

St. Clairsville, Ohio

March 27, 2013

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

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 Mrs. Favede, seconded by Mr. Coffland, 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-Hampton Inn & Suites	Seminar stay-Public Defender/General Fund	129.00
A-Judicial College	Magistrate Conference-Amy Busic/General Fund	150.00
A-Verizon Wireless	Digital phones-EMA/General Fund	63.00
B-Crossroads Counseling	February Counseling/Indigent Drivers Alcohol Fund	357.76
E-Digital Data	Shipping costs/911 Fund	8.00
J-Belmont SWCD	Monthly invoice for CAUV work completed/Real Estate Assessment Fund	1,420.00
J-James R. Wardell	2013 Real Prop. Maint. & General Consult/Real Estate Assessment Fund	12,750.00
K-Poggemeyer Design Group	Barton-Blaine Rd. Bridge/Engineer MVGT Fund	1,547.85
K-Staples Credit Plan	Supplies/Engineer MVGT Fund	142.77
N-Northern Panhandle Pipe and Supply, Inc.	Supplies/SSD#1 Capital Improvements Fund	3,983.88
P-EORWA	Sewage disposal/BCSSD Funds	7,312.77
P-WWSsystem #3	Purchased water/WWS#2 Revenue Fund	139,406.30
S-Cardmember Service	Supplies & food/Oakview Juvenile Residential Center Fund	593.85
S-DDC, Inc.	Computers/Clerk of Courts Computer Fund	5,342.28
S-Digital Data Communications, Inc.	Computer & equip./Common Pl. Ct. Gen. Special Proj. & Computer Funds	2,799.34
S-ERB Electric	Phone repairs/Northern Ct. General Special Projects Fund	121.00
S-ERB	Service call/Eastern Ct. General Special Projects Fund	79.00
S-Ohio Valley Printing Company	Envelopes/Clerk of Courts Computer Fund	285.65
S-Staples	Supplies/Certificate of Title Admn Fund.	15.83
S-TSG	Vaulting & data backup/Eastern Div. Ct. Computer Fund	36.24
S-TSG	New server/Northern Division Ct. Computer Fund	4,700.00
S-United Bank	Armory Loan Payment/Port Authority Fund	1,793.62
S-Walmart Community/GECRB	Supplies & food/Oakview Juvenile Residential Center Fund	188.52
S-Walmart Community	Supplies & food/District Detention Home Fund	2,101.38
W-Cleveland State University	Subscription/Law Library Fund	60.00
W-Delinquent Collectors of Ohio LLC	Personal property collection/DRETAC Treasurer's Office Fund	9,325.13
Y-Health Plan PPO	April 2013 Premium/Employer's Share Holding Account	359,362.74

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

Motion made by Mrs. Favede, seconded by Mr. Coffland to approve the Recapitulation of Vouchers dated for March 27, 2013 as follow:

FUND	AMOUNT
A-GENERAL	\$8,477.93
A-GENERAL/AUDITOR	\$3,615.88
A-GENERAL/COMMON PLEAS	\$480.40
A-GENERAL/JUVENILE COURT	\$2,750.29
A-GENERAL/PROBATE COURT	\$384.81; \$415.48
A-GENERAL/RECORDER	\$205.27
A-GENERAL/SHERIFF	\$890.58
A-GENERAL/911	\$11,901.99
B-Dog Kennel	\$2,971.62
E-911	\$23,160.00
H-Job & Family, CSEA	\$2,355.48
H-Job & Family, Public Assistance	\$2,714.52; \$4,187.26; \$22,549.85
H-Job & Family, WIA	\$118,920.24; \$1,187.00; \$57,363.81
J-Real Estate Assessment	\$1,475.00
K-Engineer MVGT	\$1,586.68; \$21,666.05
M-Juvenile Ct. – Care & Custody	\$201.00
M-Juvenile Ct. – Intake Coordinator	\$487.14
M-Juvenile Ct. – Placement II	\$50.00
M-Juvenile Ct. – Title IV-E Reimb.	\$1,699.60
P-Oakview Admn Bldg.	\$2,695.06
P-Old Sheriff Residence Cont. Proj.	\$5,141.96
P-Sanitary Sewer District	\$5,670.13; \$29,594.66; \$3,784.33; \$1,771.10
S-Job & Family, Senior Program	\$5,616.49; \$9,364.90
S-District Detention Home	\$1,444.95
S-Juvenile Ct. Computer Fund	\$76.95
S-Oakview Juvenile Residential Center	\$3,159.88
S-Sheriff Commissary	\$6,982.43
T-CDBG Funds/Grants	\$4,733.00
T-Sanitary Sewer District	\$64.38

Upon roll call the vote was as follows:

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

IN THE MATTER OF TRANSFERS WITHIN FUND

Motion made by Mrs. Favede, seconded by Mr. Coffland to approve the following transfers within the following funds:

GENERAL FUND

FROM	TO	AMOUNT
	<i>Disaster Services/EMA</i>	
E-0051-A001-A50.000 Budget Stabilization	E-0054-A006-F03.000 BC-EMA/Utilities	\$2,000.00

Note: To enable EMA to receive the full match amount of \$63,233 from their annual EMPG Grant.

RECORDER/GENERAL FUND

FROM	TO	AMOUNT
E-0121-A006-B02.002 Recorder-Salaries	E-0051-A001-A02.002 Cmms-Salaries	\$1,200.00

BELMONT COUNTY SSD/WWS #3 REVENUE FUND P05

FROM	TO	AMOUNT
E-3702-P005-P34.074 Transfer Out	E-3702-P005-P19.012 Equipment	\$7,000.00

Upon roll call the vote was as follows:

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

IN THE MATTER OF TRANSFERS BETWEEN FUND

Motion made by Mrs. Favede, seconded by Mr. Coffland to approve the following transfers between the following funds:

THE BELMONT COUNTY GENERAL FUND

AND THE PORT AUTHORITY FUND-S12

<i>General Fund</i>	<i>Port Authority Fund-S12</i>	
E-0051-A001-A39.000 Port Authority	R-9799-S012-S04.574 Transfers In	\$23,750.00

Note: Second Quarter Allocation for 2013.

BELMONT COUNTY SSD/VARIOUS FUNDS

FROM	TO	AMOUNT
<i>Guarantee Deposit Fund T10</i>		
E-3711-T010-T04.074 WSGDF Transfer Out	R-3701-P003-P15.574 WWS #2 Revenue	\$ 151.06
E-3711-T010-T04.074 WSGDF Transfer Out	R-3702-P005-P15.574 WWS #3 Revenue	\$ 497.88
E-3711-T010-T04.074 WSGDF Transfer Out	R-3704-P051-P08.574 SSD #1 Revenue	\$ 146.83
E-3711-T010-T04.074 WSGDF Transfer Out	R-3705-P053-P08.574 SSD #2 Revenue	\$ 172.76

Upon roll call the vote was as follows:

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

IN THE MATTER OF ADDITIONAL APPROPRIATIONS

Motion made by Mrs. Favede, seconded by Mr. Coffland to make the following additional appropriations, in accordance with the Official Certificate of Estimated Resources as approved by the Budget Commission, under the following dates:

****January 3, 2013****

FOR THE B000 BELMONT COUNTY DOG AND KENNEL FUND

E-1600-B000-B03.010	Supplies	\$3,000.00
E-1611-B000-B01.002	Auditor's Clerk Hire & Supply	\$4,300.00

****March, 20, 2013****

BELMONT CO. PORT AUTHORITY/EOIRP WATER LINE GRANT FUND N57

E-9057-N057-N01.013	Contract Project-Water	\$ 223,327.63
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**** March 27, 2013****

BELMONT CO. DJFS/WIA AREA 16 FUND H08

E-2610-H008-H01.000	Belmont Co. DJFS-WIA	\$ 28,000.00
E-2610-H008-H03.000	Harrison Co. DJFS-WIA	\$ 66,000.00

NEFF'S SANITARY SEWER PROJECT FUND N27

E-9027-N027-N05.055	OPWC Payments	\$ 43,201.22
E-9027-N027-N07.055	WPCLF Grant Payment	\$ 149,975.90
E-9027-N027-N08.055	WPCLF Loan Payment	\$ 149,975.93

OLD SHERIFF'S RESIDENCE/ODOT GRANT FUND P83

E-1703-P083-P06.013	Contract - Projects	\$ 6,407.01
E-1703-P083-P07.013	ODOT Grant Expenses	\$76,107.86

ODOT VARIOUS FUNDS/FEDERAL GRANTS S05

OUE Brick Tavern Fund/ODOT Grant Money

E-2405-S005-S05.011	Contract Services	\$ 29,160.00
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BELMONT CO. COMMON PLEAS/MEDIATION SERV. FUND S54

E-1544-S054-S01.002	Spec. Proj./Mediation Salary	\$ 2,000.00
E-1544-S054-S05.000	Spec. Proj./Mediation Other Exp.	\$ 3,550.00

BELMONT CO. COMMON PLEAS/GENERAL SPECIAL PROJ. FUND S89

E-1572-S089-S01.000	Other Expenses	\$ 8,092.00
E-1572-S089-S02.000	Guardian Ad Litem	\$ 1,000.00

BELMONT CO. PROSECUTORS/VICTIM'S ASSISTANCE FUND W80

E-1511-W080-P01.002	Salary	\$ 3,436.40
E-1511-W080-P05.003	PERS	\$ 800.00
E-1511-W080-P07.006	Hospitalization	\$ 1,723.00
E-1511-W080-P08.005	Medicare	\$ 100.00

Upon roll call the vote was as follows:

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

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 March 27, 2013, 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	Yes

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. **Old Sheriff's Residence - \$6,407.01** deposited in R-1703-P083-P03.500 Refunds on 03/25/13.

