

St. Clairsville, Ohio

September 26, 2007

The Board of Commissioners of Belmont County, Ohio, met this day in regular session. Present: Mark A. Thomas and Gordie W. Longshaw, Commissioners and Jayne Long, Clerk of the Board. Absent: Charles R. Probst, Jr. Minutes of the meeting of September 19, 2007, 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 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. Thomas, seconded by Mr. Longshaw, 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-AT&T	Service-Switchboard/General Fund	134.35
AT&T	Cell phone-jail/General Fund	56.98
Barrett Brothers	Supplies-Prosecutor/General Fund	64.00
Belmont Co. Dept. of Job & Family Services	Oct. Mandated Share/General Fund	32,343.44
BP	August gasoline/General Fund	590.15
Gordie W. Longshaw	Reimburse mileage/General Fund	44.50
Judge Jennifer Sargus	Reimbursement for juror meals/General Fund	81.83
OPEX Communications, Inc.	Telephone-Public Defender/General Fund	10.58
Staples	Juvenile Ct.-supplies/Various Juvenile Ct. Funds	599.77
Wheeling Spring Service	Maintenance repairs/General Fund	64.64
Xerox Corporation	July pool payment/General Fund	7,134.26
B-BP	August gasoline/Dog Kennel Fund	446.40
H-Diller Medical, Inc.	Contract Services/County Home Fund	16,887.45
J-Belmont Co. Soil & Water Conservation	Digital layer of soil info/REA/Real Estate Assessment Fund	5,000.00
K-Staples Credit Plan	Equip/supplies/Engineer MVGT Fund	404.24
M-Digital Data Communications	Computers/Juvenile Court Funds	3,141.36
N-CMG Architects & Engineers	Aug. contract services/Eastern Ct. Construction Fund	155.87
P-American Electric Power	Service-Angelo Rd/WWS#1 Revenue Fund	16.53
P-Belmont Co. Sanitary Sewer	August service/WWS#1 Revenue Fund	4,327.10
Eastern Ohio Regional Wastewater Authority	Sewage disposal/BCSSD Funds	176.10
Eastern Ohio Regional Wastewater Authority	Sewage disposal/BCSSD Funds	30,223.15
Harland Technology Service	Repairs/BCSSD Funds	798.50
Indoff	Supplies/BCSSD Funds	126.02
Municipal Utilities	Purchased water/BCSSD Funds	371.52
O.S. Hill & Co., Inc.	Materials/BCSSD Funds	37.69
Postmaster	Supplies/BCSSD Funds	830.00
Sears	Materials/BCSSD Funds	57.20
W.W. System #3	Purchased water/BCSSD Funds	98,615.54
S-AT&T	Telephone/Certificate of Title Admn Fund	67.39
Belmont Co. CSEA	34% reimbursement/Clerk of Courts Computer Fund	737.58
Comcast	Internet/Clerk of Courts Computer Fund	160.00
Crystal Springs	Water/Certificate of Title Admn Fund	52.85
Crystal Springs	Water/Western Ct. General Special Projects Fund	48.85
Matthew Bender & Co., Inc.	Law book update/Eastern Ct. General Special Projects Fund	204.40
NADCP	Fees/Juvenile Ct. General Special Projects Fund	60.00
Rosalee J. Ralston	Reimburse mileage/Western Div. Ct. Computer Fund	151.04
West Payment Center	2007 Domestic Violence/Western Div. Court Computer Fund	299.00
T-Ron Marthaler	Refund/Water and Sewer Guarantee Deposit Fund	45.24
W-Foundry Data, LLC	Software & upgrade/Prosecutor Victim Program Fund	599.99
Judith N. Bruney	Reimburse mileage/Prosecutor Victim Program Fund	56.80

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

Motion made by Mr. Thomas, seconded by Mr. Longshaw to approve the Recapitulation of Vouchers dated for September 26, 2007 as follow:

FUND	AMOUNT
A-GENERAL	\$1,221.44; \$7,011.13; \$1,850.16; \$12,539.00
GENERAL/ATTORNEY FEES	\$3,713.00
GENERAL/AUDITOR	\$4,218.80
GENERAL/EMA	\$411.14
GENERAL/SHERIFF	\$28,393.68; \$500.00
GENERAL/SHERIFF/ESORN	\$121.77
GENERAL/911	\$4,122.86
E/911	\$763.86
H-County Home, Park Health	\$33,158.67
Job & Family Services, Public Assistance	\$6,290.55; \$996.75; \$2,181.60; \$11,144.79; \$4,152.68; \$13,157.13; \$622.59
Job & Family Services, WIA	\$14,704.00; \$72,720.00
K-Engineer MVGT	\$34,967.22; \$1,135.89
M-Juvenile Court, Placement Services	\$2,046.15
N-Belmont Co. Sanitary Sewer District	\$39,236.20; \$56,766.34
P-Belmont Co. Sanitary Sewer District	\$5,761.49; \$8,646.13; \$401.52; \$587.70; \$23,507.25; \$1,727.98; \$23,838.91; \$3,948.59; \$806.73
Oakview Admin. Bldg.	\$2,985.83
State Homeland Security Grant/EMA	\$5,645.00
S-Oakview Juvenile Residential Center	\$6,068.48

S-Port Authority \$62.40
 Sheriff Commissary \$1,617.66
 Western Court-General Special Projects \$300.00

Upon roll call the vote was as follows:

Mr. Thomas Yes
 Mr. Longshaw Yes
 Mr. Probst Absent

IN THE MATTER OF TRANSFER BETWEEN THE BELMONT COUNTY GENERAL FUND AND DISTRICT DETENTION HOME FUND S33

Motion made by Mr. Thomas, seconded by Mr. Longshaw to approve the following transfer between the Belmont County General Fund and the District Detention Home Fund S33.

FROM	TO	AMOUNT
E-0051-A001-A33.000 Dist Detention Home (4th quarter monies for 2007)	R-0910-S033-S20.574 Transfers In	\$100,000.00

Upon roll call the vote was as follows:

Mr. Thomas Yes
 Mr. Longshaw Yes
 Mr. Probst Absent

IN THE MATTER OF TRANSFER WITHIN FUND FOR THE COUNTY HOME FUND

Motion made by Mr. Thomas, seconded by Mr. Longshaw to approve the following transfer within fund for the County Home Fund.

FROM	TO	AMOUNT
E-2150-H030-H11.000 Other Expenses	E-2150-H030-H10.007 Unemployment Comp	5,000.00

Upon roll call the vote was as follows:

Mr. Thomas Yes
 Mr. Longshaw Yes
 Mr. Probst Absent

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

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

FROM	TO	AMOUNT
SSD#1	SSD#1	
E-3704-P051-P06.000 Repairs	E-3704-P051-P13.003 PERS	200.00
E-3704-P051-P07.011 Services	E-3704-P051-P13.003 PERS	400.00
SSD#2	SSD#2	
E-3705-P053-P16.074 OE Trans Out	E-3705-P053-P15.000 Other Expenses	1,000.00

Upon roll call the vote was as follows:

Mr. Longshaw Yes
 Mr. Thomas Yes
 Mr. Probst Absent

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

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

FROM	TO	AMOUNT
WWS#2	WWS#2	
E-3701-P003-P31.000 OE Oper	E-3701-P003-P33.007 Unemployment	800.00
WWS#3	WWS#3	
E-3702-P005-P24.013 Project	E-3702-P005-P32.007 Unemployment	1,500.00
E-3702-P005-P22.000 Repairs	E-3702-P005-P19.012 Equipment	1,000.00
E-3702-P005-P34.074 OE Trans Out	E-3702-P005-P21.000 Materials	7,000.00
E-3702-P005-P34.074 OE Trans Out	E-3702-P005-P25.000 Purchased Water	70,000.00
E-3702-P005-P34.074 OE Trans Out	E-3702-P005-P31.000 OE Oper	20,000.00
SSD#1	SSD#1	
E-3704-P051-P03.012 Equipment	E-3704-P051-P17.007 Unemployment	300.00
E-3704-P051-P05.000 Materials	E-3704-P051-P15.000 OE Oper	200.00
SSD#2	SSD#2	
E-3705-P053-P08.013 Projects	E-3705-P053-P17.007 Unemployment	250.00
E-3705-P053-P16.074 OE Trans Out	E-3705-P053-P05.000 Materials	5,000.00
E-3705-P053-P08.013 Projects	E-3705-P053-P07.011 Services	5,000.00
TOTAL		111,050.00

Upon roll call the vote was as follows:

Mr. Thomas Yes
 Mr. Longshaw Yes
 Mr. Probst Absent

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

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

FROM	TO	AMOUNT
E-0910-S033-S33.002 Salaries	E-0910-S033-S44.003 PERS/STRS	\$ 25.00

Upon roll call the vote was as follows:

Mr. Thomas Yes
 Mr. Longshaw Yes
 Mr. Probst Absent

**IN THE MATTER OF TRANSFER WITHIN FUND
FOR THE COMMON PLEAS COURT GEN SPEC PROJECTS FUND S89**

Motion made by Mr. Thomas, seconded by Mr. Longshaw to approve the following transfer within fund for the Common Pleas Court General Special Projects Fund. S89

FROM	TO	AMOUNT
E-1572-S089-S06.002 Salaries	E-1572-S089-S07.003 PERS	\$ 950.00

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Longshaw	Yes
Mr. Probst	Absent

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

Motion made by Mr. Thomas, seconded by Mr. Longshaw to approve the following transfers within fund for the Prosecutor's Victim Assistance Program Fund.

FROM	TO	AMOUNT
E-1511-W080-P13.000 Printing	E-1511-W080-P11.012 Equipment	253.00
E-1511-W080-P03.000 Travel	E-1511-W080-P11.012 Equipment	67.00
E-1511-W080-P03.000 Travel	E-1511-W080-P04.000 Other	50.00
E-1511-W080-P03.000 Travel	E-1511-W080-P02.010 Supplies	123.00

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Longshaw	Yes
Mr. Probst	Absent

**IN THE MATTER OF TRANSFER OF FUNDS WITHIN THE
TREASURER'S OFFICE/DRETAC FUND**

Motion made by Mr. Thomas, seconded by Mr. Longshaw to approve the following transfer of funds within the Treasurer's Office/DRETAC Fund.

FROM	TO	AMOUNT
E-1410-W082-T10.000 Advertising	E-1410-W082-T05.003 PERS	\$ 200.94

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Longshaw	Yes
Mr. Probst	Absent

**IN THE MATTER OF ADDITIONAL APPROPRIATION
FOR THE SSD #1 REVENUE FUND**

Motion made by Mr. Thomas, seconded by Mr. Longshaw 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 September 26, 2007.

SSD #1 REVENUE FUND		
E-3704-P051-P09.000	Sewage Disposal	20,000.00

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Longshaw	Yes
Mr. Probst	Absent

**IN THE MATTER OF ADDITIONAL APPROPRIATION
FOR THE BELMONT CO. COMMISSIONERS CDBG FUND**

Motion made by Mr. Longshaw, seconded by Mr. Thomas 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 September 26, 2007.

BELMONT CO. COMMISSIONERS CDBG FUND		
E-9702-T011-T01.000	Grants	\$ 5,974.00

Draw Number 355 – Grant #B-F-05-007-1

Upon roll call the vote was as follows:

Mr. Longshaw	Yes
Mr. Thomas	Yes
Mr. Probst	Absent

**IN THE MATTER OF ADDITIONAL APPROPRIATION
FOR THE BELMONT COUNTY PROSECUTOR'S OFFICE
VICTIM-WITNESS ASSISTANCE PROGRAM FUND**

Motion made by Mr. Longshaw, seconded by Mr. Thomas 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 September 26, 2007.

