

# August 18, 2104

## Agenda

### *Pledge of Allegiance*

1:15	Joe Bachman	Discuss Letter
1:30	Michael Jones	Statement of Rationale

Approve Minutes

Before/after Expenditures

Supplemental Appropriations (2)

Transfer of Funds (1)

Travel – EMA

Service Contracts – JFS

Approve Expedited Annexation – Stillwater Partners into Village of Dennison

Pay Bills

*Other Business*

Adjourn

THE BOARD OF COMMISSIONERS OF TUSCARAWAS COUNTY MET IN REGULAR SESSION, MONDAY, THE 18<sup>TH</sup> DAY OF AUGUST, 2014, WITH THE FOLLOWING MEMBERS PRESENT:

Chris Abbuhl  
Belle Everett  
Kerry Metzger

Commissioner Abbuhl presiding.

*The Lord's Prayer was said.  
The Pledge of Allegiance was said.*

### **RESOLUTION (761-2014) APPROVE MINUTES**

It was moved by Commissioner Metzger, seconded by Commissioner Everett, to approve the minutes of the previous meeting as written.

VOTE: Chris Abbuhl, yes;  
Belle Everett, yes;  
Kerry Metzger, yes;

### **RESOLUTION (762-2014) BEFORE/AFTER EXPENDITURES**

It was moved by Commissioner Everett, seconded by Commissioner Metzger, to approve the following before/after expenditures:

Cynthia McGuire (JFS)	410.54
Pleasant Valley Ready Mix (Engineer)	427.50
Terminix (Sheriff)	118.00
Tri-State Canine Services (Sheriff)	4400.00
Union Hospital (Sheriff)	781.46
“ “	779.75
“ “	58.75

VOTE: Chris Abbuhl, yes;  
Belle Everett, yes;  
Kerry Metzger, yes;

**RESOLUTION (763-2014) SUPPLEMENTAL APPROPRIATIONS**

It was moved by Commissioner Metzger, seconded by Commissioner Everett, to approve the following supplemental appropriations:

DEPARTMENT	FROM	TO	AMOUNT	REASON
Capital Projects	U40-U10	U40-U03	\$3,507.30	Contract Services
Commissioners	A018-A00	A016-A01	\$196,097.30	Sales Tax to Capital
“ “	“ “	A004-B13	\$3,700.00	Contract Services

VOTE: Chris Abbuhl, yes;  
 Belle Everett, yes;  
 Kerry Metzger, yes;

**RESOLUTION (764-2014) TRANSFER OF FUNDS**

It was moved by Commissioner Everett, seconded by Commissioner Metzger, to approve the following transfer of funds:

DEPARTMENT	FROM	TO	AMOUNT	REASON
Sewer	P00-P08	P00-P07	\$4,583.62	Contract Services

VOTE: Chris Abbuhl, yes;  
 Belle Everett, yes;  
 Kerry Metzger, yes;

**RESOLUTION (765-2014) OUT OF COUNTY TRAVEL – EMA**

It was moved by Commissioner Metzger, seconded by Commissioner Everett, to approve the following travel request as submitted by Patty Levengood, Director:

DATE: 08/22/2014 (Approval was given in June, however date was changed to August)  
 LOCATION: Trumbull County EMA  
 ATTEND: Patty Levengood & Gail Baldwin  
 EXPENSE: Use of county vehicle  
 REASON: NE Association Meeting – Patty wants to introduce Gail to NE Directors

VOTE: Chris Abbuhl, yes;  
 Belle Everett, yes;  
 Kerry Metzger, yes;

**RESOLUTION (766-2014) CONTRACTS - JFS**

It was moved by Commissioner Everett, seconded by Commissioner Metzger, to approve, ratify and enter into the following contracts. These contracts were signed and executed by Michelle Tope, Director of Job & Family Services as authorized by Resolution (316-2011).

NAME	PURPOSE	DATES	AMOUNT
PFCS	Supervised Visits	7/1/14-6/30/15	\$45,000.00
Deborah Maurillo	Special Day Care Services	7/7/14-6/30/15	Per Agreed Rate Schedule
Triad Deaf Services	Deaf Interpretation Services	7/22/14-1/1/15	Per Agreed Rate Schedule

VOTE: Chris Abbuhl, yes;  
 Belle Everett, yes;  
 Kerry Metzger, yes;

**Discussion:** Commissioner Abbuhl explained the Board is in receipt of an Expedited Annexation request as petitioned by Stillwater Partners LLC from Union Township into the Village of Dennison. The petition has met all qualifications and has been signed off on all necessary documents by the Map/GIS Office, Engineer, and so on.