Upon roll call the vote was as follows:

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

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:

COMMISSIONERS – Christine Palmer, HR Manager, to travel to Columbus, OH, on March 22, 2013, to attend CORSA Annual Renewal Meeting. No registration fee. A county vehicle will not be used. Estimated expenses: \$115.14

Christine Palmer, HR Manager, to travel to Columbus, OH, on March 25, 2013, to attend an Unemployment Hearing. A county vehicle will not be used. Estimated expenses: \$105.26

Commissioner Matt Coffland to travel to Las Vegas, Nevada, on May 19-22, 2013, to attend the Global Retail Real Estate Convention. Estimated expenses: \$2,500.00

DJFS – Shirley Jo Case, Duane Kesterson and Senior members to travel to Wheeling, WV, on April 1, 2013, for a Colerain Senior Center outing; to Wheeling, WV, on April 11, 2013, for a Colerain Senior Center outing and to Wheeling, WV, on April 16, 2013, for Colerain Senior Center outing. Estimated expenses: \$64.00

William Beckett, Karen Titonis and Senior members to travel to Bethesda, OH, on April 5, 2013, for a Bellaire Senior Center outing. Joe Cioppi (Volunteer), Karen Titonis and Senior members to travel to St. Clairsville, OH, on April 10, 2013, for a Bellaire Senior Center outing and to Fairview, OH, on April 12, 2013, for a Bellaire Senior Center outing.

Jack Irwin, Daisy Braun and Senior members to travel to Marietta, OH, on April 30, 2013, for a St. Clairsville Senior Center outing. Estimated expenses: \$24.00

ENGINEER – Michael Wahl, Deputy Engineer, and Steven Clark, Sign Worker, to travel to Columbus, OH, on April 30-May 1, 2013, to attend CEAO 2013 Annual Traffic Safety & Roadway Conference. Estimated expenses: \$275.00 each

Upon roll call the vote was as follows:

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

IN THE MATTER OF APPROVING MINUTES OF EMERGENCY BOARD OF COMMISSIONERS MEETING

Motion made by Mrs. Favede, seconded by Mr. Coffland to approve the minutes of the Belmont County Board of Commissioners **Emergency meeting March 1**, 2013.

Upon roll call the vote was as follows:

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

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

Motion made by Mrs. Favede, seconded by Mr. Coffland to approve the minutes of the Belmont County Board of Commissioners **regular meetings March 6 and March 13**, 2013.

Upon roll call the vote was as follows:

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

IN THE MATTER OF HOLDING A "TOWN HALL" MEETING IN BETHESDA

Motion made by Mrs. Favede, seconded by Mr. Coffland to hold a "Town Hall" meeting on Thursday, April 25, 2013 at 6:00 p.m. in the Council Chambers of the Bethesda Municipal Building, 118 S. Main St., and to notify the media of the same. Public input is welcome and citizens are encouraged to attend.

Upon roll call the vote was as follows:

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

**IN THE MATTER OF ENTERING INTO A RUMA FOR
COMPRESSOR, PIPELINE AND INFRASTRUCTURE WITH
OHIO GATHERING COMPANY, LLC/ENGINEER**

Motion made by Mrs. Favede, seconded by Mr. Coffland to enter into a **Roadway Use Maintenance Agreement for compressor, pipeline and infrastructure** with Ohio Gathering Company, LLC for the use of 3.90 miles of CR 128 (Boston Rd), 2.15 miles of CR 102 (Johnson Ridge Rd.) and 1.0 miles of CR 124 (Wright Rd) for the purpose of ingress and egress for pipeline activity.

Note: \$5 million dollar bond on file

**ROADWAY USE AND MAINTENANCE AGREEMENT FOR PIPELINE
AND COMPRESSOR PROJECTS AND INFRASTRUCTURE**

THIS AGREEMENT is entered into at St Clairsville, Ohio, by and between THE BELMONT COUNTY COMMISSIONERS, a political subdivision, whose mailing address is 101 West Main Street, Courthouse, St. Clairsville, Ohio 43950 (hereafter "Authority"), and Ohio Gathering Co, L.L.C., whose mailing address is 101 East Market Street, Cadiz, Ohio 43907 (hereafter "Operator"), and shall be as follows:

RECITALS

WHEREAS, Authority has control of the several county roads within Somerset Township, in Belmont County, Ohio and is required by law to keep such roads in good repair; and

WHEREAS, Operator is the owner of certain right of way and field agreements, and intends to construct, operate and maintain certain facilities [Ohio Gathering Company Pipelines], including pipeline and appurtenant equipment, facilities, impoundments, and pipelines necessary for the operation of the [Ohio Gathering Company Pipelines] located in Somerset Township in Belmont County, Ohio; and

WHEREAS, Operator intends to commence use of 3.90 miles of CR-128 (Boston Road), and 2.15 miles of CR-102 (Johnson Ridge Road) and 1.0 miles of CR-124 (Wright Road) for the purpose of ingress to and egress from the pipeline facilities [Ohio Gathering Company Pipelines], for traffic necessary for the purpose of constructing the pipe line facilities (herein after referred to collectively as "Pipeline Activity"); and

WHEREAS, Authority and Operator desire to enter into an agreement, providing for the repair and maintenance of said roads and bridges thereon as a result of such Pipeline Activity; and

WHEREAS, if any county or township roads contemplated herein contain any railroad crossings, Section 5 below shall apply;

NOW THEREFORE, in consideration of the good faith performance by each party of the mutual covenants hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Operator agrees to the maintenance and repair of said roads and bridges, to their pre-pipeline activity condition or as modified pursuant to Appendix A, thereon for any damages thereto, as a result of Pipeline Activity related to such sites.

FURTHER, Operator shall also provide for the strengthening and upgrading of the roads and bridges if mutually agreed to be necessary, prior to or during any Pipeline Activity. The areas and structures required to be strengthened and/or upgraded shall be determined by an engineer provided by the Operator with the approval of the County Engineer to be provided within thirty (30) days of a written request submitted by the Operator. Operator's engineer shall provide a written report to the County detailing the condition of the roads and appurtenances covered under this Agreement along with any recommendations, if necessary.

BOTH PARTIES FURTHER AGREE to the following additional terms and conditions:

1. The portion of CR-128 (Boston Road) to be utilized by Operator hereunder, is that exclusive portion beginning at the intersection of SR-379 (Temperanceville Highway) and ending at the intersection of TR-728 (Rock River Road). It is understood and agreed that the Operator shall not utilize any of the remainder of CR-128 (Boston Road), for any of its Pipeline Activities hereunder.
2. The portion of CR-102 (Johnson Ridge Road) to be utilized by Operator hereunder, is that exclusive portion beginning at the intersection of CR-128 (Boston Road) and ending at a point 2.15 miles to the east at a proposed access drive location. It is understood and agreed that the Operator shall not utilize any of the remainder of CR-102 (Johnson Ridge Road), for any of its Pipeline Activities hereunder.
3. The portion of CR-124 (Wright Road), to be utilized by Operator hereunder, is that exclusive portion beginning at the intersection of CR-128 (Boston Road) and ending at the intersection of TR-12 (Harmony Road). It is understood and agreed that the Operator shall not utilize any of the remainder of CR-124 (Wright Road), for any of its Pipeline Activities hereunder.
4. Those portions of said roads and bridges and their appurtenances to be used by Operator hereunder and mutually agreed to require necessary strengthening and/or upgrading by the Operator's Engineer in conjunction with the County Engineer, shall be strengthened and/or upgraded to a condition sufficient and adequate to sustain the anticipated Pipeline Activity by Operator, at Operator's sole expense, and with the advice and approval of the County Engineer as detailed in Appendix A. Thereafter, such roads shall be maintained by Operator for damages caused by Operator's Pipeline Activity, at Operator's sole expense, throughout the term of this Agreement, to a level consistent with the condition of such roads at the commencement of its use by the Operator hereunder or as modified pursuant to Appendix A, as determined by the Operator's engineer and the Belmont County Engineer. The maintenance of aforementioned roads includes the use of a commercially recognized dust palliative to control the airborne dust created and/or contributed to by the Operator or the Operator's contractors and or agents.
5. The Operator shall give notice to the railroad at least thirty (30) days prior to any known Pipeline Activity utilizing a railroad crossing so that a joint inspection can determine the condition of the crossing. Additionally, the Operator shall coordinate all work needing to be performed at a railroad crossing with the railroad company at least thirty (30) days prior to starting work on a railroad crossing. If the railroad company fails to respond to the Operator's notice of work needing to be performed at a railroad crossing within thirty (30) days of receipt of such notice, then the railroad waives all rights it has under this agreement with respect to the work specified in the notice. Work performed at a railroad crossing may include a separate agreement at the railroad's discretion. The Authority shall not be liable for any incidents arising out of or related to work performed at any railroad crossing pursuant to this Agreement or any separate Agreement between the Operator and the railroad company, or lack of notification by Operator.
6. Either the Operator or the Authority may terminate this Agreement with just cause following at least thirty (30) days written notice to the other of its intent to terminate. As soon as possible after receipt of such notice, the Authority and the Operator shall inspect said roads and bridges and their appurtenances. Following final inspection, the parties shall meet, and all restoration resulting from Operator's Pipeline Activity shall be identified and thereafter completed by the Operator, at Operator's sole expense. Following completion of all restoration work, this Agreement shall be terminated and of no further force or effect.
7. Unless excepted for the reasons provided below, prior to the Pipeline Activity on the Routes, Operator shall post a bond or other surety in a form satisfactory to the Authority to cover the costs of any damage caused by the Pipeline Activity on the Routes by Operator. The amount of the bond or surety shall be considered to be included in the County-Wide bond on file at the County, as described in Appendix A. However, no such bond or surety shall be required of Operator, if any of the following conditions are satisfied:
 - a. A geotechnical analysis of the Route provided by the Operator and mutually accepted by the Authority and Operator exhibits that the Route's condition is sufficient for the expected traffic necessary for the development of the oil and gas development site.
 - b. The Operator provides a geotechnical analysis of the Route, mutually accepted by the Authority and Operator, and based on that analysis, an Operator and Authority-approved maintenance plan for the Route or an Operator and Authority-approved preventative repair plan of the Route is attached to the Agreement as an addendum.
 - c. The Operator has provided a sufficient bond or surety, mutually accepted by the Authority and Operator, in favor of the Authority for road usage by the Operator within the Authority's oversight.
8. All motor vehicles to be utilized by Operator hereunder, whether owned by Operator or others, shall comply with all legal size, load and weight limits in accordance with State Law, and all non-conforming vehicles shall require the proper local permit.

9. Operator shall furnish the Authority with a written Letter of Authority, setting forth all necessary contact information, including a twenty four (24) hour emergency contact number, for the authorized local representative of the Operator, and such information shall be maintained and kept current at all times concerned hereunder.
10. If Authority determines that any additional traffic signage is needed, or desired, as a result of this Agreement and in the interests of safety, then Operator shall provide for such signage at Operator's sole expense. In the event that any other safety concerns should arise during the course of this Agreement, Operator and Authority agree that they will mutually discuss such concerns and reach a resolution satisfactory to all concerned.
11. Operator acknowledges that pursuant to Ohio Attorney General Opinion 2012-029 issued on September 19, 2012, the County is required to comply with Revised Code 4115.03-.16 when the total overall project cost to the Operator is fairly estimated to be more than the amount prescribed in Ohio Revised Code Section 4115.03 (B)(4). Operator further acknowledges that the estimated costs and actual cost of any road maintenance work to be performed pursuant to this agreement is solely within the knowledge of Operator since Operator is responsible for paying 100% of said cost. Therefore, Operator hereby agrees that Operator will take all measures to ensure compliance with Ohio's Prevailing Wage Laws.
12. Operator shall protect, save, indemnify, and hold the Authority, its officials and employees harmless from any liability, claims, damages, penalties, charges, or costs which are attributable to pipeline activity which arise or are claimed as a result of any violations of any laws or ordinances, or any loss, damage or expense, including injury or death to any person, from any cause or causes from Pipeline Activity whatsoever. "The forgoing indemnity shall not apply to the extent that such claims are attributable to the fault or negligence of the Authority"
13. Operator assumes all liability for subcontractors and or agents working on Operator's behalf for this specific agreement.
14. This Agreement shall be binding upon Operator and Authority, and their respective successors and assigns.
15. In any event that any clause, provision or remedy in this Agreement shall, for any reason, be deemed invalid or unenforceable, the remaining clauses and provisions shall not be affected, impaired or invalidated and shall remain in full force and effect.
16. Agreement shall be governed by the laws of the State of Ohio.
17. This Agreement shall be in effect on March 27, 2013.

Executed in duplicate on the dates set forth below.

<u>Authority</u>	<u>Operator</u>
By: <u>Ginny Favede /s/</u>	By: <u>Brian Rayburn /s/</u>
Commissioner	Printed Name: <u>Brian Rayburn</u>
By: <u>Charles R. Probst, Jr. /s/</u>	Company Name: <u>Ohio Gathering Co., L.L.C.</u>
Commissioner	Title: <u>Regional Manager</u>
By: <u>Matt Coffland /s/</u>	
Commissioner	
By: <u>Fred Bennett /s/</u>	
County Engineer	
Dated: <u>3/27/13</u>	Dated: <u>3-25-2-13</u>

Approved as to Form: David K. Liberati /s/ Assistant
County Prosecutor

Appendix A

Operator shall be required to:

- 1) Provide for videotaping of the roads prior to Pipeline Activity.
- 2) Maintain County Roads during Pipeline Activities for those damages caused by said Pipeline Activities.
- 3) Reimburse the Authority for minor maintenance of the roads during the hauling period (or provide for a contractor to perform minor maintenance on 24 hour notice) for damages caused by Pipeline Activities.
- 4) Utilize only ODOT Prequalified Contractors to perform work within the County rights of way and on County bridges. Said Contractors shall pay prevailing wage rates in accordance with Ohio Law.
- 5) Properly complete and submit to the Belmont County Commissioner's designated Prevailing Wage Coordinator (Jack Regis (740)310-3402) any and all forms and reports necessary to show compliance.
- 6) Operator has obtained a County-Wide Bond in the amount of \$5,000,000.00 (Five Million Dollars) for use of any County Road. Bond Number 022043109 is on file at the County Engineer's Office.
- 7) Operator shall upgrade 1 mile of Wright Road (CR-124) prior to use of the road. Upgrade shall consist of application of appropriate amount of #2 stone, choked by an application of #57 stone. Upon completion of Operator's use of Wright Road, an application of Double Chip Seal shall be applied per ODOT specifications.
- 8) Operator shall upgrade 2.15 miles of Johnson Ridge Road (CR-102) prior to use of the road. Upgrade shall consist of application of a 3" thickness of asphalt base, followed by an application of chip and seal.

Authority shall:

- 1) Provide for minor maintenance of the roads during the Pipeline Activity for damages not caused by said Pipeline Activity. For any work that is to be reimbursed by the Operator to the Authority, Authority agrees to give 24 hour prior notice to the Operator (or agrees to notify Operator when maintenance is needed).
- 2) Provide for maintenance of the roadways and bridges for damages not caused by the Pipeline Activity at the Authority's cost and expense, including snow/ice control, mowing, etc.

Appendix A (Continued)

Primary Contact:

Jeff Breen
MarkWest Utica E.M.G./Ohio Gathering Company
101 East Market Street
Cadiz, OH 43907
(412) 852-1101 (cell)
jbreen@markwest.com

Secondary Contact:

Consultant to MarkWest/Ohio Gathering Company
Mandy K. Bishop, PE, SI
GPD Group
1801 Watermark Dr., Suite 150
Columbus, OH 43215
(614) 859-1617 (office/direct)
(614) 638-5908 (cell) - best
mbishop@gpdgroup.com

Upon roll call the vote was as follows:

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

**IN THE MATTER OF ADOPTING RESOLUTION
IN RECOGNITION OF VIETNAM VETERANS' DAY**

Motion made by Mrs. Favede, seconded by Mr. Coffland to adopt the resolution in recognition of Vietnam Veterans' Day.

