

The Board of Commissioners of Belmont County, Ohio, met this day in regular session. Present: Ginny Favede and Matt Coffland Commissioners and Kathy Marino, Assistant Clerk of the Board. Absent: Commissioner Charles R. Probst, Jr.

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

IN THE MATTER OF 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. Coffland, seconded by Mrs. Favede, 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.

<u>Claim of</u>	<u>Purposes</u>	<u>Amount</u>
A-Treasurer, State of Ohio	Recoupment-1 st Qtr.- Indigent Client Fees/General Fund	563.15
K-Wells Fargo Payment Center	Visa Card/Engineer MVGT Fund	28.29
O-Ohio Department of Development	Fox Commerce Park Loan Payment	3,282.95
P-A.E. Pelley	Supplies/BCSSD Funds	278.51
P-American Electric Power	ServicesSSD#1 Revenue Fund	26.60
P-Bridgeport Water Dept.	Services/WWS#3 Revenue Fund	17,386.00
P-Industrial Automation & Control, Inc.	Materials/BCSSD Funds	1,164.72
P-Municipal Utilities	Purchased Water/BCSSD Funds	250.56
P-Renee' Wilson	Reimburse Travel exp./BCSSD Funds	144.00
P-Wheeling Rubber Products, Inc.	Materials/WWS#3 Revenue Fund	151.96
P-W.W. System #3	Purchased Water/WWS#2 Revenue Fund	39,169.87
S-A T & T	Phone Service, Port Authority Fund	
S-AT&T Mobility	Internet/Northern Div. Ct. Computer Fund	65.14
S-Beth A. Andes, MS, PCC	Contracted Counselor/District Detention Home Fund	1,487.50
S-National Assoc. of State Boating Laws	Manual/Certificate of Title Admn. Fund	47.56
S-S.E.O.M.C.C.	Membership dues/Northern Ct. General Special Projects Fund	70.00
T-Chase Bank .	Draw #420, Escrow Acct, C.D.B.G. Fund	46,117.00
T-Janice Emory	Lead Retainer, 70250 Irwin St, Lafferty, Ohio Chip Grant Fund	2,913.00
T-Janice Emory	Construction, 70250 Irwin St, Lafferty, Ohio Chip Grant Fund	9,013.00
W-Delinquent Tax Collectors of Ohio	Delinquent Tax Collections D.R.E.T.A.C. Treasurer's Office	3,244.45

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

Motion made by Mr. Coffland, seconded by Mrs. Favede to approve the Recapitulation of Vouchers dated for April 20, 2011 as follow:

FUND	AMOUNT
A-GENERAL	\$2,437.59; \$581,458.47; \$11,707.61
A-GENERAL/AUDITOR	\$415.88
A-GENERAL/EMA	\$661.90
A-GENERAL Health Department	\$86.71
A-GENERAL/JUVENILE COURT	\$2,360.93
A-GENERAL/911	\$37,626.09
A-GENERAL Sheriff	\$11,671.05
A-GENERAL/Thoburn Building	\$20,138.16
B-Dog Kennel	\$1,028.67
E-911	\$994.14
H-Job & Family, CSEA	\$81.60
H-Job & Family, Public Assistance	\$44.76; \$1,390.90; \$2,628.40; \$157.38; \$826.24
H-Job & Family, WIA	\$278.40; \$120,307.63
M-Juvenile Ct. – Care & Custody	\$663.50
M-Juvenile Ct. – Placement Services	\$38,545.00
M-Placement II	\$884.18
P-Oakview Building	\$344.87
P-Sanitary Sewer District	\$1,725.09; \$9,826.38; \$18,634.73; \$3,125.14; \$7,547.04; \$8,408.83; \$20,098.72
	\$22.27
S-Clerk of Courts Computer Fund	\$220.00
S-District Detention Home	\$1,306.68
S-Eastern Ct. General Special Projects	\$309.62
S-Job & Family, Children Services	\$1,073.20; \$50,639.10
S-Juvenile Ct. Computer Fund	\$73.95
S-Juvenile Ct. Gen. Special Projects	\$238.68
S-Oakview Juvenile Residential Center	\$1,382.60
S-Sheriff Commissary	\$1,614.87
S-Sheriff Concealed Handgun License	\$1,235.00
T-Sanitary Sewer District	\$135.69
W-Law Library	\$698.41

Upon roll call the vote was as follows:

Mr. Coffland	Yes
Mrs. Favede	Yes
Mr. Probst	Absent

IN THE MATTER OF TRANSFER OF FUNDS WITHIN THE BELMONT COUNTY DOG KENNEL FUND

Motion made by Mr. Coffland, seconded by Mrs. Favede to approve the following transfer within fund for the Dog Kennel Fund.

FROM	TO	AMOUNT
E-1600-B000-B04.012 Equipment	E-1600-B000-B09.004 Workers Comp	\$ 500.00
E-1600-B000-B02.002 Salaries	E-1600-B000-B09.004 Workers Comp	\$ 45.31

Upon roll call the vote was as follows:

Mr. Coffland	Yes
Mr. Probst	Absent
Mrs. Favede	Yes

IN THE MATTER OF TRANSFER OF FUNDS WITHIN THE SOIL CONSERVATION FUND

Motion made by Mrs. Favede, seconded by Mr. Coffland to approve the following transfer of funds within the Soil Conservation Fund.

