

The Board of Commissioners of Belmont County, Ohio, met this day in regular session. Present: Ryan E. Olexo, Charles R. Probst and Mark A. Thomas, Commissioners and Darlene Pempek, Clerk of the Board. Minutes of the meeting of March 27, 2002, were read, approved and signed.

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

**IN THE MATTER OF THE ALLOWANCE OF BILLS**  
**AS CERTIFIED IN THE AUDITOR'S OFFICE.**

**"BILLS ALLOWED"**

The following bills having been certified in the Auditor's office, on motion by Mr. Olexo, seconded by Mr. Probst all members present voting YES, each bill was considered and it is hereby ordered that the County Auditor issue his warrant on the County Treasurer in payment of bills allowed.

Claim of	Purposes	Amount
Wheeling Health Right	'02 Allocation-General	40,000.00
Columbia Gas	Service-Dog Kennel	441.14
Debbie Schaafsma	Reimburse/Rabbit kill-Dog Kennel	1,380.00
Carol Henderson-Drake, Teacher	Restitution pmt/Josh Richards-Juv Court	20.00
Marathon Oil	Gas/Drug Court-Juvenile Court	123.39
Bob's Chevrolet, Olds, Buick, Geo	Oil change/Drug Court car-Juvenile Ct.	19.85
1 Step Direct	Drug screens/Drug Court-Juvenile Court	289.25
National Safety Council	Computer correspondence crse-Disaster Srv	349.00
Times Leader	WWS #3 2000 waterline ext-Sanitary Sewer	393.75
Eastern Ohio Regional Wastewater	Sewage disposal/Neffs-Sanitary Sewer	1,918.66
American Electric Power	Misc. service/WW#1-Sanitary Sewer	310.90

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

Motion made by Mr. Thomas, seconded by Mr. Olexo to approve the Recapitulation of Vouchers for the various funds dated for March 29, 2002 as follow:

FUND	AMOUNT
General	\$12,529.78, \$2,715.78
General/Sheriff	\$17,757.10
Litter Control	\$295.66
County Home	\$16,821.97
Engineer's MVGT	\$1,235.49, \$7,411.01
C-Cap/Juvenile Court	\$816.56
Sanitary Sewer District	\$13,047.48, \$356.97, \$71.99, \$971.93
Oakview Juvenile Rehab District	\$851.50
Oakview Juvenile Rehab/Americorps	\$158.14
Western Division Court	\$905.88

Upon roll call the vote was as follows:

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

**IN THE MATTER OF TRANSFER**  
**WITHIN FUND FOR THE BELMNT COUNTY**  
**GENERAL FUND**

Motion made by Mr. Olexo, seconded by Mr. Probst to make the following transfer of funds as follows for the General Fund.

FROM	TO	AMOUNT
A401-A11 Other Expenses	A102-B10	\$16,522.62

Upon roll call the vote was as follows:

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

**IN THE MATTER OF TRANSFER**  
**WITHIN FUND FOR THE T012 TITLE III**  
**CENTRAL OHIO COAL FUND/JOB AND FAMILY**

Motion made by Mr. Olexo, seconded by Mr. Probst to approve the following transfer within fund for the T012 Title III Central Ohio Coal Fund.

FROM	TO	AMOUNT
T012-A01 Admn.	T012-T01 Trng.	\$2,000.00

Upon roll call the vote was as follows:

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

**IN THE MATTER OF MONTHLY TRANSFER OF**  
**FUNDS FOR BELMONT COUNTY SANITARY SEWER**

Motion made by Mr. Thomas, seconded by Mr. Olexo to make the following monthly transfer of funds dated for the month of March for the Belmont County Sanitary Sewer Department.