RESOLUTION

IN RECOGNITION OF VIETNAM VETERANS' DAY

WHEREAS, as Americans, it is our obligation to show our gratitude to those who, in times of both war and peace, have faithfully defended our country; and

WHEREAS, the Vietnam war was fought from 1959-1975, involving the North Vietnamese and National Liberation Front (NLF) in conflict with United States forces and the south Vietnamese army; and

WHEREAS, in 1965, U.S. Combat troops composed mainly of volunteers arrived in Vietnam and by 1969, a peak of approximately 543,000 troops would be reached; and

WHEREAS, on January 27, 1973, the Treaty of Paris was signed declaring the release of all American prisoners of war from North Vietnam and the withdrawal of all U.S. forces from South Vietnam; and

WHEREAS, on March 30, 1973, all U.S. troops withdrew from Vietnam; and

WHEREAS, after answering our country's call to duty, each and every American veteran deserves to be welcomed home by a grateful and thankful nation for their service, courage and sacrifice; and

WHEREAS, we also honor those soldiers still Missing in Action, those who were Prisoners of War and the more than 58,000 Americans who lost their lives in an effort to preserve freedom; and

NOW, THEREFORE, BE IT RESOLVED, that the Belmont County Commissioners salute and give recognition to all Vietnam Veterans and Vietnam Era Veterans who are so deserving of our gratitude and respect for their bravery and welcome home the men and women who have risked their lives, health and safety as they valiantly served our great country.

Adopted this 27th day of March, 2013.

BELMONT COUNTY COMMISSIONERS

Matt Coffland /s/

Charles R. Probst, Jr. /s/

Ginny Favede /s/

Upon roll call the vote was as follows:

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

**IN THE MATTER AUTHORIZING THE SIGNING AND
SUBMITTAL OF THE EMPG BUDGET CERTIFICATION TO
THE OHIO EMA ON BEHALF OF BELMONT CO. EMA**

Motion made by Mrs. Favede, seconded by Mr. Coffland to approve the signing and submittal of the 2013 Emergency Management Performance Grant (EMPG) Budget Certification to the Ohio EMA, in the amount of \$126,243.00, on behalf of the Belmont County Emergency Management Agency.

2013

EMERGENCY MANAGEMENT PERFORMANCE GRANT

(EMPG)

BUDGET CERTIFICATION

Belmont County

The following total certified amount is provided to certify the fiscal year budget for our County Emergency Management Agencies:

Total Certified Amount: \$126,243.00

*** \$2,000.00 of this total is not eligible for reimbursement under the Emergency Management Planning Grant. (see attached 2013 Appropriations list)**

This amount is according to County Budget figures located on Page #539 of Commissioners Journal Volume #93 dated January 3, 2013.

To the best of my knowledge and belief, all data on this application is true and correct. The applicant will comply with assurances provided in the initial application guidance.

Ginny Favede /s/

Ginny Favede, President

Belmont County Board of Commissioners

Date: 3/27/13

Upon roll call the vote was as follows:

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

**IN THE MATTER OF AMENDING MOTION TO ACCEPT THE
PROPOSAL FROM PROGRESSIVE COMMUNICATIONS FOR
SIX CAMERAS FOR THE SHERIFF'S DEPARTMENT**

Motion made by Mrs. Favede, seconded by Mr. Coffland to **amend** the motion of March 13, 2013 to accept the proposal from Progressive Communications of St. Clairsville, for cameras for six (6) 2013 Chevrolet Impala Police vehicles for the Belmont County Sheriff's Department to read as follows:

Progressive Communications, St. Clairsville, OH

Total Equipment Price \$10,913.64

Total Labor/Installation 1,800.00

Total Shipping & Handling 210.00

Total Cost \$12,923.64

Note: This is an increase of \$660.00. The vendor originally made an error and sent a quote for the wrong cameras.

Upon roll call the vote was as follows:

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

IN THE MATTER OF APPROVING AND SIGNING THE CERTIFICATE OF SUBSTANTIAL COMPLETION FOR WALLER CORP./HISTORIC SHERIFF'S RESIDENCE RENOVATION PROJECT

Motion made by Mrs. Favede, seconded by Mr. Coffland to approve and sign the Certificate of Substantial Completion for Waller Corporation for the Historic Belmont County Sheriff's Residence renovation project, PID # 78794.

Note: Facilities Manager Jack Regis checked punch list and approved.

Upon roll call the vote was as follows:

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

IN THE MATTER OF AUTHORIZING THE EXECUTION OF AGREEMENT WITH FP MAILING SOLUTIONS/TAMASOVICH MAILING MACHINE SERVICE FOR POSTAGE METER RENTAL

Motion made by Mr. Coffland, seconded by Mr. Probst to approve and authorize Commission President Ginny Favede to execute the agreement with FP Mailing Solutions/Tamasovich Mailing Machine Service for postage meter rental for the Belmont County Courthouse as follows:

One (1) U20 Ultimail 95 PSD Rental, Unlimited resets, UltiMail Rate Guard

Term: 60 months

Total Monthly Payment: \$53.00

Upon roll call the vote was as follows:

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

IN THE MATTER OF AUTHORIZING THE EXECUTION OF THE SUBGRANT AWARD AGREEMENT FOR THE SHERIFF'S OFFICER SAFETY EQUIPMENT GRANT

Motion made by Mr. Coffland, seconded by Mr. Probst to approve and authorize the President of the Board Ginny Favede to execute the Subgrant Award Agreement for the Belmont County Sheriff's Office **Officer Safety Equipment Grant**, Subgrant No. 2012-JG-LLE-5209 as follows:

Subgrantee: Belmont County Commissioners

Implementing Agency: Belmont County Sheriff's Office

Award Periods: 2/01/2013 to 08/31/2013

Award Amounts:	OCJS Funds:	\$ 4,500.00
	Cash Match:	500.00
	Inkind Match:	0.00
	Project Total	\$ 5,000.00

Upon roll call the vote was as follows:

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

IN THE MATTER OF APPROVING AND SIGNING THE QUIT CLAIM DEED FOR THE TRANSFER OF 6.074 ACRES TO THE BELMONT CO. CIC

Motion made by Mrs. Favede, seconded by Mr. Coffland to approve and sign the Quit Claim Deed for the transfer of 6.074 acres, more or less, located in Richland Township, Section 27, Township 7, Range 4 and being a part of a 46.63 acre tract as recorded in Volume 548, Page 767 of the Belmont County Deed Records, from the County of Belmont, by and through the Belmont County Commissioners to the Belmont County Community Improvement Corporation.

QUIT-CLAIM DEED

The Board of County Commissioners, Belmont County, Ohio, for valuable consideration paid, grants to **Belmont County Community Improvement Corporation, an Ohio non-profit corporation**, whose tax-mailing address is 117 East Main Street, St. Clairsville, OH 43950 the following real property:

See Exhibit "A" Attached.

This transfer is made subject to any and all exceptions, reservations, covenants, conditions, easements, and other matters of record. This conveyance is further made subject to any and all restrictions or limitations placed upon the property in the deed from The Board of Trustees of Ohio University to The Board of County Commissioners, Belmont County, Ohio dated August 9, 1974 and recorded in Deed Volume 548, Page 767 Belmont County, Deed Records and the Grantor assumes no responsibility or liability for the compliance or noncompliance of the restriction set forth therein.

Being a portion of the premises conveyed to the Grantor herein by The Board of Trustees of Ohio University by Deed dated August 9, 1974 and recorded in Deed Volume 548, Page 767 Belmont County Deed Records.

The Board of County Commissioners, Belmont County, Ohio, hereby excepts and reserves unto itself, its successors and assigns, where and to the extent that The Board of County Commissioners, Belmont County, Ohio, owns and has the rights thereto, all of the oil, gas, and other minerals in and underlying the above-described premises and all of the oil and gas-bearing sands, strata, formations and horizons in which oil, gas and other minerals may be, or may have been found, including coalbed methane gas, together

with the exclusive right to extract and produce all of said oil, gas and other minerals, together with the further right to pool said oil and gas with others,

WITHOUT, HOWEVER, the right to enter upon the surface of said premises.

There is further excepted and reserved unto The Board of County Commissioners, Belmont County, Ohio, its successors and assigns, where and to the extent The Board of County Commissioners, Belmont County, Ohio, owns and has rights thereto, all coal of all veins in and underlying the above-described premises, together with the exclusive right to extract all of said coal, WITHOUT, HOWEVER, the right to enter upon the surface of said premises.

Executed this 27th day of March, 2013.

**The Board of County Commissioners
Belmont County, Ohio**

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

Charles R. Probst, Jr. Commissioner

By: Ginny Favede /s/

Ginny Favede, Commissioner

By: Matt Coffland /s/
Matt Coffland, Commissioner

Exhibit "A"
BARR SURVEYING
206 Church St., P.O.191
Morristown, Ohio 43759
(740) 782-1919
(740) 782-1440 FAX
TOLL FREE: 1-866-641-6204
LAND DESCRIPTION

Situated in the Township of Richland, County of Belmont and State of Ohio. Being a part of Section 27, Township 7, Range 4 and being part of a 46.63 acre tract as recorded in Volume 548 Page 767 of the Belmont County Deed Records.

