

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 November 14, 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
Office Max, Inc.	Supplies-General	517.93
Group Star.Com	Computer-General	667.95
Eleanor Gillespie	Easement/Sewer Line-General	1,000.00
AT&T Broadband	Internet cable-General	279.00
Belmont County Human Services	Dec mandated share/Grants-General	30,119.75
Office Max	Office supplies-General	360.18
Office Max	Supplies/GIS & MVGT-General	336.36
Compasscom Inc.	Composite Rover Rod/GIS-General	411.02
National City Bank	Principal-Satellite Bldg Construct.	1,500,000.00
National City Bank	Interest-Satellite Bldg Construct.	64,740.00
National City Bank	Interest-Satellite Bldg Construct.	29,825.42
National City Bank	Note Pmt-Satellite Bldg Construct.	46,800.00
National City Bank	Note Pmt-Satellite Bldg Construct.	588,200.00
National City Bank	Interest-WWS#3 Deep Run Waterline	18,787.67
National City Bank	Principal-WWS#3 Deep Run Waterline	400,000.00
Eastern Ohio Regional Wastewater	Sewage disposal-Sanitary Sewer	23,524.55
National City Bank	Bond payment SSD #2-Sanitary Sewer	3,140,907.50
Bridgeport Water Dept.	October service/WW#1-Sanitary Sewer	9,256.31
Ford Motor Credit Co.	Travel-Bel Har Juvenile Group Home	1,223.80
Contingency Fund Replen	Girls-Bel Har Juvenile Group Home	438.81

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 November 16, 2001 as follow:

FUND	AMOUNT
General	\$4,530.67, \$18,085.72, \$10,255.86
General/Chest Clinic	\$493.54
BCDJFS/PA	\$9,088.95, \$116,916.78, \$29,138.49, \$239.00
	\$4,621.80
BCDJFS/Children Services	\$90,772.47
BCDJFS/CSEA	\$16,449.27
Engineer's MVGT	\$107.80, \$38,015.24
Oakview Administration Building	\$1,559.29
Sanitary Sewer District	\$565.00, \$386,389.15, \$160.44, \$46,555.36, \$3,649.90, \$9,705.00
Group Home	\$4,198.00
Sargus Center	\$6,032.23, \$5,535.90
Job Training	\$7,589.00, \$1,324.00, \$790.00

Upon roll call the vote was as follows:

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

IN THE MATTER OF TRANSFER
OF FUNDS WITHIN THE GENERAL FUND
FOR THE PROBATE COURT

Motion made by Mr. Olexo, seconded by Mr. Probst to approve the following transfer of funds within the Belmont County General Fund for the Belmont County Probate Court.

FROM	TO	AMOUNT
A002-D03 Supplies	A402-D13 Other Expenses	\$2,165.54
A002-D09 Travel	A402-D13 Other Expenses	1,332.20

Upon roll call the vote was as follows:

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

IN THE MATTER OF TRANSFER
OF FUNDS WITHIN THE GENERAL FUND
FOR THE BOARD OF ELECTIONS

Motion made by Mr. Olexo, seconded by Mr. Probst to approve the following transfer of funds within the Belmont County General Fund for the Belmont County Board of Elections.

FROM	TO	AMOUNT
A003-A06 Contract Services	A003-A01 Sal/Bd.Members	172.32
A003-A06 Contract Services	A003-A03 Supplies	5,000.00

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 BCDJFS/PA FUND H000

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

FROM	TO	AMOUNT
H000-H16 WIA Youth	H000-H04 Contracts	\$10,000.00
H000-H18 WIA Disl. Wkr.	H000-H04 Contracts	18,000.00
H000-H19 WIA Adult	H000-H04 Contracts	30,000.00

Upon roll call the vote was as follows:

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

IN THE MATTER OF TRANSFER
WITHIN N14 WWS#3 DEEP RUN WATER
EXTENSION CONSTRUCTION FUND

Motion made by Mr. Olexo, seconded by Mr. Thomas to approve the following transfer within fund for the N14 Deep Run Water Extension Construction Fund.

FROM	TO	AMOUNT
N014-N02 CONTRACT PROJECTS	N014-N05 NOTE PAYMENT	\$28,100.00
N014-N02 CONTRACT PROJECTS	N014-N04 INTEREST PAYMENT	\$18,788.00

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 DOG AND KENNEL FUND

Motion made by Mr. Olexo, seconded by Mr. Thomas to approve the following transfer within fund for the Belmont County Dog and Kennel Fund.

FROM	TO	AMOUNT
B000-B02 Salaries	B100-B10 Hospitalization	\$ 28.30
B000-B02 Salaries	B000-B10 Medicare	\$ 148.07

Upon roll call the vote was as follows:

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

**IN THE MATTER OF ADDITIONAL
APPROPRIATIONS FOR THE O20 HUMAN
SERVICES BOND RETIREMENT FUND**

Motion made by Mr. Olexo, 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 November 14, 2001.