**RESOLUTION (767-2014)      EXPEDITED ANNEXATION – Stillwater Partners LLC  
From Union Township into Village of Dennison**

**RESOLUTION OF COUNTY COMMISSIONERS  
GRANTING PETITION FOR  
ANNEXATION TO THE VILLAGE OF DENNISON**

A motion was made by ~~Mr.~~<sup>S.</sup> EVERETT, seconded by Mr. METZGER, as follows:

A petition for the annexation of certain territory in Union Township, containing 5.328 acres of land, with the Stillwater Partners LLC as petitioner and Brad L. Hillyer named as agent, having been filed with the Board, praying that the following described territory be annexed to the Village of Dennison:

Situated in the Township of Union, County of Tuscarawas and State of Ohio:

Being part of the Northwest Quarter of Section 31 in Township 14, Range 7 of the Old Seven Ranges and being part of a 27.964 acre parcel of land conveyed to William H. and Lenore E. Dudgeon and Mark A. and Jill E. Roth by a deed recorded in Volume 1264, Page 2117 of the Tuscarawas County Official Records, Auditor's Parcel No. 59-00269.000 and being more fully described as follows:

Beginning at an iron pin set on the north line of the aforesaid 27.964 acre parcel of land so conveyed to William H. and Lenore E. Dudgeon and Mark A. and Jill E. Roth and on the south line of a 2 1/4 acre parcel of land conveyed to Melvin K. Peters and Rebecca Gardner by a deed recorded in Volume 564, Page 49 of the Tuscarawas County Deed Records, said pin being located N 01° 02' 23" E, 172.43 feet, S 88° 57' 37" E, 50.00 feet, N 01° 02' 23" E, 50.00 feet, S 88° 57' 37" E, 283.00 feet, N 00° 56' 28" E, 227.80 feet and S 81° 07' 51" E, 114.15 feet from a point at the southwest corner of the Northwest Quarter of Section 31;

Course No. 1 Thence from said beginning and with the north line of said 27.964 acre parcel of land so conveyed to William H. and Lenore E. Dudgeon and Mark A. and Jill E. Roth and with the south line of said 2 1/4 acre parcel of land so conveyed to Melvin K. Peters and Rebecca Gardner, S 81° 07' 51" E, 64.35 feet to a concrete post found at a corner of said 27.964 acre parcel of land so conveyed to William H. and Lenore E. Dudgeon and Mark A. and Jill E. Roth, at the southeast corner of said 2 1/4 acre parcel of land so conveyed to Melvin K. Peters and Rebecca Gardner and on the west line of a 2.8 acre parcel of land conveyed to Jack Foltz, Jr. by a deed recorded in Volume 1037, Page 764 of the Tuscarawas County Official Records;

- Course No. 2 Thence with a line of said 27.964 acre parcel of land so conveyed to William H. and Lenore E. Dudgeon and Mark A. and Jill E. Roth and with the west line of said 2.8 acre parcel of land so conveyed to Jack Foltz, Jr., S 07° 46' 22" W, 41.38 feet to an iron pin with cap stamped "PYLE" found at a corner of said 27.964 acre parcel of land so conveyed to William H. and Lenore E. Dudgeon and Mark A. and Jill E. Roth and at the southwest corner of said 2.8 acre parcel of land so conveyed to Jack Foltz, Jr.;
- Course No. 3 Thence with the north line of said 27.964 acre parcel of land so conveyed to William H. and Lenore E. Dudgeon and Mark A. and Jill E. Roth, with the south line of said 2.8 acre parcel of land so conveyed to Jack Foltz, Jr. and with the south line of a parcel of land conveyed to William Edgar and Ruth Ross, S 88° 25' 47" E, passing on line an iron pin with cap stamped "PYLE" found at 186.75 feet and an iron pin with cap stamped "D.A. BOWER" found at 536.07 feet, a total distance of 551.76 feet at a point at the northeast corner of said 27.964 acre parcel of land so conveyed to William H. and Lenore E. Dudgeon and Mark A. and Jill E. Roth, on the south line of said parcel of land so conveyed to William Edgar and Ruth Ross and in Stillwater Avenue (S.R. - 800) (60' width);
- Course No. 4 Thence with the east line of said 27.964 acre parcel of land so conveyed to William H. and Lenore E. Dudgeon and Mark A. and Jill E. Roth and in said Stillwater Avenue the following two (2) courses and distances: S 30° 34' 13" W, 307.56 feet to an iron pin with cap stamped "D. A. BOWER" found therein;
- Course No. 5 Thence S 29° 05' 50" W, 123.52 feet to an iron pin with cap stamped "D. A. BOWER" found at a corner of said 27.964 acre parcel of land so conveyed to William H. and Lenore E. Dudgeon and Mark A. and Jill E. Roth, in said Stillwater Avenue, on the line dividing Union Township and the Village of Dennison corporation and on the south line of said Northwest Quarter of Section 31;
- Course No. 6 Thence crossing through said 27.964 acre parcel of land so conveyed to William H. and Lenore E. Dudgeon and Mark A. and Jill E. Roth, with the line between said Union Township and the Village of Dennison corporation, and with the south line of said Northwest Quarter of Section 31, N 89° 10' 10" W, 680.14 feet to an iron pin set on the line said Union Township and the Village of Dennison corporation;

Course No. 7 Thence leaving said line between Union Township and the Village of Dennison corporation and with a new line of division through said 27.964 acre parcel of land so conveyed to William H. and Lenore E. Dudgeon and Mark A. and Jill E. Roth the following eight (8) courses and distances: N 46° 42' 58" E, 71.20 feet to an iron pin set;