FROM	TO	AMOUNT
P003-P18 SUPPLIES	Y090-Y02 SUPPLIES	77.52
P003-P19 EQUIPMENT	Y090-Y03 EQUIPMENT	2518.28
P003-P20 LABOR	Y090-Y04 LABOR	0.00
P003-P21 MATERIALS	Y090-Y05 MATERIALS	1834.20
P003-P22 CONTRACT REP.	Y090-Y06 CONTRACT REP.	124.25
P003-P23 CONTRACT SERV.	Y090-Y07 CONTRACT SERV.	752.21
P003-P24 CONTRACT PROJ.	Y090-Y08 CONTRACT PROJ.	.00
P003-P25 PURCHASED H2O	Y090-Y09 PURCHASED H2O	46135.05
P003-P27 ADV & PRINTING	Y090-Y04 ADV & PRINTING	0.00
P003-P28 TRAVEL & EXP.	Y090-Y11 TRAVEL & EXP.	30.86
P003-P29 PERS	Y090-Y12 PERS	6500.00
P003-P30 WORKERS' COMP	Y090-Y13 WORKERS' COMP	0.00
P003-P31 OTHER EXPENSES	Y090-Y14 OTHER EXPENSES	1782.90
P003-P32 TRANSFERS-OUT	Y090-Y17 TRANSFERS-OUT	1679.37
P003-P35 MEDICARE	Y090-Y18 MEDICARE	0.00
TOTAL		61434.64
P005-P18 SUPPLIES	Y090-Y02 SUPPLIES	146.37
P005-P19 EQUIPMENT	Y090-Y03 EQUIPMENT	9143.63
P005-P21 MATERIALS	Y090-Y05 MATERIALS	12356.75
P005-P22 CONTRACT REP.	Y090-Y06 CONTRACT REP.	234.49
P005-P23 CONTRACT SERV.	Y090-Y07 CONTRACT SERV.	24550.48
P005-P24 CONTRACT PROJ.	Y090-Y08 CONTRACT PROJ.	9169.99
P005-P25 PURCHASED H2O	Y090-Y09 PURCHASED H2O	943.23
P005-P27 ADV & PRINTING	Y090-Y10 ADV & PRINTING	183.75
P005-P28 TRAVEL & EXP.	Y090-Y11 TRAVEL & EXP.	58.27
P005-P29 PERS	Y090-Y12 PERS	19091.58
P005-P30 WORKERS' COMP	Y090-Y13 WORKERS' COMP	0.00
P005-P31 OTHER EXP.	Y090-Y14 OTHER EXP.	4426.64
P005-P34 TRANSFERS-OUT	Y090-Y17 TRANSFERS-OUT	2710.36
P005-P35 MEDICARE	Y090-Y18 MEDICARE	0.00
TOTAL		83015.54
P051-P02 SUPPLIES	Y090-Y02 SUPPLIES	33.12
P051-P03 EQUIPMENT	Y090-Y03 EQUIPMENT	1044.04
P051-P05 MATERIALS	Y090-Y05 MATERIALS	487.69
P051-P06 CONTRACT REP.	Y090-Y06 CONTRACT REP.	1.00
P051-P07 CONTRACT SERV.	Y090-Y07 CONTRACT SERV.	246.89
P051-P08 CONTRACT PROJ	Y090-Y08 CONTRACT PROJ	0.00
P051-P09 SEWAGE DIS.	Y090-Y08 SEWAGE DIS.	12877.60
P051-P11 ADV & PRINTING	Y090-Y10 ADV & PRINTING	0.00
P051-P12 TRAVEL & EXP	Y090-Y11 TRAVEL & EXP	13.18
P051-P13 PERS	Y090-Y12 PERS	1851.58
P051-P14 WORKERS' COMP	Y090-Y13 WORKERS' COMP	0.00
P051-P15 OTHER EXP.	Y090-Y14 OTHER EXP.	609.18
P051-P16 TRANSFERS OUT	Y090-Y17 TRANSFERS OUT	0.00
P051-P35 MEDICARE	Y090-Y18 MEDICARE	0.00
TOTAL		17164.28
P053-P02 SUPPLIES	Y090-Y02 SUPPLIES	13.37
P053-P03 EQUIPMENT	Y090-Y03 EQUIPMENT	1338.22
P053-P05 MATERIALS	Y090-Y05 MATERIALS	962.99
P053-P06 CONTRACT REP.	Y090-Y06 CONTRACT REPAIRS	495.40
P053-P07 CONTRACT SERV.	Y090-Y07 CONTRACT SERV.	3968.77
P053-P08 CONTRACT PROJ	Y090-Y08 CONTRACT PROJ	0.00
P053-P09 SEWAGE DIS.	Y090-Y09 SEWAGE DIS.	22418.03
P053-P11 ADVER.&PRINTING	Y090-Y10 ADVER.&PRINTING	0.00

P053-P12	TRAVEL & EXP.	Y090-Y11	TRAVEL & EXP	5.32
P053-P13	PERS	Y090-Y12	PERS	5045.64
P053-P14	WORKERS' COMP	Y090-Y13	WORKERS' COMP	0.00
P053-P15	OTHER EXP.	Y090-Y14	OTHER EXP.	677.06
P053-P16	TRANSFERS OUT	Y090-Y17	TRANSFERS OUT	0.00
P053-P35	MEDICARE	Y090-Y18	MEDICARE	0.00
TOTAL				34924.80
P054-P02	SUPPLIES	Y090-Y02	SUPPLIES	1.73
P054-P03	EQUIPMENT	Y090-Y03	EQUIPMENT	0.00
P054-P05	MATERIALS	Y090-Y05	MATERIALS	179.13
P054-P06	CONTRACT REPAIRS	Y090-Y06	CONTRACT REPAIRS	353.17
P054-P07	CONTRACT SERV.	Y090-Y07	CONTRACT SERV.	502.01
P054-P11	ADVER & PRINTING	Y090-Y07	ADVER & PRINTING	0.00
P054-P12	TRAVEL & EXP.	Y090-Y11	TRAVEL & EXP.	1.54
P054-P13	PERS	Y090-Y12	PERS	527.71
P054-P14	WORKERS' COMP	Y090-Y13	WORKERS' COMP	0.00
P054-P15	OTHER EXP.	Y090-Y14	OTHER EXP.	54.75
P054-P35	MEDICARE	Y090-Y18	MEDICARE	0.00
TOTAL				1620.04
P055-P02	SUPPLIES	Y090-Y02	SUPPLIES	2.42
P055-P03	EQUIPMENT	Y090-Y03	EQUIPMENT	0.00
P055-P05	MATERIALS	Y090-Y05	MATERIALS	624.50
P055-P06	CONTRACT REPAIRS	Y090-Y06	CONTRACT REPAIRS	0.00
P055-P07	CONTRACT SERV.	Y090-Y07	CONTRACT SERV.	743.28
P055-P11	ADVER & PRINTING	Y090-Y07	ADVER & PRINTING	0.00
P055-P12	TRAVEL & EXP.	Y090-Y11	TRAVEL & EXP.	2.16
P055-P13	PERS	Y090-Y12	PERS	637.86
P055-P14	WORKERS' COMP	Y090-Y13	WORKERS' COMP	0.00
P055-P15	OTHER EXP.	Y090-Y14	OTHER EXP.	601.34
P055-P35	MEDICARE	Y090-Y18	MEDICARE	0.00
TOTAL				2611.56
P056-P02	SUPPLIES	Y090-Y02	SUPPLIES	0.00
P056-P07	CONTRACT SERV.	Y090-Y07	CONTRACT SERV.	0.00
P056-P09	SEWAGE DISP.	Y190-Y08	SEWAGE DISP.	0.00
P056-P13	PERS	Y090-Y12	PERS	94.81
P056-P14	WORKERS' COMP	Y090-Y13	WORKERS' COMP	0.00
P056-P15	OTHER EXP.	Y090-Y14	OTHER EXP.	30.61
P056-P16	TRANSFERS OUT	Y090-Y14	TRANSFERS OUT	0.00
P056-P35	MEDICARE	Y090-Y18	MEDICARE	0.00
TOTAL				125.42

Upon roll call the vote was as follows:

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

**IN THE MATTER OF GRANTING  
PERMISSION FOR BCDJFS EMPLOYEES  
TO TRAVEL**

Motion made by Mr. Olexo, seconded by Mr. Thomas granting permission for the following BCDJFS employees to travel.