E-1511-W080-P05.003	PERS	255.00
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Upon roll call the vote was as follows:

Mr. Longshaw	Yes
Mr. Thomas	Yes
Mr. Probst	Absent

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

Motion made by Mr. Thomas, seconded by Mr. Longshaw to execute payment of Then and Now Certification dated September 19, 2007, 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. Thomas	Yes
Mr. Longshaw	Yes
Mr. Probst	Absent

IN THE MATTER OF PARTIAL REPAYMENT OF CASH ADVANCE OF FUNDS FROM THE PARK HEALTH CENTER/COUNTY HOME FUND H50 TO THE GENERAL FUND

Motion made by Mr. Thomas, seconded by Mr. Longshaw to approve the following PARTIAL REPAYMENT OF A CASH ADVANCE of funds from the County Home Fund H50 to the Belmont County General Fund as follows:

FROM	TO	AMOUNT
E-2150-H030-H15.075 Advances Out	R-0040-A000-A48.575 Adv In	\$15,000.00

* *2nd Installment-Partial Repayment of Cash Advance from Budget Stab. to Park Health dated 6/27/07*

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Longshaw	Yes
Mr. Probst	Absent

IN THE MATTER OF GRANTING PERMISSION FOR COUNTY EMPLOYEES TO TRAVEL

Motion made by Mr. Thomas, seconded by Mr. Longshaw granting permission for county employees to travel as follows:

AUDITOR – Don Harr to Columbus, OH, on October 23-25, 2007, to attend 2007 Ohio Weights & Measures Fall Training School. A county car will be used. Estimated expenses: \$600.00

BCDJFS – Various employees to various meetings and trainings in October, November and December, 2007. Estimated expenses: \$1,817.54

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Longshaw	Yes
Mr. Probst	Absent

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

Motion made by Mr. Thomas, seconded by Mr. Longshaw to request the Belmont Co. Budget Commission certify the following monies.

WWS#1 REVENUE - \$29,785.24

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Longshaw	Yes
Mr. Probst	Absent

OPEN PUBLIC FORUM – None.

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

Motion made by Mr. Thomas, seconded by Mr. Longshaw to approve the minutes of the Belmont County Board of Commissioners regular meeting of: September 12, 2007.

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Longshaw	Yes
Mr. Probst	Absent

IN THE MATTER OF ENTERING INTO AGREEMENT WITH PC EXPLORATION, INC./BELMONT CO. ENGINEER

Motion made by Mr. Thomas, seconded by Mr. Longshaw to enter into agreement with PC Exploration, Inc. (COMPANY), on behalf of the Belmont County Engineer, granting permission for the COMPANY to haul legal loads of equipment and materials for oil and gas drilling on County Road 5 (Clover Ridge Rd); COMPANY agrees to furnish a \$75,000 bond against damages that may be caused to the roadway.

AGREEMENT

This Agreement made on the 7th day of September, 2007 at St. Clairsville, OH by and between the Board of County Commissioners of Belmont County, Ohio, herein after called the COUNTY, and PC EXPLORATION, INC. with its principal office at Warrendale, PA, hereinafter call the COMPANY,

WITNESSETH

WHEREAS, it is the desire of the COMPANY to haul legal loads of equipment and material, for oil and gas drilling, and WHEREAS, it is the desire of the COUNTY to protect the taxpayers' investment in the COUNTY HIGHWAY to be used by said equipment and material

WHEREAS, the following is a description of the County Highways that the COMPANY desires to use, over which legal loads of equipment and material are to be hauled:

COUNTY HIGHWAY NO.:	5
COUNTY HIGHWAY NAME:	Clover Ridge Road (hereinafter call COUNTY HIGHWAYS)
DESCRIPTION:	CR 5 – Beginning at the Monroe County line, Thence northerly along CH 5 to the entrance To COMPANY'S site.
TOTAL LENGTH:	Approximately 2.5 miles

