitation District Aftercare Program Fund.

AFTERCARE PROGRAM		
FROM	TO	AMOUNT

S028-S02 PERS	S028-S01 Salaries	\$500.00
S028-S03 Hospitalization	S028-S01 Salaries	392.80

Upon roll call the vote was as follows:

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

IN THE MATTER OF TRANSFERS
WITHIN FUND FOR THE JUVENILE COURT
C-CAP STRESS CHALLENGE GRANT FUNDS

Motion made by Mr. Probst, seconded by Mr. Olexo to make the following transfer within fund for the Juvenile Court C-Cap Stress Challenge Grant Fund.

FROM	TO	AMOUNT
M061-M12 Holding	M061-M01 Salaries	\$203.50

Upon roll call the vote was as follows:

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

IN THE MATTER OF TRANSFER
OF FUNDS BETWEEN THE BELMONT COUNTY
E-911 FUND AND THE BELMONT COUNTY (N12) 911
BUILDING CONSTRUCTION FUND

Motion made by Mr. Thomas, seconded by Mr. Probst to make the following transfer of funds between the Belmont County 9-1-1 Fund and the Belmont County 9-1-1 Building Construction Fund.

FROM	TO	AMOUNT
E010-E15 Transfers Out	N012-N06 Transfers In	\$22,000.00

Upon roll call the vote was as follows:

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

IN THE MATTER OF ADDITIONAL
APPROPRIATIONS FOR THE BELMONT COUNTY
(N-12) 9-1-1 BUILDING CONSTRUCTION FUND

Motion made by Mr. Probst, seconded by Mr. Olexo to make the following additional appropriation, in accordance with the Amended Official Certificate of Estimated Resources as revised by the Budget Commission, under the date of March 28, 2001.

BELMONT COUNTY 9-1-1 BUILDING CONSTRUCTION FUND

N012-N01 Contract Projects	\$22,000.00
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Upon roll call the vote was as follows:

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

IN THE MATTER OF ADDITIONAL
APPROPRIATIONS FOR THE BELMONT COUNTY
(N-12) 9-1-1 BUILDING CONSTRUCTION FUND

Motion made by Mr. Probst, seconded by Mr. Olexo to make the following additional appropriation, in accordance with the Amended Official Certificate of Estimated Resources as revised by the Budget Commission, under the date of January 03, 2001.

BELMONT COUNTY N12	
9-1-1 Building Construction Fund	
N012-N01 Contract Projects	\$36,259.41

Upon roll call the vote was as follows:

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

IN THE MATTER OF ADDITIONAL
APPROPRIATIONS FOR THE BELMONT COUNTY
E 9-1-1 FUND

Motion made by Mr. Probst, seconded by Mr. Olexo to make the following additional appropriation, in accordance with the Amended Official Certificate of Estimated Resources as revised by the Budget Commission, under the date of January 03, 2001.

BELMONT COUNTY E 9-1-1 FUND	
E010-E15 Transfers Out	\$22,000.00

Upon roll call the vote was as follows:

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

IN THE MATTER OF ADDITIONAL
APPROPRIATIONS FOR THE SHERIFF DEPARTMENT
T08 DOMESTIC VIOLENCE GRANT FUND

Motion made by Mr. Probst, seconded by Mr. Olexo to make the following additional appropriation, in accordance with the Amended Official Certificate of Estimated Resources as revised by the Budget Commission, under the date of March 28, 2001.

T08 DOMESTIC VIOLENCE GRANT FUND
99WFVA28412

T008-T01 Salaries	\$13,465.48
T008-T02 PERS/SPRS	2,248.74
T008-T03 Health Ins.	997.60
T008-T04 Workers Comp	403.96
T008-T05 Equipment	79.97
T008-T06 Supplies	49.04
T008-T07 Other Exp.	25.04
TOTAL	\$17,249.83

Upon roll call the vote was as follows:

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

IN THE MATTER OF ADDITIONAL
APPROPRIATIONS FOR THE U-10
SHERIFF'S RESERVE ACCOUNT FUND

Motion made by Mr. Thomas, seconded by Mr. Probst to make the following additional appropriation, in accordance with the Amended Official Certificate of Estimated Resources as revised by the Budget Commission, under the date of March 28, 2001.

U-10 SHERIFF RESERVE ACCOUNT FUND
U010-U06 Other Expenses \$70.00

Upon roll call the vote was as follows:

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

IN THE MATTER OF ADDITIONAL
APPROPRIATIONS FOR THE JUVENILE COURT
DRUG COURT II FUND M068

Motion made by Mr. Thomas, seconded by Mr. Olexo to make the following additional appropriation, in accordance with the Amended Official Certificate of Estimated Resources as revised by the Budget Commission, under the date of March 28, 2001.

