

St. Clairsville, Ohio

September 7, 2011

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 Mr. Coffland, seconded by Mr. Probst, all members present voting YES, each bill was considered and it is hereby ordered that the County Auditor issue his warrant on the County Treasurer in payment of bills allowed.

<u>Claim of</u>	<u>Purposes</u>	<u>Amount</u>
A-Daft-Co., Inc.	Web Hosting-GIS Projects/General Fund	500.00
A-H.E. Neumann Co.	Contract services-App. #5-Thoburn Bldg./General Fund	12,863.25
A-Jeffrey A. Ross	Cruiser repairs/General Fund	2,832.54
C-Amanda Abrams	Attorney Fees/Indigent Guardianship Fund	300.00
O-Ohio Dept. of Development	Sept. loan payment/Fox Commerce Park/St OH Loan Repay Fund	3,280.66
S-Accessible Solutions, Inc.	Contracted Services/In Home Care Levy/Comm on Aging Fund	8,140.50
S-Stenograph, LLC	New court stenography machine//Common Pleas Ct. Gen. Spec. Proj.	4,433.00
W-Delinquent Tax Collectors of Ohio	MF Home Tax Collections/DRETAC Treasurer's Office Fund	1,593.63
W-Matthew Bender & Co.	Books/Law Library Fund	514.49
Y-St. Clairsville, City of	Resurfacing various streets/County Motor Vehicle License Tax Fund	52,905.70

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

Motion made by Mr. Coffland, seconded by Mr. Probst to approve the Recapitulation of Vouchers dated for September 7, 2011 as follow:

FUND	AMOUNT
A-GENERAL	\$888.87; \$1,275.63
A-GENERAL/AUDITOR	\$5,911.60
A-GENERAL/EMA	\$1,756.63
A-GENERAL/JUVENILE COURT	\$1,714.01
A-GENERAL/MAGISTRATE	\$161.02
A-GENERAL/SHERIFF	\$10,127.78
H-Job & Family, CSEA	\$496.70
H-Job & Family, Public Assistance	\$20,315.72
H-Job & Family, WIA	\$10,098.49
J-Real Estate Assessment	\$37,218.63
K-Engineer MVGT	\$8,614.25; \$1,199.38
M-Juvenile Ct. – Title IV-E Reimb.	\$508.73
M-Juvenile Ct. – Truant Officer Grant	\$135.90
S-District Detention Home	\$5,718.42
S-Job & Family, Children Services	\$26,736.53; \$12,781.37
S-Juvenile Ct. – General Special Projects	\$27.90
S-Oakview Juvenile Residential Center	\$6,581.57
S-Sheriff Commissary	\$325.39

Upon roll call the vote was as follows:

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

IN THE MATTER OF TRANSFERS WITHIN FUND FOR
THE GENERAL FUND/JUVENILE COURT

Motion made by Mr. Coffland, seconded by Mr. Probst to approve the following transfers within fund for the General Fund.

FROM	TO	AMOUNT
E-0082-A002-C23.000 Jurors Fees	E-0082-A002-C32.010 Supplies (fuel/repairs)	\$ 100.00
E-0082-A002-C24.000 Witness Fees	E-0082-A002-C32.010 Supplies (fuel/repairs)	\$ 100.00

Upon roll call the vote was as follows:

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

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

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

FROM	TO	AMOUNT
E-0181-A003-A10.004 Workers Comp	E-0181-A003-A08.000 Advertising & Print	\$ 1,872.92

Upon roll call the vote was as follows:

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

IN THE MATTER OF TRANSFER WITHIN FUND FOR THE ENGINEER'S MVGT FUND

Motion made by Mr. Coffland, seconded by Mr. Probst to approve the following transfer within fund for the Engineer's MVGT Fund.

FROM	TO	AMOUNT
E-2812-K000-K24.000 Other Expenses	E-2812-K000-K19.005 Medicare	\$ 6,000.00

Upon roll call the vote was as follows:

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

IN THE MATTER OF TRANSFER WITHIN FUND FOR THE ENGINEER'S MVGT FUND

Motion made by Mr. Coffland, seconded by Mr. Probst to approve the following transfer within fund for the Engineer's MVGT Fund.

FROM	TO	AMOUNT
E-2813-K000-K37.000 Other Expenses	E-2812-K000-K16.013 Cont-Proj.	\$ 57,801.29

Upon roll call the vote was as follows:

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

IN THE MATTER OF TRANSFERS BETWEEN FUNDS/ BELMONT COUNTY SANITARY SEWER DISTRICT

Motion made by Mr. Coffland, seconded by Mr. Probst to approve the following transfers between funds from the Water and Sewer Guarantee Deposit Fund to the Revenue Receipt Fund for the month of August, 2011.