FROM	TO	AMOUNT
E-1810-L001-L10.000 Advertising & Printing	E-1810-L001-L12.004 Workers Comp	\$ 199.07

Upon roll call the vote was as follows:

Mrs. Favede	Yes
Mr. Coffland	Yes
Mr. Probst	Absent

IN THE MATTER OF TRANSFERS WITHIN FUND FOR THE BELMONT COUNTY SANITARY SEWER DISTRICT

Motion made by Mrs. Favede, seconded by Mr. Coffland to approve the following transfers within fund for the Belmont County Sanitary Sewer District.

FROM	TO	Amount
WWS #3	WWS #3	
E-3702-P005-P21.000 Materials	E-3702-P005-P34.074 Transfer Out	70,000.00
SSD #2	SSD #2	
E-3705-P053-P09.000 Sewer Disposal	E-3705-P053-P07-011 Services	60,000.00

Upon roll call the vote was as follows:

Mrs. Favede	Yes
Mr. Coffland	Yes
Mr. Probst	Absent

IN THE MATTER OF TRANSFER WITHIN FUND FOR THE DISTRICT DETENTION HOME FUND S33

Motion made by Mrs. Favede, seconded by Mr. Coffland to approve the following transfer within fund for the District Detention Home Fund S33.

FROM	TO	AMOUNT
E-0910-S033-S69.000 Activities/GS	E-0910-S033-S45.004 Workers Comp	\$ 867.03

Upon roll call the vote was as follows:

Mrs. Favede	Yes
Mr. Coffland	Yes
Mr. Probst	Absent

IN THE MATTER OF TRANSFER WITHIN FUND FOR THE GENERAL FUND-SUPPLEMENT EQUIP/CO RECORDER

Motion made by Mrs. Favede, seconded by Mr. Coffland to approve the following transfer within fund for the General Fund-Supplement Equip/Co Recorder Fund.

FROM	TO	AMOUNT
E-1210-S078-S08.011 Contract Services	E-1210-S078-S13.004 Workers Comp	\$ 100.00

Upon roll call the vote was as follows:

Mrs. Favede	Yes
Mr. Coffland	Yes
Mr. Probst	Absent

IN THE MATTER OF TRANSFER WITHIN FUND FOR THE WESTERN DIVISION COURT COMPUTER FUND

Motion made by Mrs. Favede, seconded by Mr. Coffland to approve the following transfer within fund for the Western Division Court Computer Fund.

FROM	TO	AMOUNT
E-1550-S082-S07.000 Other Expenses	E-1550-S082-12.004 Workers Comp	\$ 142.48

Upon roll call the vote was as follows:

Mrs. Favede	Yes
Mr. Coffland	Yes
Mr. Probst	Absent

IN THE MATTER OF TRANSFER WITHIN FUND FOR THE EASTERN DIV. COURT COMPUTER FUND

Motion made by Mrs. Favede, seconded by Mr. Coffland to approve the following transfer within fund for the Eastern Div. Court Computer Fund.

FROM	TO	AMOUNT
E-1570-S084-S07.000 Other expenses	E-1570-S084.-S12.004 Workers Comp	\$ 2,000.00

Upon roll call the vote was as follows:

Mrs. Favede	Yes
Mr. Coffland	Yes
Mr. Probst	Absent

IN THE MATTER OF TRANSFER WITHIN FUND FOR THE WESTERN COURT GENERAL SPECIAL PROJECTS FUND

Motion made by Mrs. Favede, seconded by Mr. Coffland to approve the following transfer within fund for the Western Court General Special Projects Fund.

FROM	TO	AMOUNT
E-1551-S088-S08.000 Other Expenses	E-1551-S088-S03.006 Hospitalization	\$ 4,000.00

Upon roll call the vote was as follows:

Mrs. Favede	Yes
Mr. Coffland	Yes
Mr. Probst	Absent

IN THE MATTER OF TRANSFER WITHIN FUND FOR THE JUVENILE COURT GENERAL SPECIAL PROJECTS FUND

Motion made by Mr. Coffland, seconded by Mrs. Favede to approve the following transfer within fund for the Juvenile Court General Special Projects Fund.

FROM	TO	AMOUNT
E-1589-S096-S10.010 Supplies	E-1589-S096-S09.000 Fringes	\$ 34.29

Upon roll call the vote was as follows:

Mr. Coffland	Yes
Mrs. Favede	Yes
Mr. Probst	Absent

IN THE MATTER OF TRANSFER WITHIN FUND FOR THE PROSECUTOR'S VICTIM ASSISTANCE PROGRAM

Motion made by Mrs. Favede, seconded by Mr. Coffland to approve the following transfer within fund for the Prosecutor's Victim Assistance Program Fund.

FROM	TO	AMOUNT
E-1511-W080-P05.003 PERS (VOCA)	E-1511-W080-P08.005 MEDICARE (VOCA)	\$ 66.00

Upon roll call the vote was as follows:

Mrs. Favede	Yes
Mr. Coffland	Yes
Mr. Probst	Absent

IN THE MATTER OF ADDITIONAL APPROPRIATION FOR THE REAL ESTATE ASSESSMENT FUND

Motion made by Mrs. Favede, seconded by Mr. Coffland 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 4, 2011.

E-1310-J000-J06.000	Other Expenses	\$50,000.00
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Upon roll call the vote was as follows:

Mrs. Favede	Yes
Mr. Coffland	Yes
Mr. Probst	Absent

IN THE MATTER OF APPROVING THEN AND NOW CERTIFICATE/AUDITOR'S

Motion made by Mrs. Favede, seconded by Mr. Coffland to execute payment of Then and Now Certification dated April 20, 2011, presented by the County Auditor pursuant to O.R.C. 5705.41(d) 1, and authorizing the drawing of warrant(s) in payment of amounts due upon contract or order.