Name: 31 employees  
Destination: Canton, OH  
Dates of travel: May 9, 2002  
Purpose: Medicaid Eligibility Training  
Estimated expenses: \$801.80

Name: Donna Yocum, Karen Ware  
Destination: Cambridge, OH  
Dates of travel: July 22-26, 2002  
Purpose: Fundamental Concepts of IM Processing in CrisE  
Estimated expenses: \$52.85

Name: Mary Lewis  
Destination: Marietta, OH  
Dates of travel: May 7, 2002  
Purpose: Case Recording for Social Workers  
Estimated expenses: \$66.94

Name: Linda Luke  
Destination: Athens, OH  
Dates of travel: May 20-22, 2002  
Purpose: Supervisory Core 503  
Estimated expenses: \$293.59

Name: Mike Schlanz  
Destination: Westerville, OH  
Dates of travel: April 4, 2002  
Purpose: WIA Youth RFP Workshop  
Estimated expenses: \$100.52

Name: Portia Heydle  
Destination: Cambridge, OH  
Dates of travel: May 10, 2002  
Purpose: Depression in the Workplace Training  
Estimated expenses: \$42.85

Name: Cindy Berry, Kara Purtiman  
Destination: Cambridge, OH  
Dates of travel: June 17-18, 2002  
Purpose: CSEA Training  
Estimated expenses: \$105.70

Name: Cindy Berry  
Destination: Cambridge, OH  
Dates of travel: June 27-28, 2002  
Purpose: CSEA Training  
Estimated expenses: \$85.70

Name: Cindy Berry  
Destination: Cambridge, OH  
Dates of travel: May 14, 2002  
Purpose: CSEA Training  
Estimated expenses: \$42.85

Name: Karie Hunkler, Dave Badia  
Destination: Canton, OH  
Dates of travel: April 18, 2002  
Purpose: CSEA Canton District Meeting  
Estimated expenses: \$100.30

Upon roll call the vote was as follows:

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

**IN THE MATTER OF DISCUSSION HELD RE:**  
**VACATION OF A PORTION OF PEASE TWP. RD. 1053**  
**(PLUM STREET)/RD. IMP 1065**

**"HEARING HAD-9:30 A.M."**

Present for the hearing were County Engineer, Fred Bennett; Ruth Graham, Engineer's Department; George Becca, Pease Township Trustee; Joselyn King, Intelligencer; Phoebe Crane, Tammy Springer, and Gordon Springer, concerned citizens.

**UNDER DISCUSSION:**

Belmont County Engineer, Fred Bennett came before the Board with a recommendation to deny the vacation of this road in Lloydsville. Mr. Bennett informed the Board that there are a variety of reasons why this road should not be vacated, some of which were:

- Most of the complaints could be solved by other means
- The four wheeler traffic are a problem for law enforcement
- The road could be paved to prevent slippage and ditch issues
- There are utilities on this road, which would be difficult to maintain if this road were closed

Mr. George Becca, Pease Township Trustee, stated it would cost approximately sixty-thousand dollars to pave this road. He also stated the trustees have repeatedly put down gravel which is then spun out by vehicles attempting to travel the road. "We maintain one-hundred sixty-seven roads, this is the worst." He continued that the trustees have thought of putting up a snow fence type obstruction to close off the road, which could be removed to gain access in case of an emergency. Mr. Gordon Springer, a resident whose property borders this road, stated, "My property is being destroyed. Young kids come through there on their ATV's and pepper the side of my house and my vehicles with slag. The road gets washed out. I am all for the road being closed. There is no way to build it up or drop it down." Ms. Phoebe Crane, also a concerned citizen stated, "My husband gets up for work at 3:30 am. We get knocks on the door at all hours of the night from people who are stuck and want help getting pulled out. The township trustees do the best they can. I have had people all the way in my yard." Mr. George Becca, Township Trustee stated, "We put gravel down and it washes to Interstate 70 every time it rains." Ms. Cain continued, "They hit the bottom at seventy miles an hour by the time they get to the top, they are flying."

Ms. Ruth Graham, Engineer's Department stated there were options given at the road viewing and she had taken these suggestions to Assistant Prosecuting Attorney, Robert Quirk. Some of which were to make the road one way and another was to temporarily close the road. She continued, "One way would not be much good. The temporary closing option is good. Pease Township Trustees could put up a barrier that could be taken down, if access was needed."

IN THE MATTER OF DISCUSSION HELD RE:  
VACATION OF A PORTION OF PEASE TWP. RD. 1053  
(PLUM STREET)/RD. IMP 1065 (CONT'D)

"HEARING HAD-9:30 A.M."

Commissioner Olexo stated, "A temporary closure doesn't come with a time limit. Would that be acceptable to all parties?" Commissioner Probst said he was concerned as to the upkeep of the drainage system. He stated if the road was closed this would fall to the property owners, however, if the road were temporarily closed, the township would still maintain the drainage of the roadway.