FROM	TO	AMOUNT
E-3711-T010-T04.074 WSGDF Transfer Out	R-3701-P003-P15.574 WWS#2 01004002 Transfers In	189.73
E-3711-T010-T04.074 WSGDF Transfer Out	R-3702-P005-P15.574 WWS#3 02004002 Transfers In	882.78
E-3711-T010-T04.074 WSGDF Transfer Out	R-3704-P051-P08.574 SSD#1 03004003 Transfers In	305.20
E-3711-T010-T04.074 WSGDF Transfer Out	R-3705-P053-P08.574 SSD #2 04004002 Transfers In	133.72
E-3711-T010-T04.074 WSGDF Transfer Out	R-3706-P055-P08.574 SSD#3A 06004002 Transfers In	<u>142.20</u>
TOTAL		1,653.63

Upon roll call the vote was as follows:

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

IN THE MATTER OF ADDITIONAL APPROPRIATIONS FOR THE GENERAL FUND

Motion made by Mr. Coffland, seconded by Mrs. Favede 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-0056-A006-E01.002 Salaries – 911	\$56,000.00
E-0056-A006-E08.003PERS – 911	\$12,170.00
E-0056-A006-E10.005 Medicare – 911	<u>\$ 600.00</u>
Total	\$68,770.00

Upon roll call the vote was as follows:

Ms. Favede	Yes
Mr. Probst	Yes
Mr. Coffland	Yes

IN THE MATTER OF ADDITIONAL APPROPRIATIONS FOR THE GENERAL FUND

Motion made by Mr. Coffland, seconded by Mrs. Favede 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-0131-A006-A03.002 Jail Salaries	\$ 32,898.27
E-0131-A006-A02.002 Admin Salaries	\$ 4,163.22
E-0131-A006-A04.002 Road Salaries	\$ 30,816.75
E-0131-A006-A13.003 OPERS/SPRS	<u>\$ 12,286.00</u>
Total	\$ 80,164.24

Upon roll call the vote was as follows:

Ms. Favede	Yes
Mr. Probst	Yes
Mr. Coffland	Yes

IN THE MATTER OF ADDITIONAL APPROPRIATIONS FOR THE GENERAL FUND

Motion made by Mr. Coffland, seconded by Mrs. Favede 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-0181-A003-A02.000 Poll Workers Salaries	\$50,000.00
E-0181-A003-A03.010 Supplies	\$ 5,000.00
E-0181-A003-A06.011 Contract Services	\$30,000.00
E-0181-A003-A11.000 Other Expenses	<u>\$23,244.69</u>
Total	\$108,244.69

Upon roll call the vote was as follows:

Ms. Favede	Yes
Mr. Probst	Yes
Mr. Coffland	Yes

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

Motion made by Mr. Probst, seconded by Mr. Coffland to execute payment of Then and Now Certification dated October 5, 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:

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

IN THE MATTER OF GRANTING PERMISSION FOR COUNTY EMPLOYEES TO TRAVEL

Motion made by Mr. Probst, seconded by Mr. Coffland granting permission for county employees to travel as follows:
COMMISSIONERS – Cindi Henry to travel to Columbus, OH, on Sept. 9, 2011, to attend the CCAO County Administrators Meeting.
DJFS – Daisy Braun, Jack Irwin and approx. 20 members of St. C Senior Center to travel to Coleman's, Wonder Bread, Goodwill, etc., on Sept. 2, 2011.

Upon roll call the vote was as follows:

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

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

Motion made by Mr. Coffland, seconded by Mr. Probst to approve the minutes of the Belmont County Board of Commissioners regular meeting of July 27, 2011.

Upon roll call the vote was as follows:

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

IN THE MATTER OF RESOLUTION TO DESIGNATE THE OFFICIAL REPRESENTATIVE AND ALTERNATE FOR THE PURPOSE OF VOTING AT THE ANNUAL MEETING OF THE COUNTY COMMISSIONERS ASSOCIATION OF OHIO IN 2011

RESOLUTION TO DESIGNATE THE OFFICIAL REPRESENTATIVE AND ALTERNATE FOR THE PURPOSE OF VOTING AT THE ANNUAL MEETING OF THE COUNTY COMMISSIONERS ASSOCIATION OF OHIO IN 2011

Commissioner Coffland moved the adoption of the following resolution:

WHEREAS, Article IV, Section 6, of the Code of Regulations of the County Commissioners' Association of Ohio requires each member county to, for the purpose of voting at any annual or special meeting of the Association, designate an Official Representative and Alternate; and

WHEREAS, the designation of the Official Representative and Alternate for a county organized under the statutory form of county government shall be by resolution of the board of county commissioners; and

WHEREAS, in designating the Official Representative and Alternate only a member of the board of county commissioners is eligible to be designated as the Official Representative and Alternate;

NOW THEREFORE BE IT RESOLVED that Commissioner Ginny Favede is designated as the Official Voting Representative of Belmont County.