NOW, THEREFORE, in consideration of the mutual promises from each of the parties to the other, and the covenants hereinafter contained it is agreed as follows:

1. During the term of the AGREEMENT the COMPANY shall be responsible for the costs of repairing those portions of the surface and berms of the road that are damaged by the COMPANY'S hauling of equipment and materials.
2. All such repairs shall be performed under the supervision of the Belmont County Engineer by an experienced road contractor approved by the Belmont County Engineer.
3. The COMPANY and any of its agents shall not carry, deposit, drop or spread any mud or dirt which may cause a traffic hazard or dust problem upon said described portion of the COUNTY HIGHWAY.
4. No trucks owned or hired by the COMPANY shall haul equipment and materials over any portion of the COUNTY HIGHWAY except that portion described heretofore, unless otherwise agreed upon.
5. The COMPANY shall further be responsible for the payment of any necessary dust control treatment necessitated by the COMPANY'S use of the road to haul equipment and materials. Dust control treatment shall be provided under supervision of the Belmont County Engineer.

6. In the event another Company or Companies should also be granted the right to use for heavy hauling purposes all or a portion of the COUNTY HIGHWAY herein designated for heavy hauling purposes, then in such event the County Engineer agrees to cause the road repair costs and dust control costs to be equitably shared by all Companies using the COUNTY HIGHWAY for heavy hauling purposes.
7. The COMPANY agrees, when required by the Belmont County Engineer, to have the road contractor repair the road base where necessary. Upon completion of hauling on said HIGHWAY, the said County Engineer will inspect said HIGHWAY, and if damage has been done to the roadway surface, the COMPANY agrees to repair, oil and chip said areas of the COUNTY HIGHWAY. The cost shall be paid by the COMPANY.
8. The COMPANY agrees to enforce a 35 miles per hour maximum speed by all of the trucks using said portion of the COUNTY HIGHWAY that are either owned, hired or leased by said COMPANY.
9. The COMPANY agrees to furnish cash, letter of credit or surety bond in the amount of \$75,000.00 for faithful performance of the terms and conditions of this AGREEMENT and in the event that any of said terms or conditions are breached by the COMPANY or its agents, then said bond is to be applied towards any and all damages caused to said portion of the heretofore described COUNTY HIGHWAY by the hauling over said road. Should the COMPANY fail to perform the terms of this AGREEMENT to the satisfaction of the Belmont County Engineer; the County Engineer may hire the work done and proceeds of the bond applied to the cost. Said bond shall be in force for six (6) months after the notification by the COMPANY to the County Engineer that all hauling over the aforementioned described portion of COUNTY HIGHWAY has been terminated, or for six (6) months after the COMPANY has actually ceased hauling, whichever last occurs.

This AGREEMENT to be in full force and effect for a period of one (1) year from the date of this Instrument.

In the event of any dispute concerning the implementation of this AGREEMENT, all time limits herein shall be extended, and bond posted herein shall remain in full force and effect, until such dispute is finally resolved. A "dispute" shall exist whenever one party alleges a neglect or failure of performance by the other.

Date: 9/26/07

Jayne Long, Clerk /s/

Witness

Kathy Marino, Assistant Clerk /s/

Witness

B. J. Kerr /s/

Witness

APPROVED AS TO FORM ONLY

Chris Berhalter /s/

BELMONT COUNTY PROSECUTOR

Date: 9/24/07

Mark A. Thomas /s/

Gordie W. Longshaw /s/

BELMONT COUNTY COMMISSIONERS
PC EXPLORATION, INC.

BY: _____ /s/
Sr. Vice President of Operations

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Longshaw	Yes
Mr. Probst	Absent

**IN THE MATTER OF APPROVING TRANSFER FROM
GENERAL FUND TO S33 DISTRICT DETENTION HOME FUND
FOR 4TH QUARTER 2007**

Motion made by Mr. Thomas, seconded by Mr. Longshaw to approve the transfer of \$100,000.00 from the Belmont County General fund to the S33 District Detention Home fund for 4th quarter 2007 expenses.