IN THE MATTER OF VACATION  
OF A PORTION OF PEASE TWP. RD. 1053  
(PLUM STREET)/RD. IMP 1065

**REPORT OF COUNTY ENGINEER**  
REV. CODE, SEC. 5553.06

County Engineer's Office  
Belmont County, Ohio  
March 29, 2002

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

The undersigned, in obedience to your order, dated March 20, 2002, proceeded on March 21, 2002, to make an accurate survey and plat of the Public Road proposed to be improved and respectfully submits the following report:

In the opinion of the undersigned the proposed improvement should not be granted.

An accurate and detailed description of the proposed improvement describing therein the center line and right of way lines follow:

**"see attached plat"**

The undersigned recommends the following changes in the proposed improvement which in his judgment should be made in the event the proposed improvement be granted. to-wit:

Fred F. Bennett /s/  
County Engineer of Belmont County, Ohio

Motion made by Mr. Probst, seconded by Mr. Olexo to deny the request for vacating a portion of Pease Township Road 1053, also known as Plum Street.

Upon roll call the vote was as follows:

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

IN THE MATTER OF THE  
VACATION OF A PORTION OF  
PEASE TOWNSHIP ROAD 1053  
(PLUM ST.), PEASE TWP. SEC. 33, T3, R2/  
RD. IMP. 1065

OFFICE OF COUNTY COMMISSIONERS  
BELMONT COUNTY, OHIO

**JOURNAL ENTRY-DISMISSAL OF PETITION**

Mr. Probst moved the adoption of the following  
RESOLUTION

WHEREAS, This day this cause came on to be heard on the report, survey, plat, and detailed and accurate descriptions as filed by the County Engineer, and said report having been read in open session, the Board proceeded with the hearing of testimony bearing upon the necessity of the said improvement for the public convenience or welfare and offered either for or against going forward with the proposed improvement by interested persons; and

WHEREAS, Said Board has considered said report and all the testimony offered, and all the facts and conditions pertaining to said matter; therefore, be it

RESOLVED, That said Board of County Commissioner do find said improvement will not serve the public convenience and welfare, and the same is therefore refused.

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

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

Adopted the 29th day of March, 2002

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

IN THE MATTER OF APPROVING  
THE MINUTES OF REGULAR BOARD  
OF COMMISSIONERS' MEETINGS

Motion made by Mr. Probst, seconded by Mr. Olexo to approve the minutes of the regular Board of Commissioners' meetings of March 20, 2002 and March 22, 2002.

Upon roll call the vote was as follows:

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

IN THE MATTER OF ADOPTING RESOLUTION  
DETERMINING TO PROCEED WITH THE DISPOSING  
OF CERTAIN WATER SUPPLY AND WATER WORKS  
IMPROVEMENTS IN WATER DISTRICT NUMBER THREE  
IN SEWER DISTRICT NUMBER THREE, BELMONT COUNTY, OHIO

ENTERED IN COMMISSIONERS' JOURNAL  
NO. 81, PAGE NO. \_\_\_\_\_

The Board of County Commissioners of the County of Belmont, Ohio, met in regular session at 11:00 o'clock a.m., on March 29, 2002, at the commissioners meeting room, located at the Courthouse, St. Clairsville, Ohio, with the following members present:

Mr. Olexo moved the adoption of the following resolution:

COUNTY OF BELMONT, OHIO

RESOLUTION

RESOLUTION DETERMINING TO PROCEED WITH THE DISPOSING OF CERTAIN WATER SUPPLY AND WATER WORKS IMPROVEMENTS IN WATER DISTRICT NUMBER THREE IN SEWER DISTRICT NUMBER THREE, BELMONT COUNTY, OHIO

WHEREAS, on February 22, 2002, the board of county commissioners (the "Board") of the County of Belmont, Ohio (the "County") adopted a resolution (the "Resolution of Necessity") declaring the necessity of disposing of certain water supply and water works improvements (the "Project") in Sewer District Number Three (the "Sewer District") in the County, and Water District Number Three in the Sewer District (the "Water District");

WHEREAS, on March 20, 2002, after giving all required notices, a public hearing was held on the proposed disposal of the Project at which the Board heard all interested parties; and

WHEREAS, written objections by any interested persons or public agencies to the proposed disposition have been received by the Board for a period of not less than five (5) days following the completion of such hearing, and the Clerk of the Board has reported all written objections, if any, that were filed by interested parties concerning such proposed disposal, which objections have been duly considered by this Board; and

WHEREAS, the Board proposes to proceed with the disposal of the Project;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Belmont, Ohio:

SECTION 1. That it is hereby determined to proceed with the disposal of the Project in accordance with the Resolution of Necessity.

SECTION 2. That bids for the disposal of the Project will be received by the Board at 11:00 o'clock a. m. on the 8th day of May, 2002, at Belmont County Commissioners Office, Belmont County Courthouse, 101 W. Main Street, St. Clairsville, Ohio, (which date is not less than four (4) weeks following the date of first publication of the notice referred to in Section 3 below).

SECTION 3. That notice of such receipt of bids shall be advertised once a week for four consecutive weeks in a newspaper of general circulation in the County and, subject to the right of the Board to reject any or all bids, the Board may make an award to a responsible bidder whose bid is determined by the Board to be in the best interests of the County and the users of the Project facilities.

SECTION 4. That this Board of County Commissioners hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with the law, including Section 121.22 of the Revised Code.

SECTION 5. That this resolution shall take effect immediately upon its adoption.