Beginning at an iron pin set on the south right-of-way line of US Route 40, from which the Northwest corner of Section 27 bears North 04 deg. 54 min. 50 sec. East 1046.91 feet to the north line of the section; thence with the section line, North 84 deg. 19 min. 50 sec. West 1715.80 feet.

Thence from this place of beginning and with the west line of a 17.327 acre tract as recorded in Volume 485 Page 526, South 04 deg. 54 min. 50 sec. West 882.93 feet to an iron pin set; **thence** South 04 deg. 43 min. 20 sec. West 260.60 feet to an iron pin set:

Thence with a dividing line, North 83 deg. 14 min. 05 sec. West 227.52 feet to an iron pin set:

Thence continuing with dividing lines along the east side of the road leading to the Oakview building the following five courses and distances:

- 1- with a curve to the left having a radius of 1620.00 feet, an arc length of 113.94 and a chord that bears North 13 deg. 33 min. 17 sec. East 113.92 feet to an iron pin set;
- 2- with a curve to the left having a radius of 40.00 feet, an arch length of 84.64 feet and a chord that bears North 10 deg. 18 min. 24 sec. East 69.71 feet to an iron pin set;
- 3- with a curve to the left having a radius of 1620.00 feet, an arc length of 466.64 feet and a chord that bears North 00 deg. 49 min. 20 sec. East 465.03 feet to an iron pin set;
- 4- North 07 deg. 25 min. 47 sec. West 324.44 feet to an iron pin set;
- 5- With a curve to the right having a radius of 170.00 feet, an arc length of 149.55 feet and a chord that bears North 17 deg. 46 min. 18 sec. East 144.77 feet to an iron pin set on the south right-of-way line of US Route 40:

Thence with said right -of-way line, South 83 deg. 35 min. 43 sec. East 169.38 feet to an iron pin set; **thence** North 75 deg. 29 min. 14 sec. East 110.13 feet to the place of beginning.

Containing 6.074 acres, more or less.

Subject to easements and rights of way of record.

Bearings used in this description are based on Volume 548 page 767.

This description was prepared by Robert A. Barr, P.S. 7829 as the result of an actual field survey performed February 2013. All iron pins set are ½ inch re-bars, 30 inches long with plastic caps stamped "BARR 7829"

Upon roll call the vote was as follows:

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

10:15 Jim Delman, Fire & Squad Officers Association

Re: MECC Mapping program

Jim Delman spoke to the board about a mapping program that can assist all the fire, EMS and police agencies in the county. It takes the GIS information that GIS Director Don Pickenpaugh has compiled and puts it into a program that is usable on a laptop computer that can be placed in a fire truck, ambulance or police car. Mr. Delman stated it is very simple to use. You type in an address or the first five digits and it will bring up all the addresses that are in the GIS system. If you put in an extra letter or road name, it prints up the road name and takes you directly to that location on the map. The company is out of the Columbus area with 15 counties in the state of Ohio using their program. The Fire & Squad Officers are asking the board to fund this for the public safety services. The cost would be \$1,920.00 per year. There would be no limit on the amount of computers it could be added to. This will enhance the GIS system that is in place. For a department to use this program, they will have to purchase a laptop. MECC stands for Metropolitan Emergency Communications Center. The program works on a Windows-based computer and cannot be used with a tablet or Smartphone. The board agreed it would be a benefit if it will help save lives by cutting down on response time. Commissioner Probst noted that this shows how vital GIS is to the county and thanked Mr. Pickenpaugh for being the "right person to run it." Mr. Delman stated the Sheriff had also seen the program and was all for it. Mr. Probst said the board has found a funding mechanism through the county EMA and will be funding this as soon as the Fire & Squad Officers need it.

OPEN PUBLIC FORUM - Jerry Milliken, representing the Flushing Senior Center, addressed the board with concerns on when the senior program will change from the Dept. of Job & Family Services to a stand-alone agency, and stated that monthly financial statements are still not available as promised. Mr. Coffland said he is still against this and does not think it is the right move, but right now things are on hold due to other matters. He will look into why the financial information is being delayed. Mrs. Favede said it is still her desire to see a fulltime Executive Director or Senior Services Manager hired to do nothing for 40 hours a week but take care of senior citizens and their issues. She said the board has been discussing the senior centers and the kitchen that we committed to three years ago. Senior Centers are needed in Flushing and St. Clairsville, with the parking situation, and a full facility to move the kitchen out of Oakview. She said the board is looking at property in Flushing and need to look for property in St. Clairsville. She thinks they are going to be looking for an architect to potentially build the kitchen. Two sites being looked at are in front of the Oakview Building and tearing down the former Hab Center and using that property. It is her desire to have a fulltime director in place to oversee those three projects. Mr. Probst said in some discussions recently he asked Matt and Ginny about possibly putting the St. Clairsville Senior Center and the kitchen under one roof to save costs, but keep it completely separated. He would like to see it go out in the area of Ohio University Eastern, if the seniors are receptive to that. There are some concerns about traveling that far, but Mr. Probst said when you see who visits the St. Clairsville Senior Center, they come from all over. He noted we are in the process now of getting the road platted out in that area as a township road. Mr. Probst said as far as a stand-alone agency, he is all for that. He said we received from our attorney a lot of the information we requested. Mr. Probst said we do need a coordinator to work with the Dept of Job & Family Services and their programming and this will be, in his opinion, a long transition. The transition will require the involvement of certain people from the Dept. of Job & Family Services. Mr. Probst said he believes the proof will show there is actually going to be cost savings in doing this compared to what is being paid out now. He apologized that this issue has been on the table so long, but we believe the seniors are being taken care of. Mr. Milliken agreed the seniors are being taken care of real well and that is not a problem at all. Mr. Probst stated there has been discussion about a senior center in Flushing; it's a great idea and needs to happen. Mr. Coffland informed that he is all for the senior center. He has been out to look at the site in Flushing. He has said all along that we need to re-do our kitchen. He has talked to the board about the St. Clairsville Senior Center. He does not think the seniors want to drive that far to another location (SR 331). Regarding the director, he noted four years ago the senior program was in bad shape. He said due to the passage of the levy, we were able to put senior center directors back in and he has watched this program very closely. He advised if the numbers can be proven that it saves money; that is what it is all about. If not, he will continue to fight that it is the wrong move.

Clarence Briggs had issues with seniors being moved into the Medicaid program for transportation needs. He is of the belief that this adds to the cost. Mr. Probst said when Dwayne Pielech comes in today one of the issues that he is going to address with him privately is to provide a cost statement to the Commissioners on transportation costs for seniors if we would put our drivers on fulltime instead of part-time vs. using the transportation mechanisms that we have now. Mr. Briggs said he cannot understand why talk has been going on for seven months about getting a senior director and financial advisor. He stated with \$3.5 million coming in every year from the levy and if it was still up to us (the seniors) the kitchen would have been in three years ago.

Due to a scheduled bid opening, the board took a pause from open public forum and will return to this discussion.

IN THE MATTER OF BID OPENING FOR FURNISHING AND DELIVERING BLUE PVC WATERLINE FOR THE BCSSD

This being the day and 10:45 a.m. being the hour that bids were to be on file in the Commissioners' Office for furnishing and delivering 4000 ft. of 6" C-900 DR-18 and 8,000 ft. of 6" C-900 DR-14 Blue PVC Waterline for the Belmont County Sanitary Sewer District, they proceeded to open the following bids:

NAME	BID BOND	BID AMOUNT
National Road Utility Supply, Inc. P.O. Box A Valley Grove, WV 26060	X	\$ 55,040.00
Victory Waterworks Supply Co. LLC 1330 Seaborn Street Mineral Ridge, OH 44440	X	\$ 59,720.00
Ferguson Waterworks 173 Enterprise Drive Marietta, OH 45750	X	\$ 56,280.00
Trumbull Industries 1040 N. Meridian Road Youngstown, OH 44509	X	\$ 59,900.00
LB Water Service, Inc. 150 Imperial Industrial Park Oakdale, PA 15071	X	\$ 52,120.00
Dreier & Maller, Inc. 6508 Taylor Road SW Reynoldsburg, OH 43068	X	\$ 59,720.00
HD Supply Waterworks 311 Water Street Stonewood, WV 26301	X	\$ 60,400.00

Present for the bid opening were BCSSD Mark Esposito, Project Manager Kelly Porter, Dale A. Bratton, John W. James, Robert DeFrank of The Times-Leader and Al Molnar of The Intelligencer.

Motion made by Mr. Probst, seconded by Mr. Coffland to turn over all bids received for furnishing and delivering 4000 ft. of 6" C-900 DR-18 and 8,000 ft. of 6" C-900 DR-14 Blue PVC Waterline for the Belmont County Sanitary Sewer District to Director Mark Esposito for review and recommendation.