Upon roll call the vote was as follows:

Mrs. Favede	Yes
Mr. Coffland	Yes
Mr. Probst	Absent

IN THE MATTER OF REQUEST FOR CERTIFICATION OF MONIES BY THE BUDGET COMMISSION

Motion made by Mrs. Favede, seconded by Mr. Coffland to request the Belmont Co. Budget Commission certify the following monies.

CDBG – Grant CHIP -\$11,361.00 paid into R-9702-T011-T05.501 CDBG- Grant CHIP on April 15, 2011. Grant #B-C-09-1AG-2, Draw No. 421.

Upon roll call the vote was as follows:

Mrs. Favede	Yes
Mr. Coffland	Yes
Mr. Probst	Absent

IN THE MATTER OF GRANTING PERMISSION FOR COUNTY EMPLOYEES TO TRAVEL

Motion made by Mrs. Favede, seconded by Mr. Coffland granting permission for county employees to travel as follows:

AUDITOR – Donald Harr and Doug DeVault to travel to Reynoldsburg, OH, on April 25, 2011, to attend ODA/Weights & Measures weight testing. A county car will be used. Estimated expenses: \$100.00

BCDJFS – Various employees to various meetings and trainings in April, May & June, 2011. Estimated expenses: \$60.00

COMMISSIONERS – Herb Kirkpatrick of the Buildings and Grounds Crew to travel to Dover, OH, on April 20, 2011 to get supplies for Northern and Eastern Court Building. A county vehicle will be used.

ENGINEER – Don Pickenpaugh, GIS Director, to travel to San Diego, CA, on July 7-12, 2011, to attend the 2011 Survey Summit. Estimated expenses: \$2,200.00. As President of the Professional Land Surveyors of Ohio (PLSO), they will be paying for Don's airfare.

JUVENILE COURT – Judge Mark Costine to travel to Columbus, OH, on June 5-9, 2011, to attend the Juvenile and Probate Judges Summer Conference.

TREASURER – Joseph A. Gaudio to travel to Sandusky, OH, on May 10-12, 2011, to attend the County Treasurer's Association of Ohio Conference. Estimated expenses: \$600.00

Upon roll call the vote was as follows:

Mrs. Favede	Yes
Mr. Coffland	Yes
Mr. Probst	Absent

**IN THE MATTER OF ADVERTISING FOR BIDS FOR
ENGINEER'S PROJECT 11-2 APPLYING LIQUID
BITUMINOUS MATERIAL**

Motion made by Mr. Coffland, seconded by Mrs. Favede to advertise for bids for the Belmont County Engineer's *Project 11-2 Applying Liquid Bituminous Material* for dust control on various County Highways, based upon the recommendation of Fred Bennett, County Engineer and authorize the Clerk of the Board to proceed with the required Notice to Bidders.

**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, 101 West Main Street, St. Clairsville, Ohio 43950 until **10:30 a.m.** (Local Time) **Wednesday, May 18, 2011** for **Project 11-2 "Applying Liquid Bituminous Material for dust control on various County Highways"** for the Belmont County Engineering Department, St. Clairsville, Ohio, 43950, then at said office publicly opened and read aloud.

Copies of specifications and bid forms may be obtained at the Commissioners office between the hours of 9:00 A.M. and 4:00 P.M. daily, Monday through Friday.

Each bid must be accompanied by a bid Guaranty meeting the requirements of 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 © 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:

Each bid must contain the full name of the party or parties submitting the proposal and all persons interested therein. Said contract will be let to the lowest and best responsible bidder in accordance with the Attachment 1 "Bid Documents Belmont County Commission". The County reserves the right to reject any and all bids 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
Kathy Marino /s/
Kathy Marino, Assistant Clerk

Times Leader Advertisement: Two (2) Mondays: April 25, 2011 and May 2, 2011

Upon roll call the vote was as follows:

Mr. Coffland	Yes
Mrs. Favede	Yes
Mr. Probst	Absent

**IN THE MATTER OF AWARDING BID, ENTERING INTO
CONTRACT AND ISSUE NOTICE TO PROCEED FOR THE
BRIDGEPORT FIRE DEPARTMENT EQUIPMENT PROJECT/
A 2010 CDBG FORMULA PROJECT**

Motion made by Mr. Coffland, seconded by Mrs. Favede to award the bid, enter into contract and issue the Notice to Proceed for the **Bridgeport Fire Department Fire Equipment Project, a 2010 CDBG Formula project**, to Howell Rescue Systems, Inc., 2673 Culver Avenue, Kettering, Ohio in the amount of \$ 22,113.00 based upon the recommendation of A.C. Wiethe, Assistant Director of Management Services, Belomar Regional Council.

NOTICE OF AWARD

To: Howell Rescue Systems, Inc.
2673 Culver Avenue
Kettering, Ohio 45429-3721

PROJECT Description: Furnish, supply and deliver various fire */ Fire Department.

The OWNER has considered the BID submitted by you on April 1, 2011 (BID Date) for the above described WORK in response to its Advertisement for BIDS and Information for BIDDERS.

You are hereby notified that your BID has been accepted for items in the amount of \$ 22,113.00.