M-68 JUVENILE COURT DRUG COURT II FUND

M068-M01 Salaries	\$3,133.34
M068-M12 Advances Out	3,897.91

Upon roll call the vote was as follows:

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

IN THE MATTER OF ADDITIONAL
APPROPRIATIONS FOR THE PROSECUTOR'S
VICTIM ASSISTANCE PROGRAM FUND

Motion made by Mr. Thomas, seconded by Mr. Olexo to make the following additional appropriation, in accordance with the Amended Official Certificate of Estimated Resources as revised by the Budget Commission, under the date of March 28, 2001.

W-80 PROSECUTOR'S VICTIM ASSISTANCE FUND

W080-P01 Salaries	\$3,000.00
W080-P05 PERS	1,000.00
Upon roll call the vote was as follows:	
	Mr. Thomas Yes

Olexo	Yes		Mr.
	Mr. Probst	Yes	

IN THE MATTER OF GRANTING PERMISSION
FOR COMMISSIONERS' EMPLOYEES TO TRAVEL

Motion made by Mr. Thomas, seconded by Mr. Olexo granting permission for Commissioners' employees Carol Blankenship, Jayne Long and Roberta Jenkins to travel to Wheeling WV on May 21, 2001 to attend the Microsoft Excel seminar. Estimated expenses are: \$340.80

Upon roll call the vote was as follows:

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

**IN THE MATTER OF GRANTING PERMISSION
FOR DON HARR, AUDITOR'S OFFICE TO TRAVEL**

Motion made by Mr. Thomas, seconded by Mr. Olexo granting permission for Don Harr, Auditor's Office, to travel to Reynoldsburg, Ohio on April 3-6, 2001 to attend the Ohio Weights & Measures training seminar. Estimated expenses are \$300.00.

Upon roll call the vote was as follows:

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

**IN THE MATTER OF GRANTING PERMISSION
FOR JOHN DEBONIS, ENGINEER'S ADMINISTRATIVE ASSISTANT,
TO TRAVEL**

Motion made by Mr. Thomas, seconded by Mr. Olexo granting permission for John DeBonis, Administrative Assistant, to travel to Columbus, Ohio on April 27, 2001 to attend the Annual Ohio Public Employment Law Conference. Estimated expenses are: \$200.00.

Upon roll call the vote was as follows:

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

**IN THE MATTER OF REQUEST
FOR CERTIFICATION OF MONIES**

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

March 23, 2001

Budget Commission
Belmont County Courthouse
St. Clairsville, OH 43950

RE: Certification of monies/9-1-1 Building Construction Fund

Dear Sirs:

Requesting certification of monies for the 9-1-1 Building Construction Fund as follows:

In the amount of \$22,000.00
Transferred in from E 9-1-1 Belmont County 9-1-1 Fund.

Thank you for your consideration.

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

Upon roll call the vote was as follows:

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

IN THE MATTER OF OPENING EVENING MEETING

Commissioner Olexo convened the meeting and extended the Board's thanks to the residents of Powhatan for coming to the meeting. He stated that this was the second time the Commission had been to Powhatan and the Board was pleased to see the good turnout. Commissioner Olexo stated, "We were elected to these positions by you, the residents, this provides us with a great opportunity to take our meetings into the communities and allows you to voice your opinions to us - that's what our jobs are all about."

Commissioner Thomas stated, "We are pleased by the fact that so many of you are here. It is nice to see our constituents out listening to what our county government is all about. This is a great forum - we are receptive to your comments."

Commissioner Probst echoed his fellow Commissioners welcome. He commented that these evening meetings were started about two years ago and were working well, providing the residents with an opportunity to voice their concerns to the Board."

The Board commenced the evening meeting by conducting regular business.

**IN THE MATTER OF AGREEMENT BETWEEN
BELMONT COUNTY COMMISSIONERS AND
SAVAGE CONSTRUCTION CO. RE: DEMOLITION AND SITE**

RESTORATION, FORMER PUBLIC DEFENDER'S OFFICE

Motion made by Mr. Probst, seconded by Mr. Thomas to enter into the following agreement.

AGREEMENT

This agreement made as of the twentieth day of March in the year of Two thousand one

BETWEEN the Owner: Belmont County Board of Commissioners
Courthouse
St. Clairsville, Ohio 43950

and the Contractor: Savage Construction Co.
Peters Run Road
Wheeling, WV 26003

The Project is : Demolition, site restoration & related work
Former Public Defender's Offices
143 Newell Avenue
St. Clairsville, Ohio 43950

The Architect is: William Hooker, AIA
P.O. Box 102, 243 Harbel Drive
St. Clairsville, Ohio 43950
Ohio Certificate #3781

The Owner and Contractor agree as set forth below.