Upon roll call the vote was as follows:

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

OPEN PUBLIC FORUM (continued) – Mr. Coffland said to answer Mr. Briggs' question on the medical transportation, we still transfer 30-50 clients a day through the senior program. The additional clients are transported by the fire departments through EMS contracts that are federally refunded to Job & Family Services back to our fire departments. Our fire departments have been able to produce some income through this service. Some of the (senior program) drivers are part-time and some are fulltime. He said he thinks there is room to look at this issue.

Mr. Probst said, "We need to define 'some.' It's been told to me one person is full-time; the rest are part-time." "So if that is 'some', I'll take that remark..." Mr. Probst stated he wanted to be clear for the record and asked to be quoted on the following. He said, "The fire departments will get their fair share of the business, ok. We do not want to harm the fire departments in any way, shape or form. They provide a valuable service to our county and to our seniors. I am simply saying that the seniors need to have a choice whether they be transferred by the fire departments and EMS personnel or Belmont Senior Services employees, or senior services employees under Human Services. He continued, "Because they should have that choice, because some seniors have indicated to us they feel uncomfortable going with the fire departments. That is simply what I am saying, ok. When I say I want a cost estimate of to put everybody on fulltime, there's going to be enough work for everybody gentlemen, you know, the fire departments and senior services employees. But I did not want anybody to leave this room today, you know, and the fire departments say Commissioner Chuck Probst is against fire departments, EMS, because it seems like that is what's happening, ok. They will continue to be funded through the programs that we are providing the fire departments. And they will continue to get work and provide the services to our seniors. But we think our seniors should have a choice."

At this time there was a scheduled agenda item to address. Open public forum will resume after the subdivision hearing.

10:45 Subdivision Hearing-Brookfield Lane, Richland Township

Present for the hearing were Engineer Fred Bennett and Ruth Graham, Engineer's Drafting Technician. Ruth reviewed maps with the board showing it is a private roadway that is going in. The reason for putting the roadway in is because the landowner lacks the minimum 80 feet that he would need to put a split piece in. Ruth advised there are no issues and approval of the trustees has been given.

IN THE MATTER OF FINAL PLAT APPROVAL FOR BROOKFIELD LANE (PRIVATE) RICHLAND TOWNSHIP, SEC 23 & 29, T-7, R-4

"Hearing Had-10:45 A.M."

**"FINAL PLAT APPROVAL"
O.R.C. 711.05**

Motion made by Mrs. Favede to grant the final plat for the following:

RESOLUTION

WHEREAS, this day there was presented to the Board for approval the Final Plat for Brookfield Lane (Private), Richland Township, Section 23 & 29, T-7, R-4, which appears to be regular in form and approved by the proper parties;

THEREFORE, said plat is hereby approved, upon recommendation of the County Engineer and with concurrence of the Township Trustees.
Mr. Coffland seconded the motion and upon roll call the vote was as follows:

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

OPEN PUBLIC FORUM (continued) – Mike Bianconi said he has attended many meetings and he has not heard any discussions about senior services transportation issues. He gave a hypothetical situation wherein John Doe doesn't want transported by a senior program driver or EMS, choose either. However, say management decides that is fine, but if you choose the other driver it will cost the taxpayers "x" amount of dollars extra. He feels the person should be transported by whomever would cost the least as determined by management. Mr. Probst said, "With all due respect, you don't know the mechanism how the funding is coming in from the federal government to fund these programs." "It is not going to be an increased cost that way, because the federal government, through Title XIX funds, funds the transportation using the fire departments and Barnesville Taxi and everything else." Mr. Probst said his point is there has been some research done, it's not 100% yet, if we would take on senior services as a whole under the Commissioners, we could possibly get all the Title XIX funds to fund all of our drivers for senior services, which is not happening now, plus fund the fire departments. That would save levy dollars and taxpayer dollars. He said as it is now, Human Services (DJFS) has to go under Random Moment Sampling auditing. That means they have to be on their computers and show that they are working on senior services transportation right now and then they get reimbursed for that time or that call, or that transport at that time. If they are working on Human Services stuff, then they get a hit. Then we don't get Title XIX funds for that and it has to be paid out of levy dollars. Mr. Bianconi said he just does not want to have to pay a sizable amount of extra money should a senior decide to be transported by a different entity than had been scheduled.

Mrs. Favede stated this is her issue with this case: We are talking about of segment of the senior citizen population that qualify for Medicaid. She said she has an issue with the fact that we collected \$4 million in levy funds and because this group of people qualifies for Medicaid, we are going to treat them any differently than the rest of them. We are going to run them through a different system because we have an opportunity to bill the federal government for this. She said at the end of the day, we have to look at this as a respect issue. This county has historically passed every single levy for senior citizens. Mrs. Favede said it bothers her to talk about seniors as a money making operation as we have enough money to take care of them the way they need to be taken care of.

Mr. Coffland said everyone forgets back 18 months ago when we changed the reason why was for reimbursement for medical transportation. When we took the program from BSS, Mr. Coffland said one of the biggest reasons was the savings we were told by DJFS we would have from medical transportation. It was a good savings for the agency at that time. He advised if you researched the newspapers back then, that was what was said. Mr. Coffland said if there is a better way to save that money, he is all for it. Mike Bianconi said he would rather the board take their time and research to do the transition right. Clarence Briggs stated we were in trouble a couple of years ago; why are all these changes being made now. Mr. Coffland advised control methods are in place right now as it is state audited. Before it was audited by a company hired by Belmont Senior Services. Their audit showed we gave them \$1.9 million. We were not privileged to see where the rest of the money went. Today we can see everything due to state auditing. Mr. Briggs said the voters and the taxpayers of Belmont County who read the newspapers know we have been talking about a new kitchen all this time. He wants to get it done. Mr. Coffland stated we are working on it. Mr. Briggs said he did not want to hear that we're working on it; we have been working on it for seven months now. He said the present one is in a dump and you should go see the conditions they are working under. Mr. Coffland said we are working on a new kitchen and next week will be sending out RFQ's.

11:00 Public Hearing-Proposed Road Name Change

Present for the hearing were Engineer Fred Bennett and Engineer's Drafting Technician Ruth Graham. Ruth presented maps and advised the board that Keisha Whiteley proposed the name change. She and her husband are going to be building a home. She has had a house number issued to her. In Belmont County it is known as Wagner Road. When she uses that address, everyone is confused because the county line hooks up to Basket Road in Guernsey County. Her utilities, post office and phone company and even 911 are not recognizing the Wagner Road name. Every property owner along that stretch of roadway has been notified and there is not a problem with the change. Ms. Graham said there are no other homes on this road in Belmont County. It will not inconvenience anyone to change the name. Trustees have given their approval.

**IN THE MATTER OF ADOPTING THE RESOLUTION
TO CHANGE THE NAME OF WARREN TOWNSHIP ROAD 167 FROM
WAGNER ROAD TO BASKET ROAD/WARREN TOWNSHIP SEC. 36, T8, R6**

Motion made by Commissioner Favede, seconded by Commissioner Coffland to adopt the following:

**RESOLUTION TO CHANGE THE NAME
OF WARREN TOWNSHIP ROAD 167 FROM
WAGNER ROAD TO BASKET ROAD/WARREN TOWNSHIP SEC 36, T8, R6**

WHEREAS, a resident has submitted a request to change the name of Warren Township Road 167 from Wagner Road to Basket Road; and
WHEREAS, the Board of County Commissioners are empowered under Ohio Revised Code Section 5541.04 to change the name of a county or township road upon hearing and upon being satisfied that there is good cause for such and that it will not be detrimental to the general interest, and;

WHEREAS, a public hearing has been held on March 27, 2013, to determine sufficient merit and all parties are in agreement with the proposed road name change to officially establish and record the road name for Warren Township Road 167;

NOW, THEREFORE BE IT RESOLVED, the Belmont County Board of Commissioners declare that pursuant to Ohio Revised Code **5541.04**, the name of Warren Township Road 167, located in Section 36, T-8, R-6, shall be changed from Wagner Road to Basket Road, based upon the recommendation of the Warren Township Trustees and Belmont County Engineer Fred Bennett.

Upon roll call the vote was as follows:

Mrs. Favede	<u>Yes</u>
Mr. Coffland	<u>Yes</u>
Mr. Probst	<u>Yes</u>

Adopted this 27th day of March, 2013.

BELMONT COUNTY BOARD OF COMMISSIONERS
Ginny Favede /s/
 Ginny Favede, President
Matt Coffland /s/
 Matt Coffland, Vice-President
Charles R. Probst, Jr. /s/
 Charles R. Probst, Jr.