O20 BOND RETIREMENT HUMAN SERVICES FUND

O020-001 Principal Payment \$40,000.00

Upon roll call the vote was as follows:

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

**IN THE MATTER OF ADDITIONAL
APPROPRIATIONS FOR THE O015 SATELLITE
BUILDINGS NOTE RETIREMENT FUND**

Motion made by Mr. Olexo, 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 January 3, 2001.

O015 SATELLITE BULDING NOTE RETIREMENT FUND

O015-001 Note Payment \$545,920.77

Upon roll call the vote was as follows:

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

**IN THE MATTER OF ADDITIONAL
APPROPRIATIONS FOR THE GENERAL FUND**

Motion made by Mr. Olexo, 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 November 14, 2001.

Sheriff Department

A006-A02	Salaries/ Employees	\$1,000.00
A106-A06	Transport of Prisoners	\$2,393.55

Upon roll call the vote was as follows:

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

**IN THE MATTER OF ADDITIONAL
APPROPRIATIONS FOR N10 SATELLITE
BUILDING CONSTRUCTION FUND**

Motion made by Mr. Olexo, 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 dates of January 3, 2001 and November 14, 2001.

**N10 SATELLITE BUILDING
CONSTRUCTION BUILDING FUND**

(November 14 certification)

N010-N04	Principal Payment	\$1,543,871.11
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(January 3, 2001 certification)

N010-N04	Principal Payment	\$ 3,000.00
N010-N05	Interest Payment	\$94,952.42

Upon roll call the vote was as follows:

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

**IN THE MATTER OF ADDITIONAL
APPROPRIATIONS FOR N14 DEEP RUN
WATER EXTENSION CONSTRUCTION FUND**

Motion made by Mr. Olexo, 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 November 14, 2001.

**N14 DEEP RUN WATER EXTENSION
CONSTRUCTION FUND**

N014-N04 Principal Payment \$371,900.00

Upon roll call the vote was as follows:

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

**IN THE MATTER OF ADDITIONAL
APPROPRIATIONS FOR THE O15 SATELLITE
BUILDINGS NOTE RETIREMENT FUND**

Motion made by Mr. Olexo, 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 November 14, 2001.

**O15 SATELLITE BUILDING
NOTE RETIREMENT FUND**

0015-001 Note Payment \$42,282.03

Upon roll call the vote was as follows:

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

**IN THE MATTER OF ADDITIONAL
APPROPRIATIONS FOR THE CDBG FUND**

Motion made by Mr. Olexo, 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 November 14, 2001.

T11 CDBG FUND

T011-T01 CDBG Grant / B-F-00-007-1 \$4,182.00

Upon roll call the vote was as follows:

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

**IN THE MATTER OF ADDITIONAL
APPROPRIATIONS FOR THE O006
BELMONT COUNTY SANITARY SEWER DEPARTMENT**

Motion made by Mr. Olexo, 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 November 07, 2001.

O006 SSD #2 BOND NOTE PAYMENT

O006-003 SSD #2 Bond Note Payment \$2,800,000.00

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

Name: Jim Kalonick
Destination: Columbus, Ohio
Dates of travel: November 27, 2001
Purpose: Protect Ohio Meeting
Estimated expenses: \$92.80

Name: Janice Snyder, Tammy Bizzarri, Donna Comas, Jackie Vannest
Destination: Dover, Ohio
Dates of travel: November 15, 2001
Purpose: Facsis Users Meeting
Estimated expenses: \$99.34

Name: Linda Luke
Destination: Columbus, Ohio
Dates of travel: December 4-5, 2001
Purpose: Interactive Interview Process Training
Estimated expenses: \$272.80

Name: Don Giffin, Dave McFarlan
Destination: Indianapolis, IN
Dates of travel: December 9-10, 2001
Purpose: NCSEA Annual Training
Estimated expenses: \$716.17

Upon roll call the vote was as follows:

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

IN THE MATTER OF ANNEXING TERRITORY
TO THE CITY OF ST. CLAIRSVILLE, OHIO
COMMISSIONERS CONSENT GRANTED

HEARING HAD 9:30 A.M.