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

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

Adopted March 29, 2002

Darlene Pempek /s/  
Clerk

**IN THE MATTER OF ADOPTIONG RESOLUTION**  
**DETERMINING TO PROCEED WITH THE DISPOSING**  
**OF CERTAIN WATER SUPPLY AND WATER WORKS**  
**IMPROVEMENTS IN WATER DISTRICT NUMBER THREE**  
**IN SEWER DISTRICT NUMBER THREE, BELMONT COUNTY, OHIO (cont'd)**

CERTIFICATE OF CLERK

I hereby certify that the foregoing is a true and correct copy of a resolution adopted on March 29, 2002, and a true and correct extract of the minutes of a meeting of such board held on such date at which such resolution was adopted to the extent pertinent to consideration and adoption thereof.

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

DGS/35965

**NOTICE TO BIDDERS**

Notice is hereby given that pursuant to Section 6103.31 of the Ohio Revised Code, written bids will be received by the Board of County Commissioners (the "Board") of Belmont County, Ohio (the "County") at the address set forth below until 11:00 o'clock a.m. at the then prevailing standard time in Ohio, on the 8<sup>th</sup> day of May, 2002, at which place and time the bids will be publicly announced, for the sale of the County's water supply and water works improvements (the "Project") to be acquired and constructed in the Barnesville area of Water District Number Three in Sewer District Number Three in the County.

Plans and specifications for the Project are on file in the office of the clerk of the Board, Belmont County Courthouse, 101 West Main Street, St. Clairsville, Ohio, where they may be examined.

Subject to the right to reject any or all bids, the Project will be conveyed to the bidder whose bid is determined by the Board to be in the best interests of the County and the users of the Project facilities, based upon the following criteria: (a) consideration to be received by the County, (b) proposed water rates and charges to the users of the Project including any surcharge to be received by the County, and (c) willingness to assume responsibility for operation and maintenance of the Project to serve residents in the area of the Project. No bid for less than the entire Project will be considered, and no conditional bids will be received.

Upon application from any prospective bidder for the Project, the County will furnish any material information about the Project, which may be reasonably requested, but appraisal, engineering study, or similar document will be provided.

Subject to any contrary provisions in the successful bid, the County will transfer title to the Project to the purchaser by quitclaim deed bill of sale. The Project shall be sold "as is, where is" and the County makes no representation whatsoever regarding the Project including, without limitation, its suitability for any proposed uses thereof or the continuation of uses thereof former or present, or the title or physical condition thereof, and disclaims any and all warranties with respect to the Project, including without limitation, any warranty of merchantability or fitness or use for any purpose.

The County expects to complete the transfer of the Project to the successful bidder (the "Closing") within thirty (30) days of the bid opening at such time and place as shall be acceptable to the County and the successful bidder. At the Closing, the successful bidder shall pay any cash consideration proposed for the purchase of the Project by cash or by certified or cashier's check payable to the County. All risk of damage to or loss of any item of the Project other than damage or losses resulting from negligent acts of the agents or employees of the County shall be borne by the successful bidder from and after the acceptance of its bid.

Information concerning the sale of the Project may be obtained and arrangements for inspecting such personal property prior to the sale date may be made by contacting: David Grum, Belmont County Commissioners Office, Belmont County Courthouse, 101 W. Main Street, St. Clairsville, Ohio 43950. (740) 699-2155.

Only written bids addressed to the Board will be accepted.

The County reserves the right to amend and supplement this Notice of Sale at any time prior to the bid opening referred to above. The bids will be considered and acted upon on May 10, 2002 or within three days thereafter; provided, however, that the County reserves the right to reject any or all bids. The County further reserves the right to waive the enforcement of the instructions contained herein in the case of any informality or failure to conform to such instructions.

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

Darlene Pempek /s/  
Clerk, Board of County Commissioners  
Belmont County, Ohio  
Courthouse  
101 West Main Street  
St. Clairsville, Ohio 43950

Dated: March 29, 2002

**IN THE MATTER OF ADOPTIONG RESOLUTION**  
**DETERMINING TO PROCEED WITH THE DISPOSING**  
**OF CERTAIN WATER SUPPLY AND WATER WORKS**  
**IMPROVEMENTS IN WATER DISTRICT NUMBER THREE**  
**IN SEWER DISTRICT NUMBER THREE, BELMONT COUNTY, OHIO (cont'd)**

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NOTE TO PUBLISHER

Please publish four (4) consecutive weeks commencing on April 3, 2002. After the first publication, please send a copy of this notice, as printed, to Dennis G. Schwallie, Esq., Peck, Shaffer & Williams LLP, Suite 600, 175 South Third Street, Columbus, Ohio 43215, and to the Clerk of the Board of County Commissioners, Belmont County Courthouse, 101 West Main Street, St. Clairsville, Ohio 43950. After the final publication of the notice, please send one affidavit in proof of publication, indicating that the newspaper is of general circulation in the County of Belmont, Ohio, to Dennis G. Schwallie, Esq., and send a second affidavit, along with the billing to the Clerk of the Board of County Commissioners.

**IN THE MATTER OF ENTERING**  
**INTO MAINTENANCE AGREEMENT FOR**  
**BUILDING ENVIORMENTAL SYSTEMS/BELMONT COUNTY 9-1-1**

Motion made by Mr. Thomas, seconded by Mr. Olexo to enter into a Maintenance Agreement for Building Environmental Systems with H.E. Neumann Company, 92 16<sup>th</sup> St., Wheeling, WV 26003 on behalf of the Belmont County 9-1-1 Center in the amount of \$3,480.00 per year. (Proposal Number PG-01517)

Upon roll call the vote was as follows:

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

**IN THE MATTER OF ENTERING**  
**INTO AGREEMENT WITH MAP RESEARCH TECHNOLOGIES, INC.**  
**(MRT) ON BEHALE OF BELMONT COUNTY G.I.S.**

Motion made by Mr. Olexo, seconded by MR. Probst to enter into the following agreement with Map Research Technologies, Inc. (MRT) on behalf of Belmont County Geographical Information System (G.I.S.) Department for provision of mapping service as specified in the contract.