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

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

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

Dated this 13th day of April, 2011.

Belmont County Commissioners
Owner
By: Matt Coffland /s/
Name: Matt Coffland
Title: President

ACCEPTANCE OF NOTICE

Receipt of the above NOTICE OF AWARD is hereby acknowledged by _____ on this _____ day of _____, 20__.

By: _____

Name and Title: _____

cc: CONTRACTOR'S Surety
Surety's Agent

CONTRACT

THIS AGREEMENT made this 13th day of April, 2011, by and between Howell Rescue Systems, Inc. hereinafter called the "Contractor" and Belmont County Commissioners hereinafter called the "Owner".

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

ARTICLE 1. Statement of Work.

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

ARTICLE 2. The Contract Price.

The Owner will pay the Contractor for the total quantities of work performed at the unit prices stipulated in the Bid for the respective items of work completed for the sum not to exceed Twenty Two Thousand One Hundred Thirteen and 00/100 (Dollars) subject to additions and deductions as provided in Section 109 hereof.

¹Choose term most applicable: a corporation organized and existing under the laws of the State of Ohio; a partnership consisting of _____; an individual trading as _____.
²Supply principal items of Contract such as Grading, Paving, Water Mains, Sewers, etc.

ARTICLE 3. Contract.

The executed contract documents shall consist of the following:

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

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

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

CONTRACTOR: Howell Rescue Systems, Inc.

OWNER: Belmont County Commissioners

Signature

Matt Coffland /s/

Signature

Typed/printed name

Matt Coffland

Typed/printed name

Title

President

Title

NOTICE TO PROCEED

To: Howell Rescue Systems, Inc.
2673 Culver Avenue
Kettering, Ohio 45429-3721

PROJECT Description: Furnish, supply and deliver various fire equipment as per bid documents to the Bridgeport Fire Department.

You are hereby notified to commence WORK in accordance with the Agreement dated April 13, 2011, on or before 2011, and you are to complete the WORK within 30 consecutive calendar days thereafter. The date of completion of all WORK is therefore May 13, 2011.

Belmont County Commissioners

Owner

By: Matt Coffland /s/

Name: Matt Coffland

Title: President

ACCEPTANCE OF NOTICE

Receipt of the above NOTICE TO PROCEED is hereby acknowledged by _____ on this _____ day of _____, 20__.

By: _____

Name: _____

Title: _____

Upon roll call the vote was as follows:

Mr. Coffland	Yes
Mrs. Favede	Yes
Mr. Probst	Absent

IN THE MATTER OF ENTERING INTO CONTRACT AND ISSUING NOTICE TO PROCEED FOR AIR CONDITIONING PROJECT AT COURTHOUSE ANNEX III TO H.E. NEUMANN COMPANY

Motion made by Mr. Coffland, seconded by Mrs. Favede to enter into contract and issue the Notice to Proceed for the Air Conditioning Project at the Belmont County Courthouse Annex III, to H.E. Neumann Company, in the amount of \$159,500.00 based upon the recommendation of Marshall J. Piccin, Project Engineer.

CONSTRUCTION CONTRACT AGREEMENT BETWEEN OWNER AND CONTRACTOR

Made this 13th day of April in the year Two Thousand and Eleven.

BETWEEN

Belmont County Commissioners, the Owner and H.E. Neumann Company, the Contractor.

The Owner and Contractor agree as set forth below:

**ARTICLE I
THE CONTRACT DOCUMENTS**

The Contract Documents consist of Drawings and Specifications and all Addenda issued prior to execution of this agreement.

**ARTICLE II
THE WORK**

The Contractor shall perform all the work required by the Contract Documents pertaining to the installation of an Air Conditioning System at Belmont County Courthouse Annex III as described in documents prepared by Marshall J. Piccin & Associates.

**ARTICLE III
CONTRACT SUM**

The Owner shall pay the Contractor for the performance of the work, subject to additions and deductions by Change Order the amounts as follows:

Total ----- \$ 159,500.00

This Agreement executed the day and year first written above.

Attest:

(Contractor)

By: Matt Coffland /s/

Ginny Favede /s/

Attest:

Kathy Marino /s/

(Owner)

April 20, 2011

APPROVED AS TO FORM
David K. Liberati /s/ (Assistant)
Prosecuting Attorney

NOTICE TO PROCEED

Contractor: H.E. Neumann Company
Address: 2100 Middle Creek Rd.
Triadelphia, WV 26059

Gentlemen:

Pursuant to the terms of your contract dated April 13, 2011 pertaining to the Air Conditioning Project at the Belmont County Offices Courthouse Annex III, you are hereby to commence work at the start of business on April 13, 2011.

The time for completion set forth in the Contract is 90 calendar days, including the starting day, which established July 11, 2011 as the completion date.

Please acknowledge receipt of this Notice to Proceed by signing, dating and returning a copy promptly to Belmont County Commissioners, Courthouse, 101 West Main Street, St. Clairsville, OH 43950

Sincerely,
Belmont County Commissioners
By Matt Coffland /s/
Ginny Favede /s/

ACCEPTED
Contractor _____
By _____
Title _____
Date _____

Upon roll call the vote was as follows:

Mr. Coffland	Yes
Mrs. Favede	Yes
Mr. Probst	Absent

**IN THE MATTER OF ENTERING INTO CONTRACT AND ISSUING
NOTICE TO PROCEED FOR ELECTRIC MODIFICATIONS PROJECT
AT COURTHOUSE ANNEX III TO ERB ELECTRIC COMPANY**

Motion made by Mr. Coffland, seconded by Mrs. Favede to enter into contract and issue the Notice to Proceed for the Electric Modifications Project at the Belmont County Courthouse Annex III, to Erb Electric Company, in the amount of \$55,847.00 based upon the recommendation of Marshall J. Piccin, Project Engineer.