ARTICLE 1
THE CONTRACT DOCUMENTS

The contract documents consist of this Agreement, conditions of the contract (general, supplementary, and other conditions). Drawings, specifications, addenda issued prior to execution of this Agreement, other documents listed in this Agreement and Modifications issued after execution of this Agreement; these form the Contract and are as fully a part of the Contract as if attached to this Agreement or repeated herein. The Contract represents the entire and integrated agreement between the parties hereto and supersedes prior negotiations, representations or agreements, either written or oral. An enumeration of the contract Documents, other modifications, appears in Article 9.

ARTICLE 2
THE WORK OF THIS CONTRACT

The Contractor shall execute the entire Work described in the Contract Documents, except to the extent specifically indicated in the Contract Documents to be the responsibility of others, or as follows:

THE CONTRACTOR SHALL EXECUTE THE ENTIRE WORK DESCRIBED IN THE CONTRACT DOCUMENTS.

ARTICLE 3
DATE OF COMMENCEMENT AND SUBSTANTIAL COMPLETION

3.1 The date of commencement is the date from which the Contract Time or Paragraph 3.2 is measured, and shall be the date of this Agreement, as first written above, unless a different date is stated below or provision is made for the date to be fixed in a notice to proceed issued by the Owner.

Unless the date of commencement is established by a notice to proceed issued by the Owner, the Contractor shall notify the Owner in writing not less than five days before commencing the Work to permit the timely filing of mortgages, mechanic's liens and other security interests.

3.2 The Contractor shall achieve Substantial Completion of the entire work not later than

TEN DAYS, SUNDAYS AND WHOLE HOLIDAYS NOT INCLUDED

Subject to adjustments of this Contract Time as provided in the Contract Documents.

ARTICLE 4
CONTRACT SUM

4.1 The Owner shall pay the Contractor in current funds for the Contractor's performance of the Contract the Contract Sum of
TEN THOUSAND NINE HUNDRED NINETY Dollars (\$ 10,990),
subject to additions and deductions as provided in the Contract Documents.

4.2 The Contract Sum is based upon the following alternates, if any, which are described in the Contract Documents and are hereby accepted by the Owner.

NONE

4.3 Unit prices , if any , are as follows:

NONE

ARTICLE 5 PROGRESS PAYMENTS

- 5.1 Based upon Applications for Payment submitted to the Architect by the Contractor and Certificates for Payment issued by the Architect, the Owner shall make progress payments on account of the Contract Sum to the Contractor's as provided below and elsewhere in the Contract Documents.
- 5.2 The period covered by each Application for Payment shall be one calendar month ending on the last day of the month, or as follows:
- 5.3 Provided an Application for Payment is received by the Architect not later than the TWENTIETH day of a month, the Owner shall make payment to the Contractor not later than the TWENTIETH day of the NEXT month. If an Application for payment is received by the Architect after the application date fixed above, payment shall be made by the Owner not later than _____ days after the Architect receives the Application for payment.
- 5.4 Each Application for Payment shall be based upon the Schedule of Values submitted by the Contractor in accordance with the Contract Documents. The Schedule of Values shall allocated the entire Contract sum among the various portions of the Work and be prepared in such form and supported by such data to substantiate its accuracy as the Architect may require. This Schedule, unless objected to be the Architect, shall be used as a basis for reviewing the Contractor's Applications for payment.
- 5.5 Applications for payment shall indicate the percentage of completion of each portion of the work as of the end of the period covered by the Application for payment.
- 5.6 Subject to the provisions of the contract document, the amount of each progress payment shall be computed as follows:
- 5.6.1 Take that portion of the contract sum properly allocable to completed work as determined by multiplying the percentage completion of each portion of the work by the share of the total contract sum allocated to that portion of the work in the schedule of values less retainage of TEN percent (10%) pending final determination of cost to the owner of changes in the work, amounts not in dispute may be included as provided in subparagraph 7.3.7 of the general conditions even though the contract sum has not yet been adjusted by change order.
- 5.6.2 Add that portion of the Contract Sum properly allocable to materials and equipment delivered and suitably stored at the site for subsequent incorporation in the completed construction (or, if approved in advance by the Owner, suitably stored off the site at a location agreed upon in writing), less retainage of TEN percent (10%);
- 5.6.3 Subtract the aggregate of previous payments made by the Owner; and
- 5.6.4 Subtract amount, if any, for which the Architect has withheld or nullified a certificate for payment as provided in paragraph 9.5 of the general conditions.
- 5.7 The progress payment amount determined in accordance with paragraph 5.6 shall be further modified under the following circumstances.
- 5.7.1 Add, upon substantial completion of the work, a sum sufficient to increase the total payments to 90 % of the contract sum, less such amounts as the Architect shall determine for incomplete work and unsettled claims, and
- 5.7.2 Add, if final completion of the work is thereafter materially delayed through no fault of the Contractor, any additional amounts payable in accordance with Subparagraph 9.10.3 of the General Conditions.
- 5.8 Reduction or limitation of retainage, if any shall be as follows:

ARTICLE 6 FINAL PAYMENT

Final payment, constituting the entire unpaid balance of the Contract Sum, shall be made by the Owner to the Contractor when (1) the Contract has been fully performed by the Contractor except for the Contractor's responsibility to correct nonconforming work as provided in Subparagraph 12.2.2. of the General Conditions and to satisfy other requirements, if any, which necessarily survive final payment; and (2) a final certificate for payment has been issued by the Architect; such final payment shall be made by the Owner not more than 30 days after the issuance of the Architect's final certificate for payment, or as follows:

ARTICLE 7 MISCELLANEOUS PROVISIONS

- 7.1 Where reference is made in this Agreement to a provision of the General Conditions or another Contract Document, the reference refers to that provision as amended or

supplemented by other provisions of the Contract Documents.

- 7.2
- Payments due and unpaid under the Contract shall bear interest from the date payment is due at the rate stated below, or in the absence thereof, at the legal rate prevailing from time to time at the place where the Project is located:
- 7.3
- Other provisions:

ARTICLE 8
TERMINATION OR SUSPENSION

- 8.1
- The contract may be terminated by the Owner or the Contractor as provided in Article 14 of the General Conditions
- 8.2
- The Work may be suspended by the Owner as provided in Article 14 of the general conditions.

ARTICLE 9
ENUMERATION OF CONTRACT DOCUMENTS

- 9.1
- The contract documents, except for modifications issued after execution of this agreement are enumerated as follows
- 9.1.1
- The Agreement is this executed Standard Form of Agreement between owner and contractor, AIA Document A101, 1987 Edition
- 9.1.2
- The General Conditions are the General Conditions of the Contract for Construction , AIA Document A201, 1997 edition.
- 9.1.3
- The supplementary and other conditions of the contract are those contained in the project manual dated

Document	Title	Pages
A701	INSTRUCTIONS TO BIDDERS	
	SUPPLEMENTARY INSTRUCTIONS TO BIDDERS	3
	SUPPLEMENTARY GENERAL CONDITIONS	4

- 9.1.4
- The Specifications are those contained in the Project manual dated as in subparagraph 9.1.3, and are follows:

Section	Title	Pages
01010	PROJECT REQUIREMENTS	5

- 9.1.5
- The drawings are as follows, and are dated unless a different date is shown below:
- Number
- Title
- Date
- 1
- SITE PLAN AND DETAILS
- Feb. 2001

- 9.1.6
- The Addenda, if any, are as follows:

Number	Date	Pages
	NONE	

- 9.1.7
- Other documents, if any, forming part of the Contract Documents are as follows:
NONE

This Agreement is entered into as of the day and year first written above and is executed in at least three original copies of which one is to be delivered to the Contractor, one to the Architect for use in the administration of the Contract, and the remainder to the Owner.

Owner		Contractor
Ryan E. Olexo	/s/	Charles J. Savage
Signature		Signature

Ryan E. Olexo, President	Charles J. Savage, President
Printed name and title	Printed name and title

Upon roll call the vote was as follows:

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

IN THE MATTER OF ACCEPTING THE TAX
INCENTIVE REVIEW COUNCIL RECOMMENDATIONS

Motion made by Mr. Thomas, seconded by Mr. Probst adopting the following Resolution.

R E S O L U T I O N

WHEREAS, the Tax Incentive Review Council board met on the 26th day of March, 2001 in the office of the Belmont County Auditor to review all outstanding enterprise zone agreements under the jurisdiction of Belmont County, Ohio; and

WHEREAS, the Tax Incentive Review Council Board at this annual meeting determined that the current four abatements in Belmont County are in full compliance of all covenants issued to them; and

WHEREAS, the Council's recommendation to the Board of County Commissioner is that the following four entities be approved for a continuation of the abatement for the tax year 2001:

FOX RUN HOSPITAL
OHIO COATING COMPANY
MAYFLOWER VEHICLE SYSTEMS
MCNEAR TRUE VALUE HARDWARE

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF BELMONT COUNTY COMMISSIONERS, that the Board does hereby approve the recommendation of the Tax Incentive Review Council Board as hereto referenced.

Upon roll call the vote was as follows:

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

IN THE MATTER OF ACCEPTING
PUBLIC ROAD PETITION FOR
VACATION OF AN ALLEY IN NEW CASTLE,
WAYNE TOWNSHIP/RD IMP 1054

Motion made by Mr. Thomas, seconded by Mr. Olexo to approve the following Public Road Petition.