BE IT FURTHER RESOLVED that Commissioner Matt Coffland is designated as the Alternate Voting Representative of Belmont County.

The motion was seconded by Commissioner Probst.

Upon roll call the vote was as follows:

Commissioner Probst	<u>Yes</u>
Commissioner Coffland	<u>Yes</u>
Commissioner Favede	<u>Yes</u>

IN THE MATTER OF ADOPTING RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NO. 5 TO AN AGREEMENT OF SUBLEASE WITH RESPECT TO THE BELMONT COUNTY MULTI-COUNTY JUVENILE COURT REHABILITATION CENTER

The Board of County Commissioners of the County of Belmont, Ohio met in regular session this date with the following members present:

Mr. Coffland offered the following resolution and moved its passage, which motion was duly seconded by Mr. Probst.

A RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT NO. 5 TO AN AGREEMENT OF SUBLEASE WITH RESPECT TO THE BELMONT COUNTY MULTI-COUNTY JUVENILE COURT REHABILITATION CENTER

WHEREAS, pursuant to Chapter 152 of the Ohio Revised Code enacted under authority of the Constitution of Ohio, particularly Section 2i of Article VIII thereof, which authorizes the Ohio Building Authority ("Authority") to issue obligations of the State of Ohio as from time to time authorized by the General Assembly of the State of Ohio (the "General Assembly") to pay costs of capital facilities for the purpose of housing agencies of state government, including the housing of personnel, equipment or functions that such state agencies are responsible for housing, and pursuant to the authorization of the General Assembly contained in Amended Substitute Senate Bill No. 245 enacted by the 123rd General Assembly, Amended Substitute House Bill No. 640 enacted by the 123rd General Assembly, Amended Substitute House Bill No. 462 enacted by the 128th General Assembly, and other legislation heretofore or hereafter enacted by the General Assembly, the Authority intends to finance the costs of certain capital facilities, including the Belmont County Multi-County Juvenile Court Rehabilitation Center (the "Project"); and

WHEREAS, the Authority, by Resolution No. 1990-3 adopted June 5, 1990 (the "General Bond Resolution") and by a Trust Agreement dated as of June 1, 1990 (the "Original Trust Agreement", and as supplemented and amended from time to time, the "Trust Agreement"), has provided for the issuance from time to time of Juvenile Correctional Facilities Bonds (including bonds, notes or other evidences of obligation) of the State (the "Bonds") to, among other purposes, finance the acquisition, construction or renovation of single-county or joint-county juvenile facilities authorized under Section 2151.65 of the Ohio Revised Code, including the Project; and

WHEREAS, in order to provide for such financing and the construction of the Project, the County has previously entered into an Agreement of Sublease dated as of April 7, 1993 (the "Original Sublease", and as supplemented and amended from time to time, including by

Amendment No. 1 to Agreement of Sublease dated as of September 1, 1993, by Amendment No. 2 to Agreement of Sublease dated as of July 1, 2001, by Amendment No. 3 to Agreement of Sublease dated March 6, 2002, and by Amendment No. 4 to Agreement of Sublease dated Dec. 8, 2010 (collectively, the "Prior Amendments"), with the Ohio Department of Youth Services concerning the Project; and

WHEREAS, in view of an additional appropriation for the Project, the County and the Ohio Department of Youth Services wish to enter into an Amendment No. 5 to Agreement of Sublease (the "Amendment"), in order to amend the description of the Project contained in Exhibit A to the Original Sublease, as amended pursuant to the Prior Amendments.

NOW, THEREFORE, BE IT RESOLVED, that any two members of the Board of County Commissioners of the County are authorized and directed to execute and deliver, in the name and on behalf of the County, the Amendment between the County and the Ohio Department of Youth Services, in substantially the form submitted to and now on file with the County which is hereby approved, with such changes therein not inconsistent with this resolution as may be approved by such members of the Board of County Commissioners. The approval of such changes by said County Commissioners shall be conclusively evidenced by the execution of the Amendment by such County Commissioners; and

FURTHER RESOLVED, that each officer of the County and each member of the Board of County Commissioners are each separately authorized to take any and all actions and to execute such certificates and other instruments as may be necessary or appropriate in order to effect the intent of these resolutions; and

FURTHER RESOLVED, that it is found and determined that all formal actions of this Board of County Commissioners concerning and relating to the adoption of this resolution were taken in an open meeting of this Board of County Commissioners, and that all deliberations of this Board of County Commissioners and of any of its committees that resulted in those formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code; and

FURTHER RESOLVED, that this resolution shall take effect and be in force immediately upon its adoption and, to the extent inconsistent therewith, supersedes any prior resolution of this Board of County Commissioners.