Course No. 8 Thence N 53° 17' 02" E, 40.57 feet at an iron pin set;

Course No. 9 Thence N 63° 03' 23" E, 61.15 feet to an iron pin set;

Course No. 10 Thence N 53° 38' 34" E, 76.60 feet to an iron pin set;

Course No. 11 Thence N 26° 39' 20" E, 69.12 feet to an iron pin set;

Course No. 12 Thence N 18° 29' 49" E, 43.81 feet to an iron pin set;

Course No. 13 Thence N 12° 56' 06" E, 50.51 feet to an iron pin set;

Course No. 14 Thence N 13° 04' 58" E, 133.67 feet to the **Point of Beginning**, containing **5.328** acres (232,075 square feet), more or less, of which 0.130 acres lie within the road right of way, but subject to all legal highways, easements, reservations and restrictions of record.

Bearings are oriented to the 27.964 acre parcel of land by a deed recorded in Volume 1264, Page 2117 of the Tuscarawas County Official Records. All iron pins set are 30" x 3/4" round steel bars with plastic caps stamped "DIVERSIFIED ENGINEERING".

Description prepared from a field survey under the direction of Leslie J. Froelich, Professional Surveyor No. 8502 in July 2012.

And in consideration thereof, the Board finds that it contains the signatures of all of the adult freeholders residing in the territory sought to be annexed; that said petition for annexation is submitted by such landowners pursuant to Ohio Revised Code Section 709.022; that the Clerk has caused the petition to be entered upon the record of proceedings of the Board and has filed a copy of the petition with the Tuscarawas County Auditor.

It is ordered that the petition for annexation be granted as requested, and that the above

described real estate be annexed into the Village of Dennison, Ohio.

It is further ordered that the Clerk of the Board of Commissioners shall deliver a certified copy of the entire record of the annexation proceedings, including all Resolutions of the Board of Commissioners, signed by a majority of the members of the Board of Commissioners, the petition, map, and all other papers on file, and the recording of the proceedings, if a copy is available, to the Fiscal Officer of the Village of Dennison, Ohio.

<b>Vote: Chris Abbuhl</b>	<b>Yes</b>
<b>Kerry Metzger</b>	<b>Yes</b>
<b>Belle Everett</b>	<b>Yes</b>

Resolution adopted this 18TH day of AUGUST, 2014.

**THE BOARD OF COMMISSIONERS OF  
TUSCARAWAS COUNTY, OHIO**

*Chris Abbuhl*  
CHRIS ABBUHL, COMMISSIONER

*Kerry Metzger*  
KERRY METZGER, COMMISSIONER

*Belle Everett*  
BELLE EVERETT, COMMISSIONER

**ATTEST:**

*Jane A. Clay*  
CLERK

**VOLUME** 75, **PAGE** 262

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ATTACHMENTS – ANNEXATION DOCUMENTS

**IN THE MATTER OF THE ANNEXATION  
OF AN ADJACENT 5.328 ACRE TRACT OF  
LAND LOCATED IN UNION TOWNSHIP,  
TUSCARAWAS, COUNTY, OHIO TO THE  
CITY OF DENNISON, TUSCARAWAS  
COUNTY, OHIO**

**PETITION FOR ANNEXATION  
WITH PROPER CONSENT OF  
PARTIES PER OHIO REVISED  
CODE SECTION 709.022**

**TO THE COMMISSIONERS OF TUSCARAWAS COUNTY, OHIO:**

The undersigned, Stillwater Partners LLC, an Ohio Limited Liability Company, being the owner of the real estate described in the metes and bounds legal description and plat attached hereto and incorporated herein as Exhibit "A", and made a part hereof, respectfully petition for the annexation of a 5.328 acre tract from Union Township to the Village of Dennison, Tuscarawas County, Ohio, pursuant to Ohio Revised Code Section 709.022. An executed Annexation Agreement between the Village of Dennison and Union Township is attached hereto and incorporated herein as Exhibit "B".

The petitioned premises are situated in the Township of Union, Tuscarawas County, Ohio and are adjacent to and contiguous with the Village of Dennison, Tuscarawas County, Ohio.

A list of adjoining property owners and a copy of the Tuscarawas County Engineer's Map Office Maps are attached hereto and incorporated herein as Exhibit "C" and made part hereof.

Brad L. Hillyer is appointed agent for the petitioners as required by R.C. 709.02 of the Ohio Revised Code, with full power to amend, increase or decrease the area, to do any and all

things essential thereto, and to take any action necessary for obtaining the granting of this petition, without further expressed consent of the petitioners.

**“WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL ANY ACTION ON THE PETITION TAKEN BY THE BOARD OF COUNTY COMMISSIONERS. THERE ALSO IS NO APPEAL FROM THE BOARD’S DECISION IN THIS MATTER IN LAW OR IN EQUITY.”**

Dated: JUN 15, 2014

**STILLWATER PARTNERS LLC**

*Brad L. Hillyer*

**BRAD L. HILLYER, AGENT FOR  
STILLWATER PARTNERS LLC**

*Mark Roth*

**MARK ROTH**



# Diversified Engineering Inc.

CONSULTING ENGINEERS & SURVEYORS



## DESCRIPTION OF A 5.328 ACRE PARCEL (PHASE II)

Situated in the Township of Union, County of Tuscarawas and State of Ohio.