PUBLIC ROAD PETITION
Rev. Code Sec. 5553.04

St. Clairsville , Ohio

March 28 , 2001

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

The undersigned petitioners, freeholders of said County residing in the vicinity of the proposed improvement hereinafter described, represent that the public convenience and welfare require the vacation of an alley in New Castle, Wayne Township, as recorded in Volume R, Page 536

a Public Road on the line hereinafter described, and make application to you to institute and order proper proceedings in the premises, for vacating such road, the same not being a road on the State Highway System.

The following in the general route and termini of said road:

Being the alley between lots 26 and 28, being 12' wide by 165' long

Petitioners' Name	Address of Petitioner
Eileen Davis /S/	54014 New Castle - Bealls. Beallsville, Ohio 43716
Nadene Hamilton /S/	54235 New Castle Rd Beallsville, Ohio 43716
William Davis /S/	54190 New Castle Rd. Beallsville, Ohio 43716
Scott Hagan /S/	55120 New Castle Rd. Jersualem, Ohio 43747
Amanda Hagan /S/	55120 New Castle Rd. Jersualem, Ohio 43747
Linda Hagan /S/	55205 New Castle Rd. Jersualem, Ohio 43747
Rick Hagan /S/	55205 New Castle Rd. Jersualem, Ohio 43747
Eugene Milhoan /S/	41468 Lane Sh. Rd. Beallsville, Ohio 43716
Thomas Winland /S/	39239 Jersualem Jersualem, Ohio 43747
Susann Jenewein /S/	54811 New Castle-Bealls Rd Beallsville, Ohio 43716
Killis Jenewein /S/	54841 New Castle Road Beallsville, Ohio 43716
David Crum /S/	55041 Co. Rd. 92 Beallsville, Ohio 43716
Melissa Crum /S/	55041 Co. Rd. 92 Beallsville, Ohio 43716
Betty Ward /S/	54120 New Castle Rd. Beallsville, Ohio 43716

Thelma Ebert /S/ 54065 New Catle Road
Beallsville, Ohio 43716

Vernon Ebert /S/ 54065 New Castle Road
Beallsville, Ohio 43716

Upon roll call the vote was as follows:
Mr. Thomas Yes
Mr. Olexo Yes
Mr. Probst Yes

IN THE MATTER OF THE VACATION
OF AN ALLEY IN NEW CASTLE,
WAYNE TOWNSHIP, AS RECORDED IN
VOL. R, PAGE 536/RD IMP 1054

OFFICE OF COUNTY COMMISSIONERS
BELMONT COUNTY, OHIO

Journal Entry, Order Fixing Time and Place of View and of Final Hearing and Notice
Thereof on Public Road Petition
Rev. Code, Sec. 5553.05

Petitioned for by freeholders and others
Mr. Thomas moved the adoption of the following:

RESOLUTION

WHEREAS, A Petition signed by at least twelve freeholders of the County residing in the vicinity of the proposed improvement has been presented to this Board of County Commissioners requesting said Board to vacate an alley in New Castle, Wayne Township, as recorded in Vol. R., Page 536 a Public Road as described therein; therefore be it

RESOLVED, That the 18th day of April, 2001 at 11:30 o'clock A.M., be fixed as the date when we will view the proposed improvement, on which date we will meet at the site. and go over the line of said proposed improvement; and be it further

RESOLVED, That the 27th day of April 2001 at 10:30 o'clock AM. be fixed as the date for a final hearing thereof, which hearing will be at the office of the Board; and be it further

RESOLVED, That the Clerk of this Board be and she is hereby directed to give notice of the time and place for both such view and hearing by publication once a week for two consecutive weeks in the Times Leader a newspaper published and having general circulation in the County, which said notice shall also state briefly the character of said proposed improvement.

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

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

Adopted March 28, 2001

Darlene Pempek /s/
Belmont County Board of Commissioners
Belmont County, Ohio

NOTICE OF TIME AND PLACE OF VIEW AND OF FINAL HEARING
PUBLIC ROAD (by publication)

Rev. Code, Sec., 5553.05

ROAD IMP. # 1054

Notice is hereby given that there is before the Board of County Commissioners of Belmont County, Ohio, the Matter of ¹ Vacation of an alley in New Castle, Wayne Township, as recorded in Vol. R, Page 536 general route and termini of which Road are as follows:

Being the alley between lots 26 & 28, being 12' wide by 165' long

Said Board of County Commissioners has fixed the 18th day of April 2001, at 11:30 o'clock A.M., as the date when and the site as the place where said Board will view the proposed improvement, and has also fixed the 27th day of April 2001, at 10:30 o'clock A.M., at

their office in the Court House of said County in St. Clairsville, Ohio as the time and place for the final hearing on said proposed improvement.