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Longshaw	Yes
Mr. Probst	Absent

**IN THE MATTER OF AUTHORIZING THE SIGNING AND SUBMITTAL
OF THE GRANT APPLICATION ACCEPTANCE FORMS FOR
VOCA/SVAA FUNDS FOR PROSECUTOR'S VICTIM ASSISTANCE PROGRAM**

Motion made by Mr. Thomas, seconded by Mr. Longshaw to approve the signing and submittal of the acceptance forms for the Victims of Crime Act (VOCA) and State Victims Assistance Act (SVAA) grant funds for the Belmont County Prosecutor's Office as follows:

Grant Period: October 1, 2007 through September 30, 2008

State Grant Number: 2008VAGENE034- \$40,878.00

State Grant Number: 2008SAGENE034- \$ 7,028.00

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Longshaw	Yes
Mr. Probst	Absent

**IN THE MATTER OF RESCHEDULING COMMISSIONERS'
REGULAR MEETINGS IN OCTOBER**

Motion made by Mr. Thomas, seconded by Mr. Longshaw to reschedule the Board's regular meetings in October as follows:

Date: Wednesday, October 24, 2007 WILL BE AN EVENING MEETING

Time: 6:00 p.m.

Location: Belmont County Courthouse

Note: Members of the Belmont County Mayors' Association will be attending this meeting to discuss how we can work together to make Belmont County a better place.

Date: Wednesday, October 31, 2007-DAY MEETING

Time: 10:00 a.m.

Location: Belmont County Courthouse

Note: This is due to Halloween being celebrated on the same day as the regularly scheduled evening meeting date of October 31, 2007.

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Longshaw	Yes
Mr. Probst	Absent

IN THE MATTER OF APPROVING THE APPOINTMENT OF DR. MARY REGINA JENNETTE TO THE BELMONT CO. MENTAL HEALTH AND RECOVERY BOARD

Motion made by Mr. Thomas, seconded by Mr. Longshaw to approve the appointment of Dr. Mary Regina Jennette of Lansing, Ohio to the Belmont County Mental Health and Recovery Board, effective immediately through June 30, 2011, based upon the unanimous recommendation of the Mental Health and Recovery Board Personnel Committee at their meeting on September 18, 2007 and submitted by Linda Pickenpugh, Executive Director.

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Longshaw	Yes
Mr. Probst	Absent

IN THE MATTER OF AWARDING BID AND ENTERING AGREEMENT WITH AAA STATE OF PLAY FOR THE MAYNARD PARK IMPROVEMENTS/CDBG PROJECT

Motion made by Mr. Thomas, seconded by Mr. Longshaw to award the bid and enter into agreement with AAA State of Play, 10725 Hidden Oak Way, Indianapolis, IN 46236, in the amount of \$14,281.42 for the Maynard Park Improvements project, a Community Development Block Grant project, based upon the recommendation of A.C. Wiethe, Asst. Director of Management Services for Belomar Regional Council. *Note: This is to furnish and deliver various playground equipment to the Maynard Park. Project completion date is December 31, 2007.*

NOTICE OF AWARD

To: AAA State of Play
10725 Hidden Oak Way
Indianapolis, IN 46236

PROJECT Description: Furnish and delivery of various playground equipment to the Maynard Park in Maynard, Ohio.

The OWNER has considered the BID submitted by you on September 3, 2007 (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 \$ 14,281.42.

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 26th day of September, 2007.

Belmont County Commissioners
Owner
By: Mark A. Thomas, /s/
Name: Mark A. Thomas
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 26th day of September, 2007, by and between AAA State of Play hereinafter called the "Contractor" and Belmont County Commissioners hereinafter called the "Owner".

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

ARTICLE 1. Statement of Work.