Being part of the Northwest Quarter of Section 31 in Township 14, Range 7 of the Old Seven Ranges and being part of a 27.964 acre parcel of land conveyed to William H. and Lenore E. Dudgeon and Mark A. and Jill E. Roth by a deed recorded in Volume 1264, Page 2117 of the Tuscarawas County Official Records, Auditor's Parcel No. 59-00269.000 and being more fully described as follows:

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**Course No. 1** Thence from said beginning and with the north line of said 27.964 acre parcel of land so conveyed to William H. and Lenore E. Dudgeon and Mark A. and Jill E. Roth and with the south line of said 2 ¼ acre parcel of land so conveyed to Melvin K. Peters and Rebecca Gardner, S 81° 07' 51" E, 64.35 feet to a concrete post found at a corner of said 27.964 acre parcel of land so conveyed to William H. and Lenore E. Dudgeon and Mark A. and Jill E. Roth, at the southeast corner of said 2 ¼ acre parcel of land so conveyed to Melvin K. Peters and Rebecca Gardner and on the west line of a 2.8 acre parcel of land conveyed to Jack Foltz, Jr. by a deed recorded in Volume 1037, Page 764 of the Tuscarawas County Official Records;

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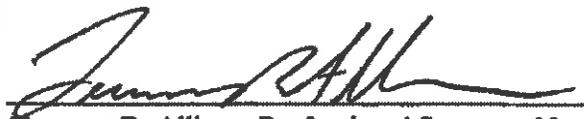
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Description prepared from a field survey under the direction of Leslie J. Froelich, Professional Surveyor No. 8502 in July 2012.

10/15/13  
Date

  
Terence R. Allison, Professional Surveyor No. 7176

# ANNEXATION TO THE VILLAGE OF DENNISON

Situated in the Township of Union, County of Tuscarawas and State of Ohio,  
being part of the Northwest Quarter of Section 31,  
Township 14, Range 7, Old Seven Ranges.



VICINITY MAP  
SCALE 1" = 1 MILE

### ACKNOWLEDGMENTS

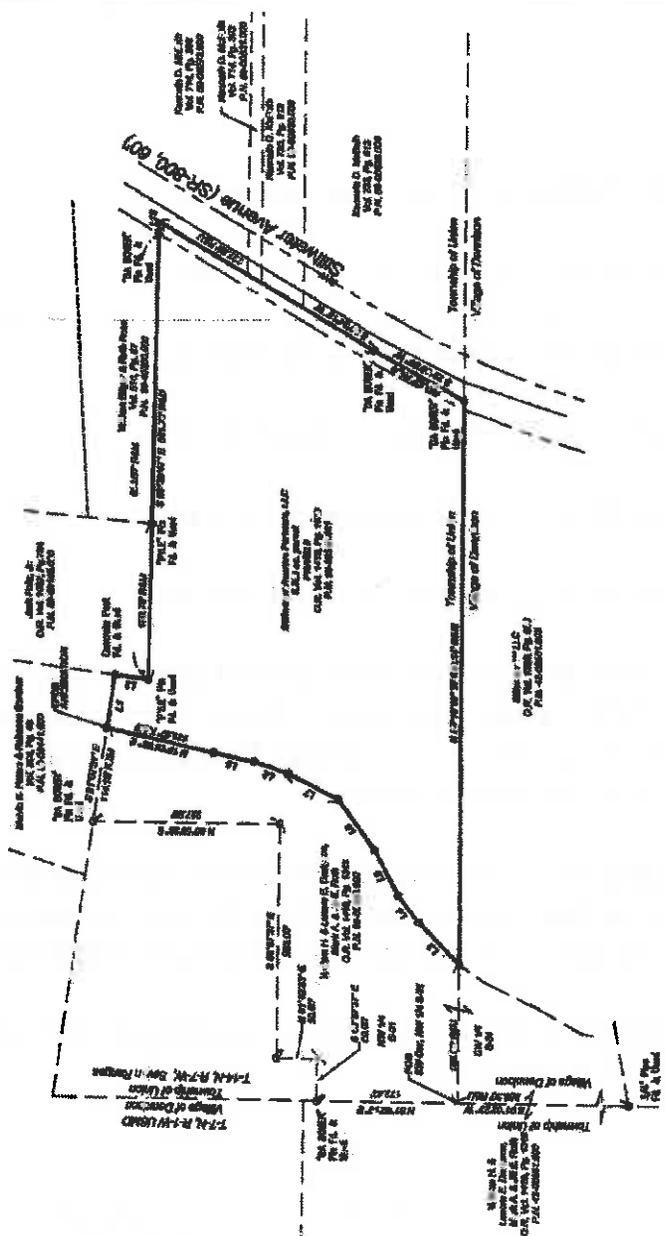
I, the undersigned, being duly sworn, depose and say that the contents of the foregoing plat are true and correct to the best of my knowledge and belief, and that I am a resident of the County of Tuscarawas, State of Ohio.