By Order of the
Board of County Commissioners,
Belmont County, Ohio

Darlene Pempek /s/
Darlene Pempek, Clerk

ADV. TIMES LEADER 2 WEDNESDAYS April 4 and April 11, 2001

IN THE MATTER OF HIRING
VERNA PAINTER AS A FULL TIME EMPLOYEE
OF THE BELMONT COUNTY ANIMAL SHELTER

Motion made by Mr. Thomas, seconded by Mr. Probst approving the hiring of Verna Painter as a full time employee of the Belmont County Animal Shelter effective with pay period ending April 7, 2001 upon the recommendation of the Belmont County Animal Rescue League.

Upon roll call the vote was as follows:

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

Under discussion:

Jim Marling, employee of the Belmont County Animal Shelter, questioned the Board as to why this position had not been posted. Commissioner Thomas explained that BCARL had recommended the hiring of Ms. Painter as a full-time employee due to the emergency situation at the shelter. The shelter is currently operating with two employees short, one employee having resigned and one employee off on medical leave. Ms. Painter is an experienced shelter worker having previously been employed at the Shelter and presently working there part-time.

IN THE MATTER OF DISCUSSIONS HELD
PUBLIC FORUM

DISCUSSION HELD / 9-1-1

The Board introduced Cliff Sligar, Director of the Belmont County 9-1-1, and asked if any residents had any questions or concerns for Mr. Sligar. One citizen stated that there were a lot of roads in Powhatan that don't have road signs and the residents were worried that Fire and EMS Departments would not know where to go in an emergency.

Mr. Sligar explained that the road signs are the responsibility of the township trustees. He stated that there are maps in the dispatch center that help in these situations but it is very important that road signs are up, especially at night.

Commissioner Thomas directed Mr. Sligar to contact the Washington Township Trustees to check into road signs.

Commissioner Probst explained how in years past the County Commissioners had developed a program to provide signs for the townships. It had been funded by the lodging excise tax monies that are now handled by the Tourism Board. There is now a grant process that entities have to go through in order to apply for funding.

DISCUSSION HELD / POSSIBLE WATER EXTENSIONS

Mr. Frank Shaffer, resident of the Village of Powhatan, thanked the Board for having their meeting in Powhatan. Mr. Shaffer stated he had spoken a year ago when the previous Board of Commissioners came to Powhatan and now wanted to reiterate Powhatan's need for county water.

He informed the Board that since a year ago, there had been a few more brush fires, not as devastating as before but they could have turned into a devastating situation. Mr. Shaffer said it has become a health and safety issue and presently nine wells have been found to be contaminated. He asked the Board for help in looking at the area of Powhatan for some type of development - stating that their area seems to have fallen through the cracks and often seems as if they are left out of the County. Mr. Shaffer requested the minutes of this evenings meeting and the completed water study being conducted by Hammontree and Associates when it becomes available. He asked the Board if they had seen the petition presented last year to the Commission and if their area had been included in the water study.

Commissioner Olexo stated the Board does have the resident's petition with them and had not forgotten it. He explained that the water study was not complete yet. The Board had met with Hammontree and Associates this afternoon to receive a preliminary report pertaining to all the areas in the county without water. Chuck Dawson, representing Hammontree and Associates, the engineering firm doing the study is attending this evening's meeting to answer any questions.

Commissioner Olexo continued, "If we could develop, we would. I hope we can provide that help - Commissioner Thomas, Probst and myself have heard this time and time again, anywhere we go we hear the same thing. We are here as a team to provide that help, you have my word on that." He then went on to explain the portion of the study given to the Board today had the county broken down into 6 (six) zones. Powhatan is "Zone F" with the estimated cost at \$3,587,750.00 for the project- correlates into \$28,856.00 per household. Commissioner Olexo stated this does not mean the Board is not going to consider this project - it does mean the Board will look at other alternatives to help deter the cost. There are options such as possibly doing the project in phases or possibly starting at the other point. He explained that this study provides the Board with a grasp of what the cost is going to be.

Commissioner Olexo informed those present that if the county were to supply water to all the

residents currently without water the estimated cost is 12.8 million dollars. He stated, "We as a Board want to come up with a five year plan and a ten year plan. We are going to explore the other two options for your area and are open for suggestions."

Commissioner Thomas stated, "I had about seventeen minutes this afternoon with the representatives from Hammontree and Associates. I have not fully had an opportunity to study the report. It seems the most viable option for all of you affected is for the county to partner with the Village and upgrade the pump station at the bottom of the hill. This is the start - until we get the final report and have an opportunity to analyze other options- this is the start we have been promising you."

One citizen voiced his concern in regards to the water pressure going down year after year. Mr. Dawson explained that his company was employed to look at approximately seventy-five miles of roadway. The study is a starting point to determine if the county can supply water at an affordable price. Thirty-five PSI for every home is the minimum water pressure. There would be a need to alleviate lowering water pressure in this area, water lines can't be expanded until there is pressure to the customers already being served. Mr. Dawson stated that Hammontree had presented the preliminary report to the Board to determine what areas they will want to focus on. The final report should be complete in a week to a week and a half.