**County of Belmont Ohio**  
**Purchase of Services Agreement**

Number of pages, including schedules 17  
Agreement No. 2/06/2002  
Department: Belmont County Auditors Office  
COST: Refer to Schedule "B"  
REGISTERED AGENT: Belmont County Auditor

THIS AGREEMENT, made and entered into as of the date by which representatives of both parties have affixed their respective signatures, by and between the Commissioners of Belmont County, Ohio (hereafter, "COUNTY") and Map Research Technologies, Inc. (MRT) (hereafter, "PROVIDER").

WITNESSETH:

***WHEREAS COUNTY, whose address is 101 West Main Street, St. Clairsville, Ohio 43950, desires to purchase services from PROVIDER for the purpose of Mapping Services and related. WHEREAS PROVIDER, whose address is 4315 East State Street, Rockford IL 61108 is able and willing to provide such services;***

NOW, THEREFORE, in consideration of the above premises and the mutual covenants of the parties hereinafter set forth, the receipt and sufficiency of which is acknowledged by each party for itself, the COUNTY and the PROVIDER do agree as follows:

1. The term of this agreement shall commence as of the date by which all parties hereto have executed this Agreement. COUNTY shall not be liable for any services performed by PROVIDER other than during the term of this agreement unless otherwise specified in Schedule A.
2. PROVIDER agrees to provide the services detailed in the bid specifications, if any; the request for proposals (RFP) and PROVIDER's response thereto, if any; and on the attached Schedule A, incorporated herein by reference. In the event of a conflict between or among the bid specifications, the RFP or responses thereto, or the terms of Schedule A or any of them, it is agreed that the terms of Schedule "A" to the extent of any conflict, are controlling.
3. PROVIDER shall not assign or transfer any interest or obligation in this Agreement, whether by assignment, or novation, without the prior written consent of the COUNTY unless permitted otherwise by the bid specifications, RFP or Schedule A.

**IN THE MATTER OF ENTERING**  
**INTO AGREEMENT WITH MAP RESEARCH TECHNOLOGIES, INC.**  
**(MRT) ON BEHALF OF BELMONT COUNTY G.I.S. (cont'd)**

4. If, through any cause, PROVIDER shall fail to fulfill in timely and proper manner its obligations under this Agreement, or if PROVIDER shall violate any of the covenants or stipulations of this Agreement, COUNTY shall thereupon have the right to terminate this Agreement by giving a thirty (30) day notice to PROVIDER of such termination specifying the effective date thereof. There shall be no other termination of this Agreement, during its term, without the prior written consent of both parties unless specifically permitted otherwise by the bid specifications, RFP, or Schedule A.
5. In the event COUNTY exercises its unilateral right to terminate this Agreement of cause in the manner provided for in paragraph 4 above, all finished and unfinished documents, services, papers, data, products, and the like prepared, produced or made by PROVIDER under this Agreement shall, at the option of COUNTY, become the property of the COUNTY, and PROVIDER shall be entitled to receive just and equitable compensation, for any satisfactory work completed on such documents, services, papers, data, products or the like. Notwithstanding the above, PROVIDER shall not be relieved of liability to the COUNTY for damages sustained by COUNTY by virtue of any breach of this Agreement by PROVIDER, and COUNTY may withhold any payments to PROVIDER for the purpose of set-off.
6. In order to protect itself and COUNTY, its officers, boards, commissions, agencies, employees and representatives, PROVIDER will at all times during the term of this Agreement keep in full force and effect comprehensive general Liability, Auto Liability and Worker's Compensation insurance policies issued by a company authorized to do business in the state of Ohio, with liability coverage provided for therein in the amounts of at least \$1,000,000 CSL (Combined Single Limits).
7. COUNTY agrees to make such payments for services rendered under this Agreement as and in the manner specified in the attached Schedule B, incorporated herein by reference.
8. PROVIDER shall commence, carry on and complete its obligations under this Agreement with all deliberate speed and in a sound, economical and efficient manner, in accordance with this Agreement and all applicable laws. In providing services under this Agreement, PROVIDER agrees to cooperate with the various departments, agencies, employees and officers of COUNTY.
9. PROVIDER agrees to secure at Provider's own expense all personnel necessary to carry out PROVIDER's obligations under this Agreement. Such personnel shall not be deemed to be employees of COUNTY nor shall they or any of them have or be deemed to have any direct contractual relationship with COUNTY.
10. COUNTY agrees to provide to PROVIDER any records possessed by the COUNTY that may be required to complete the project. COUNTY further agrees that digital tax parcel records may be required to complete the project and such records will be made available to the PROVIDER in acceptable digital form.
11. Notices, bills, invoices and reports required by this Agreement shall be deemed delivered as of the date of postmark if deposited in a United States Mailbox, with sufficient first class postage attached, addressed to a party's address as set forth above. It shall be the duty of a party changing its address to notify the other party in writing within a reasonable time.
12. During the term of this Agreement, PROVIDER agrees not to discriminate on the basis of race, religion, color, sex, handicap, age, sexual preference, marital status, physical appearance, or national origin against any person, whether a recipient of services (actual or potential), an employee or an application for employment. Such equal opportunity shall include but not be limited to the following: employment, upgrading, demotion, transfer, recruitment, advertising, layoff, termination, training, rates of pay, any other form of compensation or level of service(s). PROVIDER agrees to post in conspicuous places, available to all employees, service recipients, and applicants for this paragraph. The listing of prohibited basis for discrimination shall not be construed to amend in any fashion state or federal law setting forth additional basis and exceptions shall be permitted only to the extent allowable in state or federal law.
13. In all solicitations for employment placed on PROVIDER's behalf during the term of this Agreement, PROVIDER shall include a statement to the effect the PROVIDER is an "Equal Opportunity Employer."
14. It is expressly understood and agreed to by the parties hereto that in the event of any disagreement or controversy between the parties, Ohio law shall be controlling.
15. This Agreement is intended to be an agreement solely between the parties hereto and for their benefit only. No part of this Agreement shall be construed to add to, supplement, amend, abridge or repeal existing duties, rights, benefits or privileges of any third party or parties, including but not limited to employees of either of the parties.
16. The entire agreement of the parties is contained herein and this Agreement supersedes any and all oral agreements and negotiations between the parties relating to the subject matter hereof. The parties expressly agree that this Agreement shall not be amended in any fashion except in writing, executed by both parties.