Witness my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**Notary Public**  
My Commission Expires \_\_\_\_\_

I, the undersigned, being duly sworn, depose and say that the contents of the foregoing plat are true and correct to the best of my knowledge and belief, and that I am a resident of the County of Tuscarawas, State of Ohio.

**Notary Public**  
My Commission Expires \_\_\_\_\_



This is to certify that the annexation of the Village of Dennison to the Township of Union, County of Tuscarawas, State of Ohio, is in accordance with the provisions of Chapter 4729-27 of the Ohio Administrative Code. The annexation is subject to the approval of the Board of Commissioners of the County of Tuscarawas, Ohio, and the Board of Supervisors of the Township of Union, Ohio. The annexation is subject to the approval of the Board of Supervisors of the Township of Denison, Ohio. The annexation is subject to the approval of the Board of Supervisors of the Township of Dennison, Ohio.

Lot No.	Acres	Owner	Address
1	0.12	John Doe	123 Main St.
2	0.15	Jane Smith	456 Elm St.
3	0.18	Bob Johnson	789 Oak St.
4	0.21	Alice Brown	101 Pine St.
5	0.24	Charlie White	202 Maple St.
6	0.27	Diana Green	303 Birch St.
7	0.30	Frank Black	404 Cedar St.
8	0.33	Grace King	505 Elm St.
9	0.36	Henry Lee	606 Oak St.
10	0.39	Ivy Miller	707 Pine St.
11	0.42	Jack Wilson	808 Maple St.
12	0.45	Karen Young	909 Birch St.
13	0.48	Liam Hall	1010 Cedar St.
14	0.51	Mia Adams	1111 Elm St.
15	0.54	Noah Baker	1212 Oak St.
16	0.57	Olivia Carter	1313 Pine St.
17	0.60	Peter Davis	1414 Maple St.
18	0.63	Quinn Evans	1515 Birch St.
19	0.66	Ryan Foster	1616 Cedar St.
20	0.69	Sarah Gibson	1717 Elm St.
21	0.72	Thomas Hill	1818 Oak St.
22	0.75	Uma King	1919 Pine St.
23	0.78	Victor Lee	2020 Maple St.
24	0.81	Wendy Miller	2121 Birch St.
25	0.84	Xavier Wilson	2222 Cedar St.
26	0.87	Yara Young	2323 Elm St.
27	0.90	Zoe Adams	2424 Oak St.
28	0.93	Adam Baker	2525 Pine St.
29	0.96	Bella Carter	2626 Maple St.
30	0.99	Carl Davis	2727 Birch St.
31	1.02	Dora Evans	2828 Cedar St.
32	1.05	Ethan Foster	2929 Elm St.
33	1.08	Fiona Gibson	3030 Oak St.
34	1.11	Gavin Hill	3131 Pine St.
35	1.14	Hannah King	3232 Maple St.
36	1.17	Ian Lee	3333 Birch St.
37	1.20	Jessica Miller	3434 Cedar St.
38	1.23	Kyle Wilson	3535 Elm St.
39	1.26	Laura Young	3636 Oak St.
40	1.29	Mason Adams	3737 Pine St.
41	1.32	Natalie Baker	3838 Maple St.
42	1.35	Oscar Carter	3939 Birch St.
43	1.38	Pamela Davis	4040 Cedar St.
44	1.41	Quinn Evans	4141 Elm St.
45	1.44	Ryan Foster	4242 Oak St.
46	1.47	Sarah Gibson	4343 Pine St.
47	1.50	Thomas Hill	4444 Maple St.
48	1.53	Uma King	4545 Birch St.
49	1.56	Victor Lee	4646 Cedar St.
50	1.59	Wendy Miller	4747 Elm St.
51	1.62	Xavier Wilson	4848 Oak St.
52	1.65	Yara Young	4949 Pine St.
53	1.68	Zoe Adams	5050 Maple St.
54	1.71	Adam Baker	5151 Birch St.
55	1.74	Bella Carter	5252 Cedar St.
56	1.77	Carl Davis	5353 Elm St.
57	1.80	Dora Evans	5454 Oak St.
58	1.83	Ethan Foster	5555 Pine St.
59	1.86	Fiona Gibson	5656 Maple St.
60	1.89	Gavin Hill	5757 Birch St.
61	1.92	Hannah King	5858 Cedar St.
62	1.95	Ian Lee	5959 Elm St.
63	1.98	Jessica Miller	6060 Oak St.
64	2.01	Kyle Wilson	6161 Pine St.
65	2.04	Laura Young	6262 Maple St.
66	2.07	Mason Adams	6363 Birch St.
67	2.10	Natalie Baker	6464 Cedar St.
68	2.13	Oscar Carter	6565 Elm St.
69	2.16	Pamela Davis	6666 Oak St.
70	2.19	Quinn Evans	6767 Pine St.
71	2.22	Ryan Foster	6868 Maple St.
72	2.25	Sarah Gibson	6969 Birch St.
73	2.28	Thomas Hill	7070 Cedar St.
74	2.31	Uma King	7171 Elm St.
75	2.34	Victor Lee	7272 Oak St.
76	2.37	Wendy Miller	7373 Pine St.
77	2.40	Xavier Wilson	7474 Maple St.
78	2.43	Yara Young	7575 Birch St.
79	2.46	Zoe Adams	7676 Cedar St.
80	2.49	Adam Baker	7777 Elm St.
81	2.52	Bella Carter	7878 Oak St.
82	2.55	Carl Davis	7979 Pine St.
83	2.58	Dora Evans	8080 Maple St.
84	2.61	Ethan Foster	8181 Birch St.
85	2.64	Fiona Gibson	8282 Cedar St.
86	2.67	Gavin Hill	8383 Elm St.
87	2.70	Hannah King	8484 Oak St.
88	2.73	Ian Lee	8585 Pine St.
89	2.76	Jessica Miller	8686 Maple St.
90	2.79	Kyle Wilson	8787 Birch St.
91	2.82	Laura Young	8888 Cedar St.
92	2.85	Mason Adams	8989 Elm St.
93	2.88	Natalie Baker	9090 Oak St.
94	2.91	Oscar Carter	9191 Pine St.
95	2.94	Pamela Davis	9292 Maple St.
96	2.97	Quinn Evans	9393 Birch St.
97	3.00	Ryan Foster	9494 Cedar St.
98	3.03	Sarah Gibson	9595 Elm St.
99	3.06	Thomas Hill	9696 Oak St.
100	3.09	Uma King	9797 Pine St.