**CONSTRUCTION CONTRACT
AGREEMENT BETWEEN OWNER AND CONTRACTOR**

Made this 13th day of April in the year Two Thousand and Eleven.

BETWEEN

Belmont County Commissioners, the Owner and Erb Electric Company, the Contractor.

The Owner and Contractor agree as set forth below:

**ARTICLE I
THE CONTRACT DOCUMENTS**

The Contract Documents consist of Drawings and Specifications and all Addenda issued prior to execution of this agreement.

**ARTICLE II
THE WORK**

The Contractor shall perform all the work required by the Contract Documents for Electric Modifications pertaining to the installation of an Air Conditioning System at Belmont County Courthouse Annex III as described in documents prepared by Marshall J. Piccin & Associates

**ARTICLE III
CONTRACT SUM**

The Owner shall pay the Contractor for the performance of the work, subject to additions and deductions by Change Order the amounts as follows:

Total ----- \$ 55,847.00

This Agreement executed the day and year first written above.

Attest:

Attest:
Kathy Marino /s/

(Contractor)
By: Matt Coffland /s/
Ginny Favede /s/

(Owner)

APPROVED AS TO FORM
David K. Liberati /s/ (Assistant)
Prosecuting Attorney

NOTICE TO PROCEED

Contractor: Erb Electric Company
Address: 500 Hall Street
Bridgeport, OH 43912

Gentlemen:

Pursuant to the terms of your contract dated April 13, 2011 pertaining to the Air Conditioning Project at the Belmont County Offices Courthouse Annex III, you are hereby to commence work at the start of business on April 13, 2011.

The time for completion set forth in the Contract is 90 calendar days, including the starting day, which established July 11, 2011 as the completion date.

Please acknowledge receipt of this Notice to Proceed by signing, dating and returning a copy promptly to Belmont County Commissioners, Courthouse, 101 West Main Street, St. Clairsville, OH 43950

Sincerely,
Belmont County Commissioners
By Ginny Favede /s/
Matt Coffland /s/

ACCEPTED

Contractor _____
By _____
Title _____
Date _____

Upon roll call the vote was as follows:

Mr. Coffland	Yes
Mrs. Favede	Yes
Mr. Probst	Absent

**IN THE MATTER OF AUTHORIZING THE EXECUTION
OF THE SECOND AMENDMENT TO EXPRESS SCRIPTS, INC.
PRESCRIPTION DRUG PROGRAM AGREEMENT**

Motion made by Mrs. Favede, seconded by Mr. Coffland to authorize Commission President Matt Coffland to execute the Second Amendment to Express Scripts, Inc. Prescription Drug Program Agreement, effective as of the later of January 1, 2011, or the date that is ten (10) business days following ESI's execution of this Amendment, and shall remain in effect, and thereby extend the Agreement through December 31, 2013 (the "Extension Period"), based upon the recommendation of the Belmont County Health Insurance Committee.

Note: ESI and Belmont County Commissioners are parties to a Managed Prescription Drug Program Agreement dated as of February 1, 2009, as amended from time to time, pursuant to which ESI provides certain prescription drug benefit management services.

**SECOND AMENDMENT TO
EXPRESS SCRIPTS, INC.
PRESCRIPTION DRUG PROGRAM AGREEMENT**

This AMENDMENT (the "Amendment") is entered into as of the Effective Date, by and between EXPRESS SCRIPTS, INC., a Delaware corporation ("ESI"), and BELMONT COUNTY COMMISSIONERS ("Sponsor").

RECITALS

A. ESI and Sponsor are parties to a Managed Prescription Drug Program Agreement dated as of February 1, 2009, as amended from time to time (the "Agreement"), pursuant to which ESI provides certain prescription drug benefit management services to Sponsor.
B. Sponsor and ESI desire to update and amend the Agreement in accordance with the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the premises and other conditions contained herein, the parties hereto hereby agree as follows:

TERMS OF AMENDMENT

1. **Definitions.** For purposes of this Amendment, any capitalized term not otherwise defined herein shall have the meaning set forth in the Agreement. In addition:

The term "Founders" as defined in Article 1 – Definitions the Agreement shall be replaced with the following:

"Founders" or "Originators" means Ohio Public Employees Retirement System, School Employees Retirement System of Ohio, State Teachers Retirement System of Ohio, and The Ohio State University. The term "Originators" shall be substituted for the term "Founders" throughout the entire Agreement.

The term "Enrollee" shall be replaced with the following:

"Member" means each person, both contract holders and dependents, who Sponsor determines is eligible to receive prescription drug benefits as indicated in the Eligibility Files.

"PMPM" means per Member per month.

2. **Pharmacy Management Funds.** Section 2.5 (c) of the Agreement shall be deleted in its entirety and replaced with the following:

(c) **Pharmacy Management Funds.** In addition to any unused but amortized Pharmacy Management Funds ("PMF") available to Sponsor under the Agreement, ESI will provide Pharmacy Management Funds up to \$5.00 per Member during the Extension Period (as defined herein) solely to fund mutually agreed upon services and programs directly related to the pharmacy benefit administered under this Agreement, subject to the following:

(i) PMF amounts must be based on the fair market value of the direct expenses of the service or program funded, and either Sponsor or ESI may use the PMF to cover the fair market value of related expenses for projects requiring joint resources. Funds may not be used in connection with the Medicare Part D program without ESI's consent, which consent will not unreasonably be withheld following a regulatory assessment.