Voting Aye thereon:

Date: Sept. 7, 2011

Matt Coffland /s/
County Commissioner
Charles R. Probst, Jr. /s/
County Commissioner
Ginny Favede /s/
County Commissioner

AMENDMENT NO. 5 TO AGREEMENT OF SUBLEASE
between
OHIO DEPARTMENT OF YOUTH SERVICES
and the
COUNTY OF BELMONT, OHIO

This AMENDMENT NO. 5 TO AGREEMENT OF SUBLEASE ("Fifth Amendment"), dated as of Sept. 7, 2011, between the DEPARTMENT OF YOUTH SERVICES (the "Department"), duly created and existing under and by virtue by Chapter 121 of the Ohio Revised Code as an administrative department of the State of Ohio (the "State") and the COUNTY OF BELMONT, OHIO (the "County"), a county and governmental subdivision of the State of Ohio duly and lawfully created and existing under the laws of the State;

WITNESSETH:

WHEREAS, the Department and the County have heretofore entered into an Agreement of Sublease dated as of April 17, 1993 (the "Original Sublease") with respect to the Belmont County Multi-County Juvenile Court Rehabilitation Center (the "Project");

WHEREAS, the description of the Project set forth in Exhibit A to the Original Sublease has heretofore been amended pursuant to the terms of: (i) an Amendment No. 1 to Agreement of Sublease, dated as of September 1, 1993 (the "First Amendment"), (ii) an Amendment No. 2 to Agreement of Sublease dated as of July 1, 2001 (the "Second Amendment"), (iii) an Amendment No. 3 to Agreement of Sublease, dated as of March 6, 2002 (the "Third Amendment"); and (iv) an Amendment No. 4 to Agreement of Sublease, dated as of December 8, 2010 (the "Fourth Amendment," and collectively with the First Amendment, the Second Amendment and the Third Amendment, the "Prior Amendments") each between the parties hereto; and

WHEREAS, the parties hereto desire to further amend the description of the Project set forth in Exhibit A to the Original Sublease, as amended pursuant to the Prior Amendments, in order to more accurately describe the Project;

NOW, THEREFORE, in consideration of the premises and the mutual covenants herein set forth, the parties hereto agree as follows:

Section 1. Amendment and Restatement of Exhibit A. Exhibit A to the Original Sublease, as previously amended by the Prior Amendments, is hereby amended and restated in its entirety in the form of the Fifth Amended and Restated Exhibit A attached hereto and made a part hereof.

Section 2. Original Sublease Unaltered. Except as expressly modified hereby, the Original Sublease, as amended and supplemented by the Prior Amendments, remains unaltered and in full force and effect.

Section 3. Effect of Fifth Amendment. This Fifth Amendment shall be considered an integral part of the Original Sublease, as amended, and all references to the Sublease in the Original Sublease, as amended, or any document referring thereto shall, on and after the date of this Fifth Amendment, be deemed to be references to the Original Sublease, as previously amended and as amended by this Fifth Amendment.

Section 4. Binding Effect. The Fifth Amendment shall inure to the benefit of and shall be binding upon the Department and the County and their respective permitted successors and assigns.

Section 5. Counterparts. This Fifth Amendment may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

Section 6. Governing Law. This Fifth Amendment is and shall be deemed to be a contract made under the laws of the State and for all purposes shall be governed by and construed in accordance with the laws of the State.

IN WITNESS WHEREOF, the parties hereto have caused this Fifth Amendment to be executed by their duly authorized officers or representatives as of the day and year first hereinabove set forth, but actually on the dates of their respective acknowledgements.

OHIO DEPARTMENT OF YOUTH SERVICES

By: _____

Harvey J. Reed, Director

COUNTY OF BELMONT, OHIO

By: Matt Coffland /s/

County Commissioner

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

County Commissioner

By: Ginny Favede /s/

County Commissioner

Upon roll call the vote was as follows:

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

**IN THE MATTER OF AWARDING BID, ENTERING INTO
CONTRACT AND ISSUING NOTICE TO PROCEED FOR THE
WHEELING TOWNSHIP STREET IMPROVEMENTS PROJECT/
CDBG FORMULA PROJECT**

Motion made by Mr. Coffland, seconded by Mr. Probst to award the bid, enter into contract and issue the Notice to Proceed for the Wheeling Township Street Improvements Project, a 2010 CDBG Formula project, to Lash Paving, Inc., Colerain, Ohio, in the amount of \$29,200.50 based upon the recommendation of A.C. Wiethe, Assistant Director of Management Services, Belomar Regional Council.

NOTICE OF AWARD

To: Lash Paving Inc.
P.O. Box 296
Colerain, OH 43916

PROJECT Description: furnish all service, labor, material and equipment necessary to perform Street Improvement work in Wheeling Township, Belmont County, Ohio

The OWNER has considered the BID submitted by you on August 31, 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 \$ 29,200.50.