Mr. Dawson went on to explain that the tanks and businesses - everything is inner connected. It is difficult to look at one area without looking at the whole water supply. He explained that they were looking at installing a line on County Road 56 - a twelve inch line would be necessary if they were to come from the Jacobsburg area. Then they would take a look at whether booster pumps or station pumps will be needed.

A citizen questioned how they could consider the possibility of a pump station at York Township to run water to Mt. Victory. How could that provide enough water when the residents can't get a fire hydrant on their road?

Commissioner Olexo answered, "We don't have the answers yet, what we are saying is we would like to explore the other options."

Commissioner Thomas stated, "If we pursue the project with the Village we would have to complete an upgrade to the plant to ensure no one is worse than they are presently. If we can upgrade at less than three million dollars that may be a more viable solution for everyone. It would include new water lines - this is premature, we are just informing you here tonight. This Board just received the report today. We have a tremendous amount of work ahead of us - this board will hold public hearing like this so the residents have an opportunity to be heard."

One citizen told the Board he had many acres of land in the area and would donate the right-of-way. He also questioned if anybody had ever researched the possibility of obtaining federal or state monies to assist.

DISCUSSION HELD / POSSIBLE WATER EXTENSIONS(cont'd)

Commissioner Olexo answered, "There are a couple of options we are exploring. We have heard rumors that the Governor's Appalachian Department has large sums of monies to forward to counties in Ohio to assist them in improving their water services. We are not sure as of yet what to expect at the state level. The Board is also exploring federal funds - we are going to make every attempt we can, I assure you of that. We will explore all areas of funding."

One citizen commented that if water goes out the roads in their area, homes will be built increasing the county's tax base - land the county is currently getting nothing from.

Commissioner Olexo responded that ultimately the Board would like to provide water and sewage to every resident in our county - this is just the start.

A public citizen stated that a year ago the residents had petitioned the Board for water and so far they don't even have a study completed. He went on to describe the situations they face every day without water and how they live. He commented that the residents in the St. Clairsville area seem to always receive what they need - new subdivisions developing with water and sewage. The citizen stated that the previous board had said, "you have to go where you can get a return on your money. He asked the Board to think about what their citizens are facing here."

Commissioner Olexo stated, "We do have that in consideration and are well aware of the situations you face without water. Please keep in mind that the subdivisions you mention are being developed by private developers - that is not the County, we did not do anything in these subdivisions. I applaud the private developers willing to take on these projects, after a year the lines become the property of the county."

Commissioner Probst stated, "I think the prior Board and this Board is taking this seriously by the mere fact we are pursuing this study and different sources of funding. We know your concerns and are taking this seriously. As for the Deep Run situation - a study was done ten years prior to the lines being installed - the engineers had only to upgrade it. The county received \$125,000.00 (one hundred and twenty-five thousand dollars) in funding from the Ohio Department of Natural Resources for the project- one-half of the cost of the project thereby making it feasible for the county to complete. This was a viable project at that time, there are a lot of circumstances the public does not know. The previous Board and this Board have taken steps to secure water lines to all our residents. We promised the citizens that the monies received from the enactment of the 1/2% sales tax would go to fund

these projects. We are going to find a way to do this."

Commissioner Probst explained that Belmont County is doing well. There was a 1.4 million dollar carryover this year and the Board wants to pass this money back to our residents. There are specific laws stipulating what can be done with general fund monies. He told the residents the Board is researching how they can get this money back to the citizens either through infrastructure or whatever. Commissioner Probst stated, "We understand water is a precious commodity but realize it must be affordable to our citizens."

One citizen complained that his real estate taxes went up over \$600.00. Commissioner Thomas explained that it is a misconception that taxes go up and this increases the county's coffers. He informed the residents that two to four percent of the real estate taxes end up in the county's general fund with most of the money going to the schools.

Terri Shaffer, public citizen, questioned if there were any funding available to have everybody's wells tested for E-Coli bacteria and possibly submit this to the EPA to help defray the cost.

One resident told the Board of the hardships his family suffers daily without water. He stated he operates a dairy farm with nearly two hundred head of cattle. He said ever since 1985 his well water has been tested and is found to have e-coli bacteria making it unfit for consumption. He criticized the Board for putting strip malls, etc. in but not taking care of their residents when they are facing these health and safety issues.

Commissioner Thomas stated, "We are not turning our backs, this board inherited a lot of the issues you alluded to. We have been in office for three months, it takes a while to accomplish everything we want to do. We are in a precarious position here with the sales tax. This board will do everything it can to get water to our residents, just give us a chance."