(ii) Sponsor will submit adequate documentation to support reimbursement within 180 days of incurring the applicable expense.

(iii) Sponsor represents and warrants that (A) it will only use the PMF as reimbursement for its actual expenses incurred in performing the service or program and the services were performed or provided; (B) the amount of the reimbursement is equal to or less than the reasonable fair market value of the actual expenses to be incurred by Sponsor; (C) it will notify and disclose the amount and the terms of any PMF reimbursements to Members and other third parties to the extent required by applicable laws and regulations.

(iv) ESI intends to amortize the PMF over the Extension Period on a straight-line basis, unless otherwise required by law or accepted accounting principles. Sponsor will have no right to interest on, or the time value of, any PMF. In the event of a termination of this Agreement for any reason other than ESI's uncured material breach of this Agreement, Sponsor will reimburse ESI an amount equal to any paid but unamortized portion of the PMF. Reimbursement to ESI by Sponsor pursuant to this Section will not be in lieu of any other rights or remedies ESI may have in connection with the termination of this Agreement, including monetary or other damages. PMF reimbursements are not payable until this Amendment is executed.

3. **Fees and Rebates.** The financial terms for the PBM services ESI provides to Sponsor shall consist of the terms specified on Appendix B of this Amendment, which shall replace the existing Appendix B of the Agreement.

4. **Performance Standards.** The Performance Standards shall consist of the terms specified on Appendix C of this Amendment, which shall replace the existing Appendix C of the Agreement.

5. **Effective Date; Extension.** This Amendment shall be effective as of the later of January 1, 2011, or the date that is ten (10) business days following ESI's execution of this Amendment, and shall remain in effect, and thereby extend the Agreement through December 31, 2013 (the "Extension Period").

6. **Effect of Amendment.** Except as expressly provided herein, the terms and conditions of the Agreement shall remain in full force and effect. In the event of a conflict between this Amendment and the Agreement, the terms of this Amendment shall prevail.

IN WITNESS WHEREOF, the undersigned have executed this Amendment as of the day and year below set forth.

EXPRESS SCRIPTS, INC.

BELMONT COUNTY COMMISSIONERS

By: _____
Printed Name: _____
Title: _____
Date: _____

By: Matt Coffland /s/
Printed Name: Matt Coffland
Title: President
Date: 4/20/11

APPROVED AS TO FORM:

David K. Liberati /s/ (Assistant)

PROSECUTING ATTORNEY

Upon roll call the vote was as follows:

Mrs. Favede	Yes
Mr. Coffland	Yes
Mr. Probst	Absent

IN THE MATTER OF APPROVING THE SIGNING OF THE AMERICAN NATIONAL INSURANCE COMPANY APPLICATION FOR PRESCRIPTION EXPENSE AGGREGATE EXCESS LOSS REINSURANCE

Motion made by Mrs. Favede, seconded by Mr. Coffland to approve the signing and submittal of the American National Insurance Company Application For Prescription Expense Aggregate Excess Loss Reinsurance, effective June 1, 2011 through May 31, 2012, based upon the recommendation of the Belmont County Health Insurance Committee.

Upon roll call the vote was as follows:

Mrs. Favede	Yes
Mr. Coffland	Yes
Mr. Probst	Absent

IN THE MATTER OF SALARY ADJUSTMENT OF RICH MALESKI/BCSSD EMPLOYEE

Motion made by Mrs. Favede, seconded by Mr. Coffland to adjust the salary of Chief Wastewater Plant Operator III Rich Maleski by \$0.25 per hour effective April 19, 2011, as per the Belmont County Water & Sewer Department Job Classification Handbook, and based upon the recommendation of Sanitary Sewer Director Mark Esposito.

Note: Mr. Maleski will be reclassified to this position due to a retirement. His current rate is \$21.35 an hour.

Upon roll call the vote was as follows:

Mrs. Favede	Yes
Mr. Coffland	Yes
Mr. Probst	Absent

IN THE MATTER OF ENTERING INTO AGREEMENT WITH DIGITAL DATA COMMUNICATIONS, INC. FOR NECESSARY SERVER UPGRADES FOR THE COURTVIEW PROGRAM

Motion made by Mrs. Favede, seconded by Mr. Coffland to enter into Agreement with Digital Data Communications, Inc., in the amount of \$5,870.11 which represents 10% of Total necessary server upgrades for the CourtView Program. Commissioners portion of the fee to be paid from the General Fund.

Note: 50% to be paid from the Clerk of Courts and 40% to be paid from the Juvenile Court.

Upon roll call the vote was as follows:

Mrs. Favede	Yes
Mr. Coffland	Yes
Mr. Probst	Absent

BREAK

OPEN PUBLIC FORUM – Mr. Ed Jagucki asked if the board had any more information on oil and gas drilling. He asked if the wells would be close to each other if they drill on properties next to each other. Mrs. Favede explained there is a new mechanism that allows them to drill down and then it shifts horizontally and the drill can turn in all directions underground. Mr. Coffland stated the drilling company will not go on property unless permitted. Mrs. Favede advised that on May 24, 2011, there will be a Marcellus and Utica Shale Educational Meeting that will address Impact on Jobs - Fracking Water. It is sponsored by the OSU Extension Office and will be held at Union Local Middle School Auditorium from 7:00 – 9:00 p.m.