RESOLUTION

Pursuant to a motion adopted by the Board of County Commissioners on the 12th day of September, 2001, fixing the 16th day of November, 2001 for hearing the petition of the city of St. Clairsville praying for the Annexation of certain territory in Richland Township to the City of St. Clairsville, the same came for the Hearing and all persons appearing for or against the Annexation were heard, and the Board of County Commissioners find as follows:

1. The Petition contains all matter required by law including, without limitation, R.C. 709.02 to wit:
 - A. A full description and accurate plat of the territory sought to be annexed.
 - B. A statement of the total number of owners of real estate in the territory to be annexed:
 - C. The name of the person to act as agent for the petitioners.
2. The matters alleged in the petition are true.
3. Notice of the petition has been published as required by law, and all notices of filing the petition and the hearings thereon have been given and delivered as required by law.
4. The persons whose names are subscribed to the petitioners are owners of real estate in the territory described in the petition, and at the time the petition was filed, the number of valid signatures on the territory proposed to be annexed. None of the signatures has been withdrawn pursuant to R.C. 709.03 or 709.032.
5. The territory included in the Annexation petition is not unreasonably large.
6. The territory proposed for Annexation is adjacent to the City of St. Clairsville.
7. The City of St. Clairsville has complied with R.C. 709.03 (B) by Ordinance adopting a statement indicating the services the City will provide to the territory proposed for annexation upon annexation.
8. The plat and the description of the Territory contained in the Petition are accurate.
9. The general good of the Territory sought to be annexed will be served if the Annexation Petition is granted and the Annexation is allowed.

It is therefore ordered that the prayer of the petition be and is hereby granted and that the territory described in the petition be annexed to the City of St. Clairsville.

It is further ordered that the final transcript of this Board relating thereto together with the accompanying plat and petition and all other papers pertaining thereto be delivered forthwith to the Auditor of the City of St. Clairsville.

Motion made by Mr. Thomas, seconded by Mr. Probst and upon roll call the vote was as follows:

Mr. Thomas	YES
Mr. Probst	YES
Mr. Olexo	YES

Approved as to form:
Robert Quirk /s/
Assistant Prosecutor

IN THE MATTER OF ADVERTISING FOR BIDS
FOR SERVICES TO DETERMINE OFFICE SPACE NEEDS AND DESIGN/BCDJFS

Motion made by Mr. Thomas, seconded by Mr. Olexo to approve the request of the BCDJFS to advertise for bids for services to determine office space needs and design.

ADVERTISE FOR BIDS

It appearing to the Board that it would be to the best interest of the Public to ask and receive bids for furnishing the Belmont County Department of Job and Family Services with services to determine office space needs and design, the Clerk is hereby directed to have published in the Martins Ferry Times Leader, a newspaper having general circulation in the County, a "Notice to Bidders" as follows:

NOTICE TO BIDDERS

BELMONT COUNTY COMMISSIONERS' OFFICE
ST. CLAIRSVILLE, OHIO 43950

Sealed bids will be received by the Belmont County Board of Commissioners at the Commissioners office, Belmont County Courthouse, St. Clairsville, Ohio until 9:45 A.M. (Local Time) Wednesday, December 5, 2001 for furnishing services to the Belmont County Department of Job and Family Services for the purpose of office space needs and design assessment, then at said office publicly opened and read aloud.

A bid guaranty shall be provided with the bid in accordance with Section 153.54 of the Ohio Revised Code as follows:

- A Bond in accordance with Section 153.54 (B) O.R.C.
- OR**
- A certified check, cashiers check or letter of credit in accordance with Section 153.54 (C) O.R.C. in an amount equal to 10% of the bid.

Bid security furnished in Bond form, shall be issued by a Surety Company or Corporation licensed in the State of Ohio to provide said surety.

Copies of specifications and RFP forms may be obtained at the Commissioners office between the hours of 8:30 A.M. and 4:00 P.M. daily, Monday thru Friday.

Said contract will be let to the lowest and best responsible bidder. The Board reserves the right to reject any and all proposals and award a contract to that bidder which is in the best interest of the County.

By order of the Board of Commissioners
Of Belmont County, Ohio.

Darlene Pempek /s/

Darlene Pempek, Clerk of the Board

Times Leader-Adv. (2) Wednesdays November 21, 2001 and November 28, 2001

Upon roll call the vote was as follows:

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

IN THE MATTER OF ENTERING
EXECUTIVE SESSION WITH KAY HESKETT
AND CAPTAIN TODD GRAHAM, SHERIFF'S DEPARTMENT EMPLOYEES
AT 10:10 A.M.

Motion made by Mr. Olexo, seconded by Mr. Probst to enter executive session with Kay Heskett, Captain Todd Graham of the Sheriff's Department and Clerk Darlene Pempek at 10:10 A.M. to discuss collective bargaining issues upon adoption of the following:

RESOLUTION OF THE BELMONT COUNTY
BOARD OF COUNTY COMMISSIONERS

WHEREAS, the Board of Belmont County Commissioners are permitted to meet in executive session in order to consider those matters specifically authorized by R.C.§ 121.22(G) (4); and

WHEREAS, a majority of a quorum of the Board of Belmont County Commissioners has determined, by roll call vote, to hold an executive session to prepare for, conduct, or review negotiations or bargaining sessions with public employees and/or their labor representative concerning their compensation or other terms and conditions of their employment.