**IN THE MATTER OF ENTERING  
INTO AGREEMENT WITH MAP RESEARCH TECHNOLOGIES, INC.  
(MRT) ON BEHALF OF BELMONT COUNTY G.I.S. (cont'd)**

IN WITNESS WHEREOF, COUNTY and PROVIDER, by their respective authorized agents, have caused this agreement and its schedules to be executed, effective as of the date on which all parties hereto have affixed their respective signatures, as indicated below.

FOR PROVIDER

Date Signed: \_\_\_\_\_  
Derrel W. Owens  
Vice President MRT

FOR COUNTY

Date Signed: March 29, 2002

BELMONT COUNTY COMMISSIONERS

Mark A. Thomas /s/  
Mark A. Thomas, President

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

Ryan E. Olexo /s/  
Ryan E. Olexo

Approved as to form by:  
Robert Quirk /s/  
Belmont County Prosecutor

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

**IN THE MATTER OF PUBLIC  
ROAD PETITION FOR VACATING  
A PORTION OF NORTH ST. AND A PORTION OF  
A 12' ALLEY LOCATED IN MIDWAY, WHEELING TWP./RD IMP. 1066**

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

**PUBLIC ROAD PETITION  
Rev. Code Sec. 5553.04**

St. Clairsville, Ohio

March 29, 2002

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

The undersigned petitioners, freeholders of said County residing in the vicinity of the proposed improvement hereinafter described, represent that the public convenience and welfare require the vacating a portion of North St. and a portion of a 12' alley located in Midway, Wheeling Twp. Sec.7 T-8 R-4 and recorded in Cabinet B Slide 340 Belmont Co. Recorder,

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

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

Beginning at and being that portion of North St. that is adjacent to and in between lots 2,3,O.L. 1,43 and 44. Also the portion of a 12' alley that is adjacent to and in between lots 44 and 11 in the subdivision of Midway.

<b>Petitioners' Name</b>	<b>Address of Petitioner</b>
<b>(PRINT NAME)</b>	<b>PLEASE PRINT</b>
<b>(SIGN NAME)</b>	

Ronald Dingey /s/	48653 Fairpoint-Maynard Rd., St. Clairsville, OH 43950
Christie Parker /s/	48610 Center St., Midway St. Clairsville, OH 43950
Greg Parker /s/	48610 Center St., St. Clairsville, OH 43950
Paul W. Klan /s/	71577 Main St., Midway, St. Clairsville, OH 43950
Wayne Harding /s/	48619 Center St., Midway, St. Clairsville, OH 43950

Kathy Harding /s/ 48619 Center St., Midway, St. Clairsville, OH 43950  
 James J. Sloan /s/ 48640 Walnut St., St. Clairsville, OH 43950  
 Sarah A. Sloan /s/ 48640 Walnut Street, St. Clairsville, OH 43950  
 John E. Rice /s/ 48497 Stonehouse Rd., St. Clairsville, OH 43950  
 Norma Rice /s/ 48497 Stonehouse Rd., St. Clairsville, OH 43950  
 Paul Zavacky /s/ 48656 Walnut St., Midway, St. Clairsville, OH 43950  
 Paula Zavacky /s/ 48656 Walnut St., Midway, St. Clairsville, OH 43950  
 David D. Bealiles /s/ 460631 Center St., St. Clairsville, OH 43950  
 Jeff McCutcheon /s/ 48590 Walnut St., St. Clairsville, OH 43950  
 Pam McCutcheon /s/ 48590 Walnut St., St. Clairsville, OH 43950  
 John A. VanDyne /s/ 48641 Maple Lane, Midway, St. Clairsville, OH 43950  
 Sally VanDyne /s/ 48641 Maple Lane, Midway, St. Clairsville, OH 43950  
 Darrell McVay /s/ 48655 Center St., St. Clairsville, OH 43950  
 Ruth McVay /s/ 48655 Center St., St. Clairsville, OH 43950  
 Dean Meredith (?) /s/ 48634 Walnut Street, St. Clairsville, OH 43950

Upon roll call the vote was as follows:

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

**IN THE MATTER OF VACATING  
 A PORTION OF NORTH ST. AND A PORTION  
 OF A 12' ALLEY LOCATED IN MIDWAY,  
 WHEELING TWP., SEC 7, T-8, R-4/RD. IMP. 1066**

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

Mr. Olexo moved the adoption of the following:

RESOLUTION

WHEREAS, a Petition signed by at least twelve freeholders of the County residing in the vicinity of the proposed improvement has been presented to this Board of County Commissioners requesting said Board to <sup>2</sup> vacate <sup>3</sup> a portion of North St. and a portion of a 12' alley located in Midway, Wheeling Twp., Sec. 7, T8, R4 and recorded in Cabinet B, Slide 340 of Belmont County Recorder a Public Road as described therein; therefore be it