10:30 Public Hearing – Ryan Burns, American Energy Corporation

Present for the hearing were Ryan Burns of American Energy Corporation, John Parkinson of the Engineer’s Office and Eric Ayres of The Times Leader. Mr. Burns stated in December a hearing was had to allow for an airshaft off of County Road 92 in Wayne Township. This involves the same permit requesting permission to construct a substation and 10 foot access road within the same right of way. He presented maps of the location. He stated nothing has changed with the application other than the state would like them to pursue a public consent for the substation area. He also advised Mr. Wahl from the Engineer’s Office had made a site visit in regard to the driveway permit. The driveway permit has been approved for this. The plans were reviewed with Mr. Bennett prior to the public meeting in December and Mr. Burns stated he had no issues with it. This would consist of a 10 foot access road going off of the county road about 37 feet long. The substation would be constructed 31 feet outside of the county right-of-way, but still within 100 feet. Mr. Burns advised that Wayne Township Trustees have no issues with this. John Parkinson of the Engineer’s Office also advised they have no concerns.

IN THE MATTER OF APPROVING AND SIGNING THE PUBLIC ROAD CONSENT FORM FOR ODNR GRANTING PERMISSION FOR AMERICAN ENERGY CORP. TO MINE WITHIN 100 FEET OF COUNTY ROAD 92/ENGINEER

Motion made by Mr. Coffland, seconded by Mrs. Favede to approve and sign the **Public Road Consent** form for ODNR Application/Permit Number D-0425 granting permission for American Energy Corporation to mine within 100 feet of County Road 92, based upon the recommendation of Fred Bennett, County Engineer.

Above motion retracted to read as follows:

Motion made by Mrs. Favede, seconded by Mr. Coffland to approve and sign the Public Road Consent form for ODNR Application/Permit Number D-0425 granting permission for American Energy Corp. to construct an equipment storage building with an access road construction for substation installation and drainage controls.

**OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINERAL RESOURCEW MANAGEMENT**

Applicant's Name **American Energy Corporation**

Application/Permit Number **D-0425**

This form, pursuant to Ohio Revised Code Sections 1513.073 and 4153.11 and rule 1501:13-3-04 of the Ohio Administrative Code, is to be completed if the applicant proposes to mine through or within one hundred (100) feet, measured horizontally, of the outside right-of-way line of any public road and the applicant does not have valid existing rights. Where the proposed mining operation is to be conducted within one hundred (100) feet, measured horizontally, of the outside right-of-way line of any public road, and the applicant does not have valid existing rights, then the applicant must obtain the necessary approval of the governmental authority with jurisdiction over the public road by completing this form and having it signed by the governmental authority.

A map showing the road or the portion thereof to which this consent to mine applies is attached and a description follows:

Beginning at a point within the outside right-of-way of a Belmont County Road, 632 feet east of the intersection of Wayne Township Road #804 and Belmont County #92; from said place of beginning and following Belmont County Road #92 in a Easterly direction for a distance of approximately 131 feet to the point of terminus.

The applicant proposes to conduct the following activities as part of the mining operation subject to the granting of this road permit.

— *Spoil deposit*

- topsoil storage
- equipment storage
- pond construction
- excavation or location of ___ foot highwall
- other (describe) **Substation Installation, Access Road Construction, and Drainage Controls**

Describe the measures to be used to ensure that the interests of the public and landowners are protected.

1. **Signs will be erected near the entry to provide information to the public.**
2. **Earth barricades will be constructed, where necessary, to prohibit entry or act as safety barriers.**
3. **Drainage Controls will be used, and drainage will be away from Belmont County Road #92.**
4. **Chain link fence will surround the substation to prevent unauthorized access.**

TO BE COMPLETED BY THE APPLICABLE ROAD AUTHORITY

(within 30 days of completion of the public hearing):

The applicant has made public notice, at least two weeks prior to this hearing, a copy of which is attached, of his intent to obtain a road permit. An opportunity for interested parties to present testimony was provided at a hearing held on **April 20th, 2011 at 10:30 AM** and based on testimony presented and on a review of this application, the public road authority finds that the interests of the public and affected landowners will be protected. Therefore, this road permit is granted effective _____, and shall remain in effect until coal mining and reclamation operations are completed under the coal mining permit issued pursuant to this permit.

The applicant or permit transferee is hereby granted a road permit to conduct the above described activities in the following manner:

3. Other – Describe: **Construct a 37’ long access road from Belmont CR 92 to a substation to be located 31 feet from the County right-of-way.**

Signed: Matt Coffland /s/ President Date 4/20/11

Title: Belmont County Commissioner

Signed Ginny Favede /s/ Date 4/20/11

Title: Belmont County Commissioner

Signed _____ Date _____

Title: _____

Upon roll call the vote was as follows:

Mrs. Favede	Yes
Mr. Coffland	Yes
Mr. Probst	Absent

BREAK

11:00 Veterans Service Commission

Re: Overview of services provided by their department

Present representing the Veterans Service Commission to address the board and those attending today’s meeting were John “Dixie” Purtiman, American Legion representative, Veterans Commission Director Cindy Maupin and President Albert Parkhurst. Mr. Purtiman stated the members of the commission are all qualified and they have undergone 18 months of education. Every two years they are required to get re-certified to keep current with all changes. Their office will file claims, provide financial assistance, assist with paperwork, and temporary assistance can be given for heat and food. They provide transportation to the VA hospital in Pittsburgh. Two vans leave for Pittsburgh daily, one at 6:00 a.m. and 10:00 a.m. They log around 5,000 miles per month on their vehicles. They can transport to Cleveland when needed. When claims are filed, it takes time to get benefits. They advise to not give up. If you are turned down, resubmit your claim. Hearing aides are now being provided for Veterans suffering from hearing loss.