The Contractor shall furnish all supervision, technical personnel, labor, materials, machinery, tools, equipment and services including utility and transportation services, and perform and complete all work required for the construction of the improvements embraced in the project; namely, Maynard Park Improvements², and required supplemental work for the project all in strict accordance with the Contract Documents including all addenda thereto, numbered N/A, dated _____, and N/A dated _____ all as prepared by Maynard Volunteer Fire Department acting and in these Contract documents preparation, referred to as the "Engineer".

ARTICLE 2. The Contract Price.

The Owner will pay the Contractor for the total quantities of work performed at the unit prices stipulated in the Bid for the respective items of work completed for the sum not to exceed Fourteen Thousand Two Hundred Eighty One and 42/100***** (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: AAA State of Play

OWNER: Belmont County Commissioners

Signature

Mark A. Thomas /s/

Signature

Mark A. Thomas

Typed/printed name

Typed/printed name

President

Title

Title

NOTICE TO PROCEED

To: AAA State of Play
10725 Hidden Oak Way
Indianapolis, IN 46236

PROJECT Description: Furnish and delivery of various playground equipment to the Maynard Park in Maynard, Ohio.

You are hereby notified to commence WORK in accordance with the Agreement dated September 26, 2007, on or before October 4, 2007. The date of completion of all WORK is December 31, 2007.

Belmont County Commissioners
Owner
By: Mark A. Thomas /s/
Name: Mark A. Thomas
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. Thomas	Yes
Mr. Longshaw	Yes
Mr. Probst	Absent

IN THE MATTER OF ENTERING INTO AGREEMENT WITH TIM LARA, DBA TIM'S AUCTION SERVICE TO CONDUCT ANNUAL BELMONT COUNTY AUCTION

Motion made by Mr. Thomas, seconded by Mr. Longshaw to enter into Agreement with Tim Lara, DBA Tim's Auction Service, 70610 Hendrysburg-Freepport Rd., Piedmont, Ohio 43983, to conduct the annual Belmont County Auction to be held Saturday, October 13, 2007 at 10:00 am. The following fees and expenses will be charged by the Auctioneer:

Professional Fees: Personal Property 12%
Vehicles 7%

Promotional Expenses: Newspaper Ads approx. \$400-\$600

Note: The auction will be held at the pole barn located behind 310 Fox Shannon Place.

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Longshaw	Yes
Mr. Probst	Absent

OPEN PUBLIC FORUM – Thomas Orth suggested to the board that the Belmont County Justice Center be named in honor of Louiza Catharine Fox, a name from the past. He also wanted to know if inmates could be provided coffee at the Belmont County Justice Center. Commissioner Thomas directed Mr. Orth to contact the Sheriff, as he is the one in charge of the Justice Center. Mr. Thomas noted that he would pass his message on to the Sheriff.

Mr. Red Doleski thanked the board for cutting weeds in Lansing and asked who was responsible for seeing the work was done. Commissioner Longshaw stated he had contacted the Department of Job & Family Services and their crew was sent out. Mr. Doleski also wanted to know who was going to fix the sidewalks in Lansing. He was advised by Commissioner Longshaw that the sidewalks are the responsibility of the state. Mr. Doleski said he had spoken to State Rep. John Dominick who advised this issue was turned over to Belomar. Commissioner Thomas offered to contact A.C. Wiethe of Belomar regarding this matter and get back to Mr. Doleski. Commissioner Longshaw also said he would contact Senator Jason Wilson.

IN THE MATTER OF THE VACATION OF A PORTION OF WHEELING STREET IN WORLEY'S NEW PLAT OF LANSING PEASE TWP., SEC. 4, T-6, R-4/RD IMP 1100

"Hearing Had -11:00 a.m."

Present for the hearing were Fred Bennett, County Engineer; Mike Wahl, Deputy Engineer; Ruth Graham, Engineer's Drafting Technician; Pease Township Trustee Mike Bianconi, property owners Mr. and Mrs. Tom Collette and Bruce Futey, and Kim North of The Times Leader and Al Molnar, Intelligencer.