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 7th day of September, 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 7th day of September, 2011, by and between Lash Paving, 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, materials, and perform and complete all work required for the construction of the improvements embraced in the project; namely, Wheeling Township Street Improvements Project², and required supplemental work for the project all in strict accordance with the Contract Documents including all addenda thereto, numbered 1, dated 7/26/11, and N/A dated _____ all as prepared by Belmont County Engineer 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 Nine Thousand Two Hundred and 50/100***** (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 _____; 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:

OWNER: Belmont County Commissioners

Signature

Matt Coffland /s/

Typed/printed name

Signature

Title

Matt Coffland

Typed/printed name

President

Title

NOTICE TO PROCEED

To: Lash Paving, Inc.
P.O. Box 296
Colerain, OH 43916

PROJECT Description: furnish all service, labor, material and equipment necessary to perform Street Improvement work in Wheeling Township, Belmont County, Ohio

You are hereby notified to commence WORK in accordance with the Agreement dated September 7, 2011 on or before , 2011. The date of completion of all WORK is October 31, 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
Mr. Probst Yes
Mrs. Favede Yes

IN THE MATTER OF AWARDING BID, ENTERING INTO CONTRACT AND ISSUING NOTICE TO PROCEED FOR THE MEAD TOWNSHIP STREET IMPROVEMENTS PROJECT/ CDBG FORMULA PROJECT

Motion made by Mr. Coffland, seconded by Mr. Probst to award the bid, enter into contract and issue the Notice to Proceed for the Mead Township Street Improvements Project, a 2010 CDBG Formula project, to Shelly & Sands, Inc., Rayland, Ohio, in the amount of \$55,230.50 based upon the recommendation of A.C. Wiethe, Assistant Director of Management Services, Belomar Regional Council.

NOTICE OF AWARD

To: Shelly & Sands, Inc.
P.O. Box 66
Rayland, Ohio 43943

PROJECT Description: furnish all service, labor, material and equipment necessary to perform Street Improvement work in Mead Township, Belmont County, Ohio

The OWNER has considered the BID submitted by you on August 31, 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 \$ 55,230.50.

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 7th day of September, 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 7th day of September, 2011, by and between Shelly & Sands, 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, materials, and perform and complete all work required for the construction of the improvements embraced in the project; namely, Mead Township Street Improvements Project², and required supplemental work for the project all in strict accordance with the Contract Documents including all addenda thereto, numbered 1, dated 7/26/11, and N/A dated all as prepared by Belmont County Engineer 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 Fifty Five Thousand Two Hundred Thirty and 50/100***** (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: Shelly & Sands, 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: Shelly & Sands, Inc.
P.O. Box 66
Rayland, Ohio 43943

PROJECT Description: furnish all service, labor, material and equipment necessary to perform Street Improvement work in Mead Township, Belmont County, Ohio

You are hereby notified to commence WORK in accordance with the Agreement dated September 7, 2011 on or before September 19, 2011. The date of completion of all WORK is October 31, 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
Mr. Probst	Yes
Mrs. Favede	Yes

IN THE MATTER OF ADOPTING A RESOLUTION TO TERMINATE THE T-70 FEMA NEFFS MITIGATION FUND AND REPLACE THE BALANCE TO THE T-12 BELMONT COUNTY REVOLVING LOAN FUND

The Board of County Commissioners of Belmont County, Ohio met in regular session on the 7th day of September, 2011. Commissioner Coffland moved the adoption of the following:

RESOLUTION

WHEREAS, it has been presented to the Belmont County Auditor that Fund T-70 FEMA Mitigation Neffs Fund account, was originally a result of the issuance of Revolving Loan Fund monies in September 2008 for the mitigation of several properties located in the 2004 flooded areas of Neffs, Ohio; and

WHEREAS, several property owners participated in the 2004 FEMA Mitigation; and

WHEREAS, the deadline for filing for the 2004 FEMA Mitigation has passed; and

WHEREAS, this Fund is now inactive, having no activity and the undertaking for which it existed has ceased.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners, Belmont County, Ohio formally requests that the T-70 FEMA Mitigation Fund be terminated with its remaining balance replaced to the T12 Revolving Loan Fund of Belmont County.

Commissioner Probst seconded the motion and upon roll call the foregoing was unanimously adopted this 7th day of September, 2011.

BELMONT COUNTY COMMISSIONERS

Matt Coffland /s/

Matt Coffland – President

Charles R. Probst, Jr. /s/

Charles R. Probst, Jr. – Vice President

Ginny Favede /s/

Ginny Favede

IN THE MATTER OF APPOINTING SUE DOUGLASS TO THE EASTERN OHIO DEVELOPMENT ALLIANCE (EODA) BOARD OF DIRECTORS

Motion made by Mr. Coffland, seconded by Mr. Probst to appoint Sue Douglass, Executive Director of the Belmont County CIC/DOD, to the Eastern Ohio Development Alliance (EODA) Board of Directors for a two year term commencing January 1, 2012 through December 31, 2013.