AMERICAN PLAT  
815 Taylor Avenue, Perrysburg, OH 43071  
Phone: 614.688.0887  
Fax: 614.688.0888



SCALE: 1" = 1 MILE  
DATE: 07/11/2014  
DRAWN BY: J. L. HARRIS  
CHECKED BY: J. L. HARRIS  
DATE: 07/11/2014

CERTIFICATION OF ANNEXATION

We hereby certify that the within Annexation Agreement is a certified original of such Document.

*Brad L. Hillyer*

BRAD L. HILLYER, AGENT

*James J. Ong*  
JAMES J. ONG, SOLICITOR

STATE OF OHIO

TUSCARAWAS COUNTY

Before me, a Notary Public, in and for said County and State, personally appeared the named Brad L. Hillyer who acknowledged that he has read the foregoing instrument and that the signing of the same is his free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at

Uhrichsville, Ohio this 5<sup>th</sup> day of June, 2014.



Terri A. Loy  
Notary Public, State of Ohio  
My Commission Expires  
September 23, 2014

*Terri A. Loy*  
NOTARY PUBLIC

STATE OF OHIO

TUSCARAWAS COUNTY

Before me, a Notary Public, in and for said County and State, personally appeared the named James J. Ong who acknowledged that he has read the foregoing instrument and that the signing of the same is his free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at

Uhrichsville, Ohio this 5<sup>th</sup> day of June, 2014.



Terri A. Loy  
Notary Public, State of Ohio  
My Commission Expires  
September 23, 2014

*Terri A. Loy*  
NOTARY PUBLIC



## ANNEXATION AGREEMENT

Pursuant to Ohio Revised Code Section 709, the Board of Trustees of Union Township, Tuscarawas County, Ohio (hereinafter Township) and the Village of Dennison, Ohio, through its Village Council (hereinafter City) hereby enter into this Annexation Agreement (hereinafter Agreement) for purposes of consenting to a proposed annexation of certain territory from the Township to the Village and to further outline the terms and conditions of said annexation, said Annexation being the Stillwater Partners LLC Annexation.

**NOW, THEREFORE**, the parties hereto agree and consent as follows:

1. The Territory to be annexed from Township to Village is the acreage more fully described in the attached Exhibit "A".
2. The Territory shall be annexed to the Village of Dennison, Tuscarawas County, Ohio effective at such time as the Village of Dennison accepts the annexation subsequent to the Board of Commissioners' approval, as provided by law.
3. The term of annexation of the Territory to the Village of Dennison shall be perpetual.
4. Except as otherwise expressly provided elsewhere in this Agreement, this Agreement shall not be altered, modified or changed except by a written document duly executed by both the Village of Dennison and Union Township.
5. In the event any provision of this Agreement is held to be illegal, invalid or unenforceable to any extent, the legality, validity and enforceability of the remainder of this Agreement shall not be affected thereby and shall remain in full force and effect and shall be enforced to the greatest extent permitted by law.
6. That upon completion of the Annexation Proceeding, the Territory so annexed shall be zoned in conformity with all contiguous property in the Village.
7. That upon completion of the Annexation Proceeding, the Territory so annexed shall be provided access to Village services and improvements as are in conformity with contiguous property to the Territory already incorporated within the Village. The Village reserves the right to require any private developer or the Territory to comply with all existing ordinances and regulations of the Village pertaining to development of the Territory, including all necessary approvals required by the Village Planning Commission, Village Council, or other Village representatives.

8. That this Annexation Agreement shall be submitted to the Commissioners, together with a Petition for Annexation by the property owners, under Ohio Revised Code Section 709.022. The Township, with respect to the property described in this Agreement only, shall not require payment of the real estate taxes as provided for in Chapter 709 of the Ohio Revised Code.