Mr. Collette is the party requesting the vacation. Mr. Futey objected to vacation and stated it would be an inconvenience to him. Mr. Futey stated he wants the lot open because he rents the lot and a shed on the property and uses the alley for access. Mr. Futey stated he has been renting the lot since the 1980's. A lengthy discussion followed with both parties presenting their arguments. Commissioner Thomas asked if a compromise could be reached between the parties allowing Mr. Futey to continue to have access if the vacation were granted to which Mr. and Mrs. Collette responded "no" due to his past history with Mr. Futey. Commissioner Longshaw said it was his impression during the Road View that Mr. Collette would grant Mr. Futey use of the property. Mr. Collette said, "That's changed." Township Trustee Mike Bianconi said the township does not object to vacation. Mr. Bennett recommends vacation as it does not landlock the property.

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

Date: 09/26/07

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

The undersigned, in obedience to your order, dated August 29, 2007, proceeded on September 26, 2007 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 _____ be granted.

An accurate survey and plat, and an accurate and detailed description of each tract of land which the undersigned County Engineer believe will be necessary to be taken in the event the proposed improvement be made, together with the name of each owner, accompany this report and are made apart hereof.

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

**IN THE MATTER OF THE VACATION OF
A PORTION OF WHEELING STREET
IN WORLEY'S NEW PLAT OF LANSING
PEASE TWP., SEC. 4, T-6, R-4/RD IMP 1100 (Cont'd)**

"Hearing Had -11:00 a.m."

Motion made by Mr. Thomas, seconded by Mr. Longshaw to grant the proposed Road Improvement 1100, vacation of a portion of Wheeling Street in Worley's New Plat of Lansing located in Pease Township, Section 4, T-6, R-4, based upon the recommendation of Fred Bennett, Belmont County Engineer.

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Longshaw	Yes
Mr. Probst	Absent

**IN THE MATTER OF THE VACATION OF
A PORTION OF WHEELING STREET
IN WORLEY'S NEW PLAT OF LANSING
PEASE TWP., SEC. 4, T-6, R-4/ RD IMP 1100**

Office of County Commissioners
Belmont County, Ohio

**RESOLUTION-GRANTING PROPOSED IMPROVEMENT
ORDERING RECORD, ETC.**

Rd. Imp. #1100

The Board of County Commissioners of Belmont County, Ohio, met in regular session on the 26th day of September 2007 in the office of the Commissioners with the following members present:

Mr. Longshaw
Mr. Thomas

Mr. Thomas moved the adoption of the following Resolution:

WHEREAS, This day this matter 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 Commissioners do find said improvement will serve the public convenience and welfare; and be it further

RESOLVED, That said improvement as set forth and defined in said report, survey, plat and detailed and accurate descriptions as filed by the County Engineer be and the same is hereby granted and said road is hereby ordered vacated.

RESOLVED, That the County Engineer be and he is hereby directed to cause and record the proceeding, including the survey and plat and accurate and detailed description of said proposed improvement, to be forthwith entered in the proper road records of said County; and be it further

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

Mr. Thomas	Yes
Mr. Longshaw	Yes
Mr. Probst	Absent

Adopted the 26th day of September, 2007

Jayne Long /s/
Clerk, Board of County Commissioners,
Belmont County, Ohio

**IN THE MATTER OF ADJOURNING
COMMISSIONERS MEETING AT 11:23 A.M.**

Motion made by Mr. Thomas, seconded by Mr. Longshaw to adjourn the meeting at 11:23 a.m.

Upon roll call the vote was as follows:

Mr. Thomas	Yes
Mr. Longshaw	Yes
Mr. Probst	Absent

Read, approved and signed this 3rd day of October, 2007.

COUNTY COMMISSIONERS

Charles R. Probst, Jr., Absent

We, Mark A. Thomas 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