OPEN PUBLIC FORUM (continued) – Mrs. Favede stated her personal frustration is that we were talking about building two senior centers and the need for a full kitchen. She said we need a fulltime dedicated employee, Senior Services Coordinator or Executive Director, whatever you want to call them, to spend their every day making sure that those projects happen. She said Mr. Pielech, as he explained last year, spends one-fifth of his day taking care of seniors’ issues. There is no way we can saddle him with those three projects. She stated we need to hire someone to work fulltime. She stressed the following remark, “I cannot for the life of me understand why the seniors don’t deserve a fulltime person, with no disrespect whatsoever to Mr. Pielech.” She said with the amount of money we have collected in levy dollars sitting in a bank that we cannot afford a person to work fulltime to take care of this. She agrees that three years ago we did commit to that and we all agree it needs to be done. That is what lies between the accomplishment and where we sit today. Mrs. Favede said, “I propose that we go ahead and hire that person and put him or her in charge of those three projects and spend the year building that and at the same time simultaneously allowing the transition, that is going to take a long time, to happen while also accomplishing something.”

Mr. Coffland said he is not looking to argue or disagree with Commissioner Favede, but he wanted to explain how things were set up long before he was here. At no time in the last 18 months did Dwayne Pielech have the authority or the ability to spend capital money without coming before the County Commissioners to do it. The way it is set up, to this day Job & Family Services is the operating agency. Capital Improvement - when the van was bought, when the building was bought, when anything, it is brought to us to make that decision. That is the way it was set up under BSS and that is the way it is set up under Job & Family Services right now. He said to understand the way it is set up right now, we, as a board, did not give the Department of Job & Family Services the ability to, the finances or anything, to move capital projects forward. He said to sit and say that they did not do anything; they did not have the authority to do it. Mrs. Favede said that Mr. Coffland was twisting her words. She stated that she said we can’t ask him to take on that responsibility because he is already overwhelmed. She did not say that they did not do anything. Mr. Coffland said, “It is just frustrating because the system you want, is the system we have, and we pulled it from them. If you remember, I voted no on that at the time.” He said we are back again fighting the same fight.

Mr. Briggs stated when the board took them off of BSS, it was right now. It was a surprise. He says now this has been in discussion for seven months almost. He said you could have told the seniors what you were going to do. Mr. Coffland said he was against DJFS taking over, but he had no choice after the decision was made. Mr. Coffland said he did go to the centers to explain what this board did as a whole.

Mr. Probst asked the Clerk if there was a motion made to advertise for a Director for the senior program. She said she would need time to check. Mrs. Favede said a motion was made for something and this prompted the job descriptions being written by our attorney. Mr. Pielech joined today’s meeting, and Mrs. Favede said he does support it being moved out of his agency. She said he (Dwayne) is overwhelmed as Job & Family Services continues to go through changes and asked us for this change. Mr. Coffland asked him if he was for this. Mr. Pielech nodded his head in agreement. Mrs. Favede said he continues to have changes take place as a result of state actions on his department and his employees are struggling. She said the board addressed that on his behalf on Monday with our state legislators and there are more changes coming that we are not even being apprised of as far as Medicaid expansion. Mr. Pielech said, “As it is rolled out as an isolated agency, we want to make sure that we looked at every opportunity to still gain as much as non-levy monies as possible.” He said we want to make sure what is done is financially feasible. This is why it is taking longer than you may want it to be. Mr. Pielech said the last time people thought it was a hasty decision, and the board does not want to do that. Mr. Probst asked if the job description has been done at this point. He said if it is, he said to prepare a motion to advertise for a senior services coordinator. If it cannot be done today, we can do it next week. He wants to move this and see where we are going. He said it is time to get off dead center. Mr. Coffland said that is fine, but he has yet, as your elected official, seen any finances to go with this. He said he knows what this agency costs now to run at \$2.2 million. Now we are going to go advertise without any numbers hooked to it? Until he sees numbers, he cannot support this. He said if he is wrong, he will be the first to make the motion. He said the way things are today there are very few complaints.

Mr. Probst said he is only suggesting a one person change at this time and that is a coordinator and Mr. Pielech. Mr. Probst said, “He has too much going on at his agency and it continues every day with the cuts and everything else going on out there.” He said with the massive lay-offs that came and the continued funding cuts from the federal government through 2020, he’s (Mr. Pielech) got his hands full. This going to be done in phases to make sure it is done right and be cost effective.

**IN THE MATTER OF ENTERING
EXECUTIVE SESSION AT 11:15 A.M.**

Motion made by Mrs. Favede, seconded by Mr. Coffland to enter executive session with Dwayne Pielech, BCDJFS Director and Lori O’Grady, HR Manager, pursuant to ORC 121.22(G)(1) Personnel Exception to consider the discipline of a public employee and investigation of complaints against a public employee.

Upon roll call the vote was as follows:

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

**IN THE MATTER OF ADJOURNING
EXECUTIVE SESSION AT 12:25 P.M.**

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

Upon roll call the vote was as follows:

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

AS A RESULT OF EXECUTIVE SESSION, NO ACTION WAS TAKEN.

11:45 Fred Bennett, County Engineer

Re: Additional Permissive License Fee Tax

Mr. Bennett said he is requesting the Commissioners to consider implementing two additional \$5.00 license plate fees, one \$5.00 fee under ORC 4504.15 and the other under ORC 4504.16 and gave the following explanation for his request. The process requires a date and time be set for two public hearings and then the decision can be made. He said his department needs additional revenues. Since about 2008 their income has either dropped or become stagnant. Inflation has increased all of their costs. He noted construction inflation goes up a lot faster than general inflation. This money will not solve all their problems, but it will help. Many bridges still need replaced and many roads haven’t been paved for years. Mr. Bennett reported the bulk of their money comes from two sources, either license plate fees or gas tax. They do get minimal interest and some money from fines. In 2012 they received \$4,561,000.00. Back in 2007 they got \$4,677,000.00. They are getting less than they did six years ago. One thing contributing to that is the gas tax is a fixed rate regardless of the price of gas at the pump. People are driving less and cars have become more fuel efficient. The Engineer’s Department has cut back on number of employees. In 2007 there were 49 employees. Today there are 40. In 1976 when Mr. Bennett came to the county he had 96 employees. He said they have been as efficient as they can get. You need to maintain a certain amount of employees or the snow plowing would not be done in the winter. Mr. Bennett advised time is of the essence to pass this and set up the hearings. The public hearings need to be advertised and two hearings need to

be held. If the Commissioners pass a resolution to enact the tax, it has a 30 day waiting period before it becomes effective. The tax would be collected starting next January 1, if all the work is done and into the Bureau of Motor Vehicles before July 1, 2013. All the townships and all municipalities would also benefit from this. He noted it is not a lot of money for them, but as low as their incomes are, any little bit helps. Based on 2011 registrations, the BMV has projected this should bring in \$530,000.00 a year to the Engineer's Department, if both fees are enacted. The municipalities only benefit by the first \$5.00. As an example: If you lived in St. Clairsville and you buy a license plate, out of that \$10.00 one-half goes to the municipality and half of it to the county. On the township side, they get 30% of both of them. Example: If you lived in Pultney Township, they would get 30% of the first \$5.00 and 30% of the second \$5.00. He said there are a little bit of administrative costs that come off of that. It is estimated they would get over \$17,000.00 a year. For budgetary purposes you should figure 85% of that. Martins Ferry and Powhatan don't get any of it due to the fact that they by law were able to put their own \$5.00 tax on, which they did. They collect it all. Mr. Bennett asked the board to pass a resolution.

Mr. Probst questioned if this is an additional \$10.00. He said he thought it was going to be \$5.00. Mr. Bennett clarified it was for two (2) \$5.00 taxes for a total of \$10.00. Mr. Probst said we'd have to do \$5.00 to leave the municipalities out and then they could enact an additional \$5.00 themselves so we don't restrict the municipalities from getting the entire amount instead of a percent. Mr. Coffland said there is no other income for roads and this would help townships. Mr. Probst said at the CCAO Legislative Briefing held Monday there was a regional gathering of Commissioners and it was brought up that the gas tax did not meet the projections. Mr. Bennett stated 10-12 years ago it cost \$30,000.00 a mile to pave a road and now we are up to \$80,000.00-\$90,000.00 a mile. We have 200 miles of roads that need paved. He advised if the board acted on this today, they are not deciding to enact it or not. That won't be done until after the public hearings. This just starts the process.

Mrs. Favede said on Monday, the board hosted a CCAO Legislative Briefing with Representatives Cera, Thompson and Senator Lou Gentile and they addressed the decrease in the MVGT funds due to more fuel efficient cars, etc. She said the Transportation Committee is going to address retooling this to properly fund the county engineers. She said hopefully they will address this issue. Mr. Bennett replied that the gas tax is divided equally among all counties as opposed to the proposed fee being based on the number of registrations in your county. Mrs. Favede said the board has had some discussions in open public forum about the real need for money to pave roads. It is a constant issue. We have discussed weighing out this issue versus a small road levy where there would be a referendum which is voted on by the entire county and that money would be specifically slated for nothing else but paving of roads. She asked if this wasn't something that should be addressed in public hearings that instead of a \$10.00 license tax that a quarter of a mil levy be voted on.