Upon roll call the vote was as follows:

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

IN THE MATTER OF APPROVING AND AUTHORIZING THE PRESIDENT OF THE BOARD TO EXECUTE THE U.S. BANK VOYAGER POLITICAL SUBDIVISION FLEET CARD APPLICATION ON BEHALF OF THE SHERIFF'S DEPARTMENT

Motion made by Mrs. Favede, seconded by Mr. Probst to approve and authorize the President of the Board to execute the U.S. Bank Voyager Political Subdivision Fleet Card Application on behalf of the Belmont County Sheriff's Department for a universal credit card to be used for the purchase of gasoline at participating gas stations.

Upon roll call the vote was as follows:

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

OPEN PUBLIC FORUM
IN THE MATTER OF DISCUSSION HELD RE: THE STATUS OF
THE TRANSFER OF SENIOR SERVICES TO BELMONT COUNTY DJFS

Dwayne Pielech, director of Belmont County Department of Job and Family Services, answered questions concerning the planned Oct. 1 takeover of duties and responsibilities from Belmont Senior Services.

Several representatives from the American Association of Retired Persons were present to hear the address.

He reported on the progress of this transition, noting that he has met weekly with the Senior Services board of trustees. He also meets regularly with the commissioners. "Ultimately this is about serving seniors," Mr. Pielech said.

He noted 48 people have been hired from Belmont Senior Services, including drivers, medical personnel, managers, administrators and nutritionists.

Concerning the meal program, Mr. Pielech pointed out that the senior services kitchen staff was now working at Belmont Community Hospital. Meal output will begin soon, starting with 100 clients as a test before covering the entire county by Oct. 1. It is possible that Saturday meals could be added to the five weekly hot meals later this fall. He said 70 more seniors are receiving meals today than one month ago.

The hospital also provides the option of added services at no cost such as screening, etc., through their educational center.

He noted they are also in the process of transferring the meal schedule and routes to a digital plan. Mr. Pielech added that he has met with the Mid-Ohio Food Bank. He said they BSS was serving 300 boxes of commodities monthly from Mid-Ohio Food Bank. Mr. Pielech wants to continue working them and said a tractor trailer is coming to Lansing in the near future that will allow 80 seniors to receive fresh produce at no cost. A regional warehouse may be established in Belmont County.

Mary Harrison asked if there is a savings on the meals. Mr. Pielech replied that the cost of meals will be reduced from \$7.10 to \$3.50, not including delivery cost in either case.

Mr. Pielech said homemaker services will roll over to private companies and the majority of seniors are visited by a homemaker one hour per week. By eliminating upper management, Belmont County DJFS was able to save half a million dollars in salaries. This levy money may now be placed back in homemaker funds. He added that those receiving more than one hour's homemaking assistance will not see a reduction.

He said that the department is also finalizing leases on the centers and looking into specific situations, such as the Flushing Senior Center, which needs a new site.

Also, the phone numbers for medical, transportation, utility and other services offered by the Senior Services are being transferred to DJFS. Mr. Pielech said services would be age based, not income based. Clients do not need to belong to a senior center to receive services, and the DJFS will handle billing. Mr. Pielech said, "Things are moving in the right direction."

Geary Battistelli inquired about the control and distribution of levy funds. Mr. Pielech said he would submit an annual budget to the commissioners for approval.

Coffland noted that the problem started when Senior Services submitted a budget of \$1.9 million for 2010, then \$2.9 million in 2011 and \$2.5 million for this year.

"We are here to watch your dollars," he said. "On the path we were going we were looking at deficit spending in a couple of years."

Mr. Pielech advised that he is managing the senior services program with no salary increase. Mrs. Favede explained that Dwayne's recent \$1 per hour increase was granted from the general fund to all general fund department heads including EMA, 911, Sanitary Sewer and Maintenance and was not from levy funds. Mr. Coffland said it's his opinion that Mr. Pielech's department does need compensated for taking on a major program and the additional workload.

Mr. Battistelli asked if there was any intent to dissolve the Belmont Senior Services after the changeover. He said in the event that DJFS was unable to secure the funding they hope for, services might have to be transferred back.

Mr. Pielech said there was no intent to dissolve the Senior Services. Mr. Battistelli encouraged the public to work with Pielech and the DJFS in the interest of a smooth transition and the continuation of future services.

In regards to federal dollars, Mr. Pielech explained that while several components of Senior Services are federally reimbursed through title programs, they won't truly know the extent of reimbursement until DJFS takes over the agency's cases and are delivering services.

IN THE MATTER OF ADOPTING PROCLAMATION
IN HONOR OF NATIONAL ALCOHOL AND DRUG
ADDICTION RECOVERY MONTH

Motion made by Mrs. Favede, seconded by Mr. Probst to adopt the proclamation in honor of **National Alcohol and Drug Addiction Recovery Month**.