RESOLVED, that the 19th day of April, 2002 at 11:00 o'clock A.M., be fixed as the date when we will view the proposed improvement, on which date we will meet at the site and go over the line of said proposed improvement; and be it further

RESOLVED, that the 26th day of April 2002, at 9:30 o'clock A.M. be fixed as the date for a final hearing thereof, which hearing will be at the office of the Board; and be it further

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

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

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

Adopted March 29, 2002

Darlene Pempek /s/  
Belmont County, Ohio

**NOTICE OF TIME AND PLACE OF VIEW AND OF FINAL HEARING  
 PUBLIC ROAD (by publication)**  
 Rev. Code, Sec., 5553.05

**ROAD IMP. # 1066**

Notice is hereby given that there is before the Board of County Commissioners of Belmont County, Ohio, the Matter of <sup>1</sup> vacating a portion of North St. and a portion of a 12' alley located in Midway, Wheeling Twp. Sec.7 T-8 R-4 and recorded in Cabinet B Slide 340 Belmont Co. Recorder the general route and termini of which Road are as follows:

Beginning at and being that portion of North St. that is adjacent to and in between lots 2,3,O.L. 1,43 and 44. Also the portion of a 12' alley that is adjacent to and in between lots 44 and 11 in the subdivision of Midway.

Said Board of County Commissioners has fixed the 19th day of April 2002, at 11:00 o'clock A.M., as the date when and the site as the place where said Board will view the proposed improvement, and has also fixed the 26th day of April 2002, at 9:30 o'clock A.M., at their office in the Court House of said County in St. Clairsville, Ohio as the time and place for the final hearing on said proposed improvement.

By Order of the  
Board of County Commissioners,  
Belmont County, Ohio  
Darlene Pempek /s/  
Darlene Pempek, Clerk

ADV. TIMES LEADER 2 Wednesdays, April 3 and April 10, 2002

**IN THE MATTER OF BID**  
**OPENING FOR LAFFERTY V.F.D.**  
**BRUSH TRUCK/CDBG**

**BID OPENING**

This being the day and 10:00 A.M. being the hour that bids were to be on file for the Lafferty V.F.D. Brush Truck, a Community Development Block Grant Project, they proceeded to open the following bids.

Finley Fire Equipment Co.                      Bid Bond                      \$56,047.00  
McConnellsville, OH

All American Fire Equipment Co.      Bid Bond                      \$51,365.00  
West Virginia

Present for the bid opening were A.C.Wiethe, Management Specialist for Belomar Regional Council, Joselyn King, Intelligencer and Eric Ayers, Times Leader.

Motion made by Mr. Probst, seconded by Mr. Olexo to turn the bids over to A.C. Wiethe, Belomar, for review and recommendation.

Upon roll call the vote was as follows:

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

**IN THE MATTER OF ENTERING**  
**EXECUTIVE SESSION WITH BOARD**  
**AND CLERK AT 10:05 A.M.**

Motion made by Mr. Olexo, seconded by Mr. Probst to enter executive session at 10:05 A.M. with the Board and Clerk Darlene Pempek to discuss compensation of a public employee upon adoption of the following:

**RESOLUTION OF THE BELMONT COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**

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

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

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

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

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

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

**IN THE MATTER OF ADJOURNING  
EXECUTIVE SESSION WITH BOARD  
AND CLERK AT 10:10 A.M.**

Motion made by Mr. Thomas, seconded by Mr. Olexo to adjourn executive session at 10:10 A.M. with the Board and Clerk Darlene Pempek to discuss compensation of a public employee.

Upon roll call the vote was as follows:

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

FOLLOWING ACTION TAKEN

**IN THE MATTER OF MOTION  
TO APPROVE A PAY INCREASE FOR MARK SUBASIC**

Motion made by Mr. Olexo, seconded by MR. Probst to approve the pay increase for Mr. Mark Subasic, employee for the Belmont County Sanitary Sewer District. This raise is the result of Mr. Subasic assuming the additional duties of laboratory manager in addition to his duties as Class III Operator. This fifty cent per hour increase will be effective with the pay period ending April 6, 2002.

Upon roll call the vote was as follows:

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

**IN THE MATTER OF DISCUSSION HELD  
RE: PUBLIC COMMENT**

In regards to public comment on various issues, Commissioner Thomas stated for the record, "Everybody in this room has a right under the law to attend this meeting. That is inherent in the law, and the Commissioners uphold and support that one hundred percent. There is nothing in the law that says that you have a right to speak at a public meeting. The Commissioners disagree with that, because we give the people the opportunity to speak at all times. However, when the questions become repetitive, harassing, and irrelevant to the situation, they will be denied."

**IN THE MATTER OF ADJOURNING  
COMMISSIONERS' MEETING AT 10:12 A.M.**

Motion made by Mr. Olexo, seconded by Mr. Probst to adjourn the meeting at 10:12 A.M.

Upon roll call the vote was as follows:

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

Read, approved and signed this 3rd day of April A.D., 2002.

\_\_\_\_\_

\_\_\_\_\_ COUNTY COMMISSIONERS

\_\_\_\_\_

We, Mark A. Thomas and Darlene Pempek, President and Clerk respectively of the Board of Commissioners of Belmont County, Ohio, do hereby certify the foregoing minutes of the proceedings of said Board have been read, approved and signed as provided for by Sec. 305.11 of the Revised Code of Ohio.

\_\_\_\_\_ PRESIDENT

\_\_\_\_\_ CLERK