Mr. Bennett said Deputy Engineer Mike Wahl would like to take all of the board on a trip to look at the condition of some of the county bridges and the disrepair of the beams. Mrs. Favede suggested a road levy would allow the Engineer special monies and he could use his funds specifically for bridges. Mr. Bennett said he is not using any money for paving right now because he doesn't have any. Mr. Probst said he thinks this might be what people don't understand. He said, "If this passes, they are going to think they are going to see new blacktop every year. They probably don't understand all the different things that Motor Vehicle Gas Tax (MVGT) pays for out of the Engineer's budget." Mr. Coffland said if you can only afford to pave 5 miles a year, both the license plate fee and additional millage would be needed to keep the necessary rotation for road paving as a road only lasts 7-10 years. He said, "It's going to take a lot."

IN THE MATTER OF SETTING DATES FOR PUBLIC HEARINGS FOR ADDITIONAL PERMISSIVE LICENSE FEE TAX FOR BELMONT COUNTY

County Commissioners' Office
Belmont County, Ohio
March 27, 2013

IN THE MATTER OF SETTING DATES FOR PUBLIC HEARINGS FOR ADDITIONAL PERMISSIVE LICENSE FEE TAX FOR BELMONT COUNTY.

The Board of County Commissioners of Belmont County, Ohio met in regular session on the 27th day of March, 2013 with the following members present:

Mr. Coffland moved the adoption of the following:

RESOLUTION

WHEREAS, Pursuant to the Ohio Revised Code Section 4504.15 and 4504.16, the Board of Belmont County Commissioners are, by the passing of this resolution, setting public hearings for the enactment of additional Permissive License Fee Tax to generate revenue pursuant to above mentioned ORC Sections.

NOW, THEREFORE, BE IT RESOLVED that the Board of Belmont County Commissioners does set

April 23 (Tues.) 2013 @ 10:30 a.m.

May 1 (Wed.) 2013 @ 10:30 a.m.

as dates and times to hold public hearings for the permissive license fee tax to become effective January 1, 2014: hearings are to be held in the Belmont County Commissioners' Office, Courthouse, St. Clairsville, Ohio and

BE IT FURTHER RESOLVED, that said Board does order the proper legal steps be taken to cause above set public hearings.

Mr. Probst seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the resolution as follows:

Adopted this
27th day of
March, 2013

**BOARD OF COUNTY COMMISSIONERS
BELMONT COUNTY, OHIO**

Ginny Favede /s/ Yes

Ginny Favede

Matt Coffland /s/ Yes

Matt Coffland

cc: Prosecuting Attorney
County Engineer

Charles R. Probst, Jr. /s/ Yes

Charles R. Probst, Jr.

Notice of Public Hearings

The Belmont County Commissioners will conduct two public hearings for the purpose of consideration of the adoption of the two additional \$5.00 Motor Vehicle Annual License Tax, for a total of \$10.00, as provided by Sections 4504.15 and 4504.16 of the Ohio Revised Code, per the request and recommendation of the Belmont County Engineer.

The first public hearing will be held on Tuesday, April 23, 2013 at 10:30 a.m. in the Commissioners meeting room at the Courthouse located at

101 W. Main Street, St. Clairsville, Ohio. The second hearing will be held on Wednesday, May 1, 2013 at 10:30 a.m. at the same location. All interested persons are hereby notified of their legal right to attend such hearings.

By order of the Belmont County Commissioners:

Jayne Long /s/

By Jayne Long, Clerk

Published two (2) Tuesdays, April 2, April 9, 2013

DISCUSSION HELD RE: ENGINEER'S DEPARTMENT – Regarding the above motion adopting the resolution, Mrs. Favede stressed for the record we are only voting to hold public hearings. We are not voting to enact this tax on the people. Mike Bianconi stated he is all for it. He again asked for \$1 million from the additional \$1.7 million brought in last year be given to the Engineer to pave roads. Mr. Probst again explained that would take an additional certification from the County Auditor for the board to be able to do that. He said we have already appropriated what the Auditor has certified for this year. Mr. Probst noted that half of the \$1.7 million was taken by insurance premium increases. Mr. Coffland said the Auditor certified \$17.4 million with anticipation that that is what is coming in this year. He said, “Sales tax may be up, but did it meet his prediction? Government is based on what is anticipated on what will come in.” He said it’s likely by the end of the year it could be higher than the \$17.4 million. Mr. Probst said the good thing is the county is doing very, very well at this point. We continue to grow every day. New businesses and new jobs are coming in. He said we are faced with a lot of difficulties everyday about where to appropriate monies with the advice of the County Auditor. We all work together with our office holders. Mike Bianconi said the Engineer has no money hid; he doesn’t have it. Mike said he needs help and he hopes the board puts the license fee tax on and gives him \$1 million.

Mrs. Favede asked for clarification from Mr. Bennett. It is her understanding that he has cut in the past 3-4 years, but the cuts were because he changed the way he was actually operating and he started contracting out work versus doing it himself. Mr. Bennett replied, “No, that hasn’t changed. We’ve had cuts because we had to have money to pay our employees, you know that fund is not.....” Mrs. Favede stated, “We didn’t have any fund issues until 2009. Mr. Bennett said, “When it started was about 2004 when there was a big increase in construction costs index and skyrocketed in one year like 40%. That’s what most of our expenses are, buying blacktop, concrete, salt and cinders. Salt was \$30.00 a ton and it has gotten up as high as \$65.00 a ton. It did drop this year. We all get a cost of living 3, 4 or 5% a year, but the construction materials have gone up.” He explained whether we contract out or don’t, we can build bridges. But we are limited by force account laws in the Ohio Revised Code that we have to do an estimate and if it is over \$100,000.00, we have to contract it out. We used to be able to build a 60 foot span bridge and be under those limits. Now we are down to around a 40 foot bridge at the maximum. He said when you contract out, you don’t save money; it is going to cost you more. The Engineer is also responsible for all township bridges over a 10 foot span.

**IN THE MATTER OF REAPPOINTING JOHN S. MATTOX
TO THE BELMONT-HARRISON JUVENILE DISTRICT
BOARD OF TRUSTEES**

Motion made by Mrs. Favede, seconded by Mr. Probst to reappoint Mr. John S. Mattox to the Belmont-Harrison Juvenile District Board of Trustees for a three-year term effective March 31, 2013 through March 30, 2016, based upon the approval and recommendation of Judge Mark Costine, Belmont County Juvenile Court pursuant to O.R.C. 2152.44.

Note: Thereafter, each appointment will be for a five-year term as set forth in the statute which calls for staggered terms.

Upon roll call the vote was as follows:

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

**IN THE MATTER OF REAPPOINTING MICHAEL J. SHAHEEN
TO THE BELMONT-HARRISON JUVENILE DISTRICT
BOARD OF TRUSTEES**

Motion made by Mrs. Favede, seconded by Mr. Coffland to reappoint Attorney Michael J. Shaheen to the Belmont-Harrison Juvenile District Board of Trustees for a one-year term effective March 31, 2013 through March 30, 2014, based upon the approval and recommendation of Judge Mark Costine, Belmont County Juvenile Court pursuant to O.R.C. 2152.44.

Note: Thereafter, each appointment will be for a five-year term as set forth in the statute which calls for staggered terms.

Upon roll call the vote was as follows:

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

**IN THE MATTER OF BELMONT-HARRISON
JUVENILE DISTRICT BOARD OF TRUSTEES**

Motion made by Mrs. Favede to reappoint Mr. Phil Wallace to the Belmont-Harrison Juvenile District Board of Trustees for a two-year term effective March 31, 2013 through March 30, 2015, based upon the approval and recommendation of Judge Mark Costine, Belmont County Juvenile Court pursuant to O.R.C. 2152.44.

Motion died for lack of a second.

**IN THE MATTER OF MOTION TO
ADJOURN MEETING**

Motion made by Mr. Coffland to adjourn the meeting.

DISCUSSION-Mrs. Favede asked that the board hold on adjourning to see if there was any further business.

Motion died for a lack of a second.

Break

**IN THE MATTER OF ADJOURNING
COMMISSIONERS MEETING AT 2:17 P.M.**

Motion made by Mrs. Favede, seconded by Mr. Coffland to adjourn the meeting at 2:17 p.m.

Upon roll call the vote was as follows:

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

Read, approved and signed this 3rd day of April, 2013.

_____ COUNTY COMMISSIONERS

We, Ginny Favede and Jayne Long, 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