The office is now housed at 3326 Belmont Street in Bellaire, Ph. (740) 325-1042, with a satellite office at the Barnesville American Legion Post. It is open on Thursdays from 9:00 a.m. to 3:00 p.m. Fifty (50) new cases have been opened in the past three (3) months with ten (10) cases re-opened. They have had more than 600 visits and received over 1,000 phone calls in this period of time. There are over 6,000 Veterans in Belmont County and those not yet registered are urged to do so.

The Veterans Service Commission is funded locally through a .5% property tax allocation. In the year 2010 the Board of Commissioners turned over 100% of the funding for which the Veterans Commission is eligible to receive. The Commissioners extended their thanks to the Veterans for their service.

11:30 Cindi Henry, Commissioners Fiscal Manager

Re: Overview of Commissioners Office duties

Ms. Henry advised that the functions of government depend on the Board of Commissioners actions. The Commissioners have no direct authority over the balance of elected officials. However, they work closely with each official and must have a good understanding of that official’s office inner workings for budgetary purposes. The board continues to work in the expansion of development throughout Belmont County. The Commissioners serve on and with various boards throughout the county agencies with those being: County Records Commission, Planning Commission, Board of Revision, Issue II, Solid Waste, 911, EMA, Insurance Committee, Bel-O-Mar, OMEGA, RCD Council, Animal Control, Community Improvement Corp., Airport Authority, and the Department of Job & Family Services, which includes Children Services, WIA and others. Several departments fall under their umbrella and they include: Sanitary Sewer District, Buildings & Grounds (Maintenance), 911, EMA, Solid Waste, Job & Family Services, Port Authority and Belmont Senior Services. The board provides housing and funding for the following: OSU Extension Office, Fairboard, Bel-O-Mar, Historical Society, Crippled Children, Wheeling Health Right, and Soil and Water Conservation Office.

On a regular basis the board provides the following: Advertise and take formal action on road improvements, approve contracts such as insurance, grants, etc., advertise and take action on bids for various departments, authorize all levies and any debt, and process annexations. This is just a sample of the many duties this office undertakes.

Internally the office handles the following: Annual County Budget, Appropriations, Scheduling of meetings, Transfers and Advances for all county departments, Assist all departments with their budget concerns, Provide part-time Human Resources, Participate in CORSA (county insurance) by providing risk management, safety course, workshops, defensive driving, etc., Handle all workers’ compensation claims, and most importantly field all calls from the public.

Commissioner Coffland stated, “Our staff is very valuable.” He thanked all the staff, noting some days the job is overwhelming. He advised it is a 24 hour, 7 days a week, 365 days of the year job.

Commissioner Favede provided the website address: www.belcc.com. From the website you can access the Veterans Office, the GIS Department, as well as all the elected officials’ departments, including the Port Authority and the CIC websites. Our office phone number is 699-2155. She thanked Cindi as well as all of the staff for the hard work done on behalf of Belmont County.

BREAK

**IN THE MATTER OF ENTERING
EXECUTIVE SESSION AT 11:45 A.M.**

Motion made by Mr. Coffland, seconded by Mrs. Favede to enter executive session pursuant to O.R.C. 121.22(G)(1) Personnel to discuss the employment of a public employee.

Upon roll call the vote was as follows:

Mr. Coffland	Yes
Mrs. Favede	Yes
Mr. Probst	Absent

**IN THE MATTER OF ADJOURNING
EXECUTIVE SESSION AT 11:50 A.M.**

Motion made by Mr. Coffland, seconded by Mrs. Favede to adjourn executive session.

Upon roll call the vote was as follows:

Mr. Coffland	Yes
Mrs. Favede	Yes
Mr. Probst	Absent

AS A RESULT OF EXECUTIVE SESSION, THE FOLLOWING ACTION WAS TAKEN:

**IN THE MATTER OF ACCEPTING FORMAL NOTICE OF RETIREMENT
FROM ROBERTA JENKINS/COMMISSIONERS EMPLOYEE**

Motion made by Mrs. Favede, seconded by Mr. Coffland to accept the formal notice of retirement received from Commissioners' employee and Fair Housing Director, Roberta Jenkins, effective **June 30, 2011**.

Upon roll call the vote was as follows:

Mrs. Favede	Yes
Mr. Coffland	Yes
Mr. Probst	Absent

**IN THE MATTER OF ADJOURNING
COMMISSIONERS MEETING AT 11:52 A.M.**

Motion made by Mr. Coffland, seconded by Mrs. Favede to adjourn the meeting at 11:52 a.m.

Upon roll call the vote was as follows:

Mr. Coffland	Yes
Mrs. Favede	Yes
Mr. Probst	Absent

Read, approved and signed this 27th day of April, 2011.

COUNTY COMMISSIONERS

Charles R. Probst, Jr. - Absent

We, Matt Coffland and Kathy Marino, President and Assistant 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

ASSISTANT CLERK