PROCLAMATION
IN HONOR OF
"NATIONAL ALCOHOL AND DRUG ADDICTION
RECOVERY MONTH"

WHEREAS, behavioral health is an essential part of health and one's overall wellness, and prevention works, treatment is effective, and people can and do recover from substance use and mental disorders; and

WHEREAS, all people have the fundamental and inherent value to be accepted and treated with respect, human dignity, and worth; and

WHEREAS, individuals should have access to fully participate in community life including economic advancement and prosperity; fair and decent housing; quality education; positive opportunities to benefit from and contribute to material, cultural, and social progress; and

WHEREAS, it is critical to educate our policymakers, friends and family members, health care providers, and businesses that substance use and mental disorders are treatable, and that people should seek assistance for these conditions, with the same urgency as they would any other health condition; and

WHEREAS, all Americans have the opportunity to access provisions within the Affordable Care Act and Mental Health Parity and Addictions Equity Act (MHPAEA), aimed to improve physical and emotional health while ensuring people will receive the care they need at a more reasonable cost; and

WHEREAS, substance use and mental disorders are serious public health problems. In 2009, 4.3 million people received treatment for a substance use disorder and 30.2 million people for a mental health problem (*2009 National Survey on Drug Use and Health*), we must continue to reach the millions more who need help; and

WHEREAS, to help more people achieve long-term recovery, and learn how recovery positively benefits the Nation's overall well-being, the U.S. Department of Health and Human Services (HHS), the Substance Abuse and Mental Health Services Administration (SAMHSA), the White House Office of National Drug Control Policy (ONDCP), and Crossroads Counseling invite all residents of Belmont County to participate in *National Recovery Month: Prevention Works, Treatment is Effective, People Recover (Recovery Month)*; and

NOW, THEREFORE, BE IT RESOLVED, that the Belmont County Board of Commissioners do hereby proclaim the month of September 2011 as ***National Recovery Month: Prevention Works, Treatment is Effective, People Recover*** in Belmont County and call upon the people of Belmont County to observe this month with appropriate programs, activities, and ceremonies supporting this year's theme, "*Join the Voices for Recovery: Recovery Benefits Everyone.*"

Adopted this 7th day of September, 2011

BELMONT COUNTY COMMISSIONERS

Matt Coffland /s/
Matt Coffland, President

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

Ginny Favede /s/
Ginny Favede

IN THE MATTER OF BID OPENING FOR THE

CDBG VILLAGE OF YORKVILLE STREET IMPROVEMENTS

This being the day and 10:00 a.m. being the hour that bids were to be on file in the Commissioners' Office for the CDBG Village of Yorkville Street Improvements, they proceeded to open the following bids:

Present for the bid opening were A.C. Wiethe, Belomar Regional Council and Robert DeFrank, Times Leader.

NO BIDS RECEIVED

IN THE MATTER OF BID OPENING FOR SOUTH SCHOOL ROOF REPLACEMENT

This being the day and 10:30 a.m. being the hour that bids were to be on file in the Commissioners' Office for the South School Roof Replacement, they proceeded to open the following bids:

NAME	BID BOND	BID AMOUNT
Kalkreuth Roofing and Sheet Metal P.O. Drawer 6399 41 – 40 th Street Wheeling, WV 26003	X	\$ 212,900.00
N.F. Mansuetto & Sons, Inc. 116 Wood Street Martins Ferry, OH 43935	X	\$ 179,925.00

Present for the bid opening were Robert DeFrank of The Times-Leader, Al Molnar of The Intelligencer and Steve Ochap of Mansuetto Roofing.

Motion made by Mr. Probst, seconded by Mr. Coffland to turn over all bids received for the South School Roof Replacement to Bob Roth, Maintenance Supervisor for Belmont County DJFS, for review and recommendation.

Upon roll call the vote was as follows:

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

IN THE MATTER OF FINAL PLAT APPROVAL FOR JENNY LYNN DR. EXTENSION (PRIVATE ROAD) UNION TOWNSHIP, SEC 16 & 22, T-8, R-5

“Hearing Had-10:45 A.M.”

Present for the hearing were Ruth Graham, Engineer's Drafting Technician, who explained this is a roadway extension to an existing subdivision. The board reviewed the maps presented. Ruth advised the extension will not cause a landlock situation.

“FINAL PLAT APPROVAL”

O.R.C. 711.05

Motion made by Mr. Probst to grant the final plat for the following:

RESOLUTION

WHEREAS, this day there was presented to the Board for approval the Final Plat for Jenny Lynn Drive Extension (Private Road), Union Township, Section 16 & 22, T-8, R-5, 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:

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

Note Commissioner Probst stepped out of the meeting, but returned during executive session.

IN THE MATTER OF ENTERING EXECUTIVE SESSION AT 11:00 A.M.

Motion made by Mrs. Favede, seconded by Mr. Coffland to enter executive session with Dwayne Pielech, Director, Belmont County DJFS, pursuant to O.R.C. 121.22 (G)(1) Personnel Exception to consider the employment of a public employee.