IN WITNESS WHEREOF, the Village of Dennison, Ohio by and through its authorized representatives, and Union Township by and through its Trustees, have hereunto set their hands as set forth below.

Dated:

4/30/14, 20 14

4-30-14, 20 14

4/30/14, 20 14

The Board of Trustees of Union Township

By: Joseph J. Martinelli  
Joseph J. Martinelli, Trustee

By: Ronald K. Carman  
Ronald K. Carman, Trustee

By: Matthew J. Liggett  
Matthew J. Liggett, Trustee

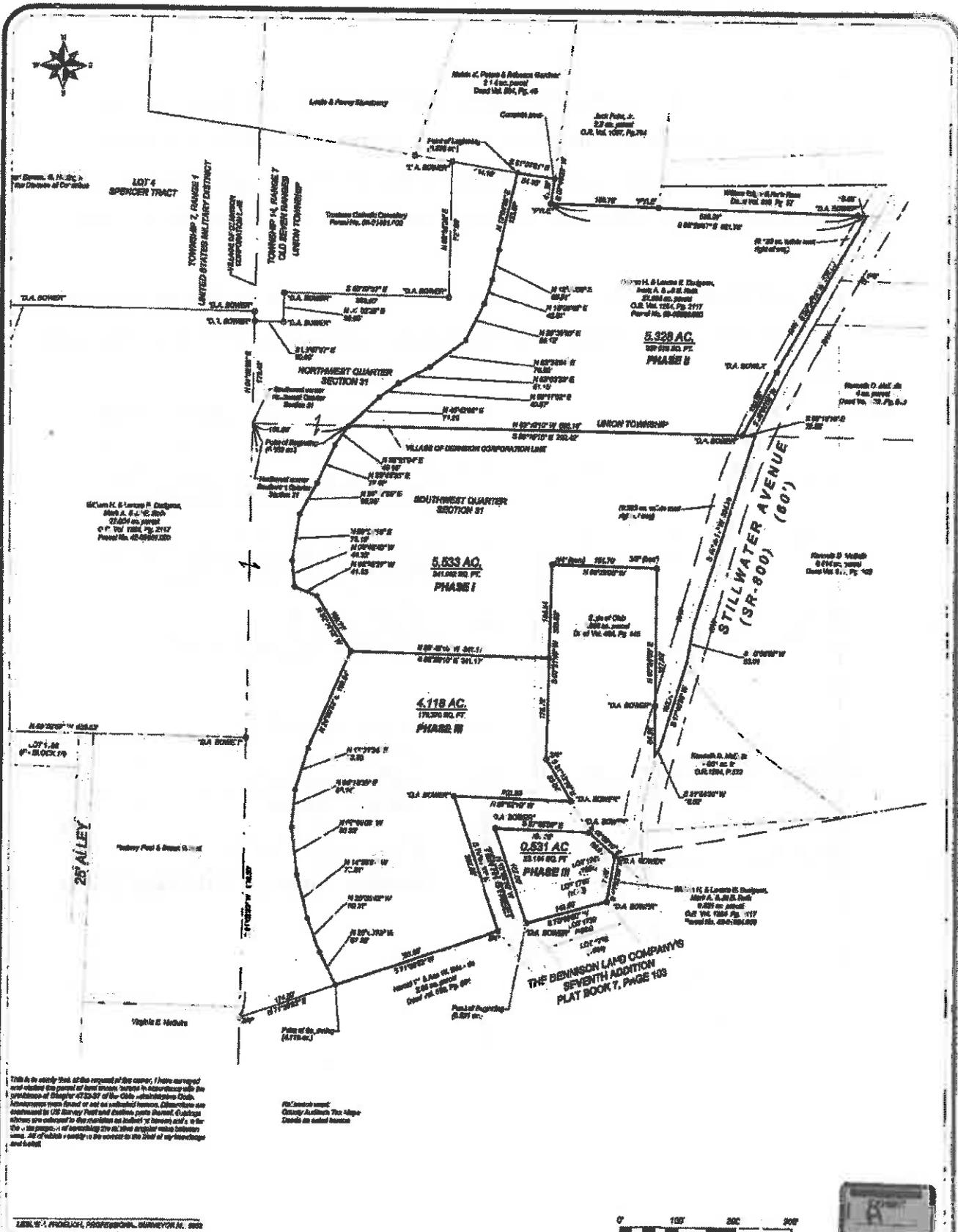
VILLAGE OF DENNISON

April 3, 2014, 20

By: Tim Still  
Tim Still, Mayor

April 3, 20 14

By: Kathleen Norman  
Kathleen Norman, Clerk/Fiscal Officer



This is to certify that, at the request of the owner, I have surveyed and adjusted the parcel of land shown herein in accordance with the requirements of Chapter 47-22A-07 of the Code of Ordinances of the Township of Union, New Jersey, and that the same have been approved by the Township Council. I have also surveyed and adjusted the parcel of land shown herein in accordance with the requirements of the Township of Union, New Jersey, and that the same have been approved by the Township Council. I have also surveyed and adjusted the parcel of land shown herein in accordance with the requirements of the Township of Union, New Jersey, and that the same have been approved by the Township Council.