Commissioner Olexo stated, "As far as the e-coli, we will research this. To say we are turning our backs, please understand the feasibility study is the first step in that process - we are not turning our backs, we are responsive to your comments."

Commissioner Probst explained to the residents that until about eight months ago, Belmont County did not have the necessary funding to embark on these projects. The enactment of the 1/2 % sales tax has enabled the county to proceed. He said that the malls do generate that sales tax and an estimated eighty percent is brought in by residents outside of Belmont County. Commissioner Probst reiterated, "Please understand we are taking the first step."

One resident questioned if it would be feasible for the county to supply the line, donate the pipe and the residents rent equipment to complete the project.

Commissioner Olexo explained that state law dictates that any project the county undertakes must go through the bid process. There are also prevailing wage, fair labor laws, etc. that dictate what the county can do.

Commissioner Thomas again asked the residents to give the board a chance. He explained that in the three months they have been in office, the board has been faced with the landfill issue and Local Government Fund cuts while continuing to run the daily operations. He stated, "If in one or two years, we have not done anything, then come back to us. We are committed to these projects."

Commissioner Probst stated, "Give us a chance, we have just spent money on an intense water study. We are showing good faith."

Commissioner Thomas explained that the board governs and controls only the monies in Belmont County. He told the residents he was in Columbus yesterday fighting on behalf of school funding and a couple of weeks ago testifying in regards to the Board's opposition to landfills in Belmont County.

DISCUSSION HELD/POSSIBLE WATER EXTENSIONS(cont'd)

Commissioner Thomas stated, "We go to Columbus to remind the people there that Belmont County is in Ohio, same as you do - we also feel slighted. We are out there on your behalf." Commissioner Probst stated, "We are fighting every day on many issues that face us. I was in Washington recently talking to the legislators sharing our concerns over the declining steel industry."

One resident questioned if the Board was willing to commit that they will do water projects before sewer and road projects, recognizing that water is the most important thing.

Commissioner Olexo stated, "We don't question that at all. We agree water is our priority - it has been stated by this Board. This is the reason we are undertaking these projects."

A resident asked if the Board had anything to do with the Fox Commerce Park and if so - why?

Commissioner Thomas stated the Board is attempting to create jobs to continue being viable in Belmont County. He said it is surprising to him that the commissioners are being criticized for embarking on project to bring infrastructure and jobs to the county. He asked, "Are we to sit around and let all these businesses close and say that's okay. If someone says they want to build a business within 150 yards of I-70, do we say no? We already turned away one business because Fox Commerce Park was not finished. They were shown other properties but it is sad to say that in the end the business didn't come to Belmont County."

Many residents voiced their concerns that other parts of the county were receiving

preferential treatment by the Board. They named sewer line extensions and water line extensions in other areas.

Commissioner Thomas stated, "Most things don't happen in a three month period, we have started the steps to bring water to your area and it will be done." He explained that there are three types of development, 1. public 2. private and 3. public- private together. Commissioner Thomas told the residents that most of the development they speak of is private developers who believe in Belmont County."

In response to several questions raised by citizens, Commissioner Probst explained the county is currently investing the money generated by the 1/4 % sales tax at 6% and borrowing at 3.6%. He stated that a little over three million dollars has been generated by this tax. Commissioner Probst then went on to tell the residents that the Neffs school project is a 28 million dollar project where the county has been able to reap some of the benefits. He said Neffs School District was going to build a pump station and had money from the State allotted for that purpose. The county in conjunction was able to open up some areas. He also stated Neffs was under mandate by the Ohio EPA.

The Board again told the audience that they are committed to bringing water to all Belmont County residents. Commissioner Olexo stated, "We will look into all your suggestions and various concerns. That is why we have these meetings in communities throughout the county. We want to hear your concerns."

IN THE MATTER OF APPROVING
TIME AND PLACE FOR "ANNUAL MEETING
OF COUNTY AND TOWNSHIP AUTHORITIES"/ENGINEER'S

Motion made by Mr. Olexo, seconded by Mr. Thomas to approve the following date and time and place for the "Annual Meeting of County and Township Authorities.

Date: Tuesday, April 24, 2001
Time: 6:00 P.M.
Place: County Garage-Roscoe Road, St. Clairsville, OH 43950

Upon roll call the vote was as follows:
Mr. Olexo Yes
Mr. Thomas Yes

IN THE MATTER OF ADJOURNING
COMMISSIONERS' MEETING AT 8:20 P.M.

Motion made by Mr. Thomas, seconded by Mr. Probst to adjourn meeting at 8:20 P.M.
Upon roll call the vote was as follows:
Mr. Thomas Yes
Mr. Probst Yes

Meeting adjourned.

Read, approved and signed this 30th day of March 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