Upon roll call the vote was as follows:

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

IN THE MATTER OF ADJOURNING EXECUTIVE SESSION AT 11:17 A.M.

Motion made by Mr. Coffland, seconded by Mrs. Favede to adjourn executive session at 11:17 a.m.

Upon roll call the vote was as follows:

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

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

IN THE MATTER OF AUTHORIZING THE DIRECTOR OF THE BELMONT COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES TO HIRE A FLOOD GRANT COORDINATOR TO OVERSEE THE FLOOD GRANT CREWS

Motion made by Mrs. Favede, seconded by Mr. Coffland to adopt the following resolution:

WHEREAS, pursuant to the Ohio Revised Code, the Belmont County Board of Commissioners serves as co-appointing authority for the Belmont County Department of Job and Family Services;

WHEREAS, in this capacity, the Board has the authority to establish compensation and benefit levels and authorize any hiring and/or other employment changes, and

NOW THEREFORE, BE IT RESOLVED THAT, the Belmont County Board of Commissioners does hereby grant the Director of the Belmont County Department of Job and Family Services the authority to fill the position of Flood Grant Coordinator to oversee and coordinate the flood grant crews. The position shall be a temporary position without benefits. Compensation shall be based upon the appropriate BCDJFS pay schedule. Length of employment shall be contingent upon the continued funding under the current Flood Grant.

Upon roll call the vote was as follows:

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

IN THE MATTER OF ADOPTING THE RESOLUTION RE: ESTABLISHING UTILITY ACCOUNTS ON BEHALF OF

**BELMONT COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES
AND LEASE TERMINATION NOTICE PERIODS FOR SENIOR CENTER LEASE AGREEMENTS**

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

Resolution

WHEREAS, the Belmont County Commissioners (“Commissioners”) have previously authorized the renting or leasing of space at the various senior centers in Belmont County so the Belmont County Department of Job & Family Services (“BCDJFS”) may deliver senior services there; and

WHEREAS, at many of those Senior Centers the tenant pays only for utilities; and some are owned by senior citizen groups and there has been no formal lease; and at one or more, the landlord has asked for 60 days notice, rather than 30 days, if the County wants to terminate the rent/lease agreement;

NOW THEREFORE, BE IT RESOLVED, that the Commissioners Fiscal Manager, working in conjunction with the Director of BCDJFS, is authorized to establish utility accounts on behalf of the BCDJFS as necessary to continue the transition of senior services to BCDJFS while the parties work out additional terms; and be it further resolved that the lease agreement may provide for a termination notice period of 60 days, or another longer period that will benefit the County.

Upon roll call the vote was as follows:

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

BREAK – 12:00 Grand Opening-Belmont County Fair

RECONVENE THURSDAY, SEPTEMBER 8, 2011-PRESENT: COMMISSIONERS GINNY FAVEDE AND MATT COFFLAND

ABSENT: COMMISSIONER CHARLES R. PROBST, JR.

IN THE MATTER OF ENTERING EXECUTIVE SESSION

Motion made by Mr. Coffland, seconded by Mrs. Favede to enter executive session with Dwayne Pielech, Director, Belmont County DJFS, pursuant to O.R.C. 121.22 (G)(1) Personnel Exception to consider 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 8:59 A.M.

Motion made by Mr. Coffland, seconded by Mrs. Favede to adjourn executive session at 8:59 a.m.

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 AUTHORIZING

THE HIRING OF MEREDITH TOTTERDALE AS A FULL TIME PERMANENT CASE MANAGER – PUBLIC ASSISTANCE FOR THE BELMONT COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES

Motion made by Mr. Coffland, seconded by Mrs. Favede to authorize the following:

WHEREAS, pursuant to the Ohio Revised Code, the Belmont County Board of Commissioners serves as co-appointing authority for the Belmont County Department of Job and Family Services;

WHEREAS, in this capacity, the Board has the authority to establish compensation and benefit levels and authorize any hiring and/or other employment changes, and

NOW THEREFORE, BE IT RESOLVED THAT, the Belmont County Board of Commissioners does hereby grant the Director of the Belmont County Department of Job and Family Services the authority to hire Meredith Totterdale as a Public Assistance Case Manager. Ms. Totterdale will be employed as a full time permanent, bargaining unit employee. Her wage compensation shall be in accordance with the salary schedule as indicated in the current bargaining unit labor contract.

Upon roll call the vote was as follows:

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

IN THE MATTER OF ADJOURNING

COMMISSIONERS MEETING AT 9:07 AM.

Motion made by Mr. Coffland, seconded by Mrs. Favede to adjourn the meeting at 9:07 a.m.

Upon roll call the vote was as follows:

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

Read, approved and signed this 14th day of September, 2011.

 _____ COUNTY COMMISSIONERS

We, Matt Coffland 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