WHEREFORE, BE IT RESOLVED THAT: the Board of Belmont County Commissioners shall hold an executive session to prepare for, conduct, or review negotiations or bargaining sessions with public employees and/or their labor representative concerning their compensation or other terms and conditions of their employment;

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

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

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

IN THE MATTER OF ADJOURNING
EXECUTIVE SESSION WITH KAY HESKETT
AND CAPTAIN TODD GRAHAM, SHERIFF'S DEPARTMENT EMPLOYEES
AT 10:25 A.M.

Motion made by Mr. Olexo, seconded by Mr. Thomas to adjourn executive session with Kay Heskett, Captain Todd Graham of the Sheriff's Department and Clerk Darlene Pempek at 10:25 A.M. to discuss collective bargaining issues.

Upon roll call the vote was as follows:

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

- NO ACTION TAKEN

IN THE MATTER OF ENTERING
EXECUTIVE SESSION WITH DWAYNE PIELECH, DIRECTOR
AND MIKE KINTER, HUMAN RESOURCE ADMINISTRATOR FOR BCDJFS
AT 10:26 A.M.

Motion made by Mr. Olexo, seconded by Mr. Probst to enter executive session with BCDJFS Director Dwayne Pielech, Mike Kinter, Human Resource Administrator and Darlene Pempek, Clerk of the Board at 10:26 A.M. to discuss the compensation of a public employee upon adoption of the following:

RESOLUTION OF THE BELMONT COUNTY
BOARD OF COUNTY COMMISSIONERS

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

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

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

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

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

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

IN THE MATTER OF ADJOURNING
EXECUTIVE SESSION WITH DWAYNE PIELECH, DIRECTOR
AND MIKE KINTER, HUMAN RESOURCE ADMINISTRATOR FOR BCDJFS
AT 10:45 A.M.

Motion made by Mr. Olexo, seconded by Mr. Probst to adjourn executive session with BCDJFS Director Dwayne Pielech, Mike Kinter, Human Resource Administrator and Clerk Darlene Pempek at 10:45 A.M. to discuss the compensation of a public employee.

Upon roll call the vote was as follows:

Mr. Olexo	Yes
Mr. Probst	Yes

* NO ACTION TAKEN

IN THE MATTER OF DISCUSSION HELD
RE: BARACK WATERLINE AGREEMENT

Commissioner Olexo began a motion to enter executive session. Commissioner Thomas stated he had spoken with Mr. Robert Quirk, Assistant Prosecuting Attorney, and Jeff Vaughn, Vaughn, Coast and Vaughn, and Mr. Quirk had determined this issue could be discussed in open forum and would not warrant an Executive Session. Commissioner Olexo withdrew his motion to enter Executive Session for this matter. Assistant Prosecutor Quirk stated, " A couple weeks ago, Attorney Greg Hinzey contacted my office regarding the Barack Right -of- Way agreement, in Pultney Township, by the school.

IN THE MATTER OF DISCUSSION HELD

RE: BARACK WATERLINE AGREEMENT (cont'd)

Time has passed since then and we have discussed this issue a couple of times, in regards to the tap in fees and costs. Please turn your attention to page two, third full paragraph. Mr. Vaughn and I both thought that at our meetings we had not agreed to the conditions that are currently in this agreement. We now suggest to the Commissioners that I do not believe this was agreed upon." Mr. Vaughn stated, "This would offer tap in for free forever." Commissioner Thomas stated, "There was never any discussion of free tap in, that is not our intent. I am very disappointed with the lack of cooperation regarding this easement. My personal opinion is that this has caused this office nothing but grief." Commissioner Probst stated, " We have remained very consistent throughout the county and do not wish to set a precedent now." Commissioner Thomas stated, "Mr. Barack needs to understand he is going to have a direct benefit from this." Mr. Quirk stated, "Mr. Vaughn and I will continue this discussion and bring it back to the Board."

IN THE MATTER OF APPROVING

O.P.W.C. DISBURSEMENT REQUESTS/ENGINEER'S

Motion made by Mr. Thomas, seconded by Olexo to authorizing Commissioner Probst to sign and submit the O.P.W.C. Disbursement Request Forms for Resurfacing Local Road-Project #15, CRM14 as follow:

Disbursement Request #2 in the amount of \$62,912.74
Disbursement Request #3 in the amount of \$63,273.34

Upon roll call the vote was as follows:

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

RECESS AT 10:50 A.M.

IN THE MATTER OF ADJOURNING

COMMISSIONERS MEETING AT 2:50 P.M.

Motion made by Mr. Olexo, seconded by Mr. Thomas to adjourn the meeting at 2:50 P.M.

Upon roll call the vote was as follows:

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

Read, approved and signed this 21st day of November 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