LESLIE F. FROELICH, PROFESSIONAL SURVEYOR No. 988

- Accurate survey measurements (Survey)
- Correct - 1/4 inch (Survey)
- Accurate (Survey)
- Correct - 1/4 inch (Survey)

ISSUE DATE: 07/17/12 SCALE: 1" = 100'  
 SURVEYED BY: J.M.S. DATE: 06/20/12  
 DRAWN BY: J.M.S. DATE: 07/17/12  
 CALC BY: J.M.S. DATE: 07/17/12  
 FILE #: 820-000

**Diversified Engineering Inc.**  
 1000 ROUTE 100  
 SUITE 100  
 HUNTSVILLE, AL 35894  
 (205) 883-1111  
 www.diversifiedeng.com

**PLAT OF SURVEY**  
 GRANTOR: WILLIAM H. & LEONORE E. DODGSON, MARK A. & JILL E. ROTH  
 GRANTEE: RUTGERS AND COMPANY LLC  
 LOCATION: PART OF THE NORTHWEST & SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 14, RANGE 7, OLD SEVEN RANGES, VILLAGE OF DENNISON & UNION TOWNSHIP, TRENCHARD COUNTY, OHIO

SHEET NO.  
**1**



# Diversified Engineering Inc.

CONSULTING ENGINEERS & SURVEYORS

## DESCRIPTION OF A 5.328 ACRE PARCEL (PHASE II)

Situated in the Township of Union, County of Tuscarawas and State of Ohio.

Being part of the Northwest Quarter of Section 31 in Township 14, Range 7 of the Old Seven Ranges and being part of a 27.964 acre parcel of land conveyed to William H. and Lenore E. Dudgeon and Mark A. and Jill E. Roth by a deed recorded in Volume 1264, Page 2117 of the Tuscarawas County Official Records, Auditor's Parcel No. 59-00269.000 and being more fully described as follows:

**Beginning** at an iron pin set on the north line of the aforesaid 27.964 acre parcel of land so conveyed to William H. and Lenore E. Dudgeon and Mark A. and Jill E. Roth and on the south line of a 2 ¼ acre parcel of land conveyed to Melvin K. Peters and Rebecca Gardner by a deed recorded in Volume 564, Page 49 of the Tuscarawas County Deed Records, said pin being located N 01° 02' 23" E, 172.43 feet, S 88° 57' 37" E, 50.00 feet, N 01° 02' 23" E, 50.00 feet, S 88° 57' 37" E, 283.00 feet, N 00° 56' 28" E, 227.80 feet and S 81° 07' 51" E, 114.15 feet from a point at the southwest corner of the Northwest Quarter of Section 31;

**Course No. 1** Thence from said beginning and with the north line of said 27.964 acre parcel of land so conveyed to William H. and Lenore E. Dudgeon and Mark A. and Jill E. Roth and with the south line of said 2 ¼ acre parcel of land so conveyed to Melvin K. Peters and Rebecca Gardner, S 81° 07' 51" E, 64.35 feet to a concrete post found at a corner of said 27.964 acre parcel of land so conveyed to William H. and Lenore E. Dudgeon and Mark A. and Jill E. Roth, at the southeast corner of said 2 ¼ acre parcel of land so conveyed to Melvin K. Peters and Rebecca Gardner and on the west line of a 2.8 acre parcel of land conveyed to Jack Foltz, Jr. by a deed recorded in Volume 1037, Page 764 of the Tuscarawas County Official Records;

**Course No. 2** Thence with a line of said 27.964 acre parcel of land so conveyed to William H. and Lenore E. Dudgeon and Mark A. and Jill E. Roth and with the west line of said 2.8 acre parcel of land so conveyed to Jack Foltz, Jr., S 07° 46' 22" W, 41.38 feet to an iron pin with cap stamped "PYLE" found at a corner of said 27.964 acre parcel of land so conveyed to William H. and Lenore E.

Dudgeon and Mark A. and Jill E. Roth and at the southwest corner of said 2.8 acre parcel of land so conveyed to Jack Foltz, Jr.;

Course No. 3 Thence with the north line of said 27.964 acre parcel of land so conveyed to William H. and Lenore E. Dudgeon and Mark A. and Jill E. Roth, with the south line of said 2.8 acre parcel of land so conveyed to Jack Foltz, Jr. and with the south line of a parcel of land conveyed to William Edgar and Ruth Ross, S 88° 25' 47" E, passing on line an iron pin with cap stamped "PYLE" found at 186.75 feet and an iron pin with cap stamped "D.A. BOWER" found at 536.07 feet, a total distance of 551.76 feet at a point at the northeast corner of said 27.964 acre parcel of land so conveyed to William H. and Lenore E. Dudgeon and Mark A. and Jill E. Roth, on the south line of said parcel of land so conveyed to William Edgar and Ruth Ross and in Stillwater Avenue (S.R. - 800) (60' width);

Course No. 4 Thence with the east line of said 27.964 acre parcel of land so conveyed to William H. and Lenore E. Dudgeon and Mark A. and Jill E. Roth and in said Stillwater Avenue the following two (2) courses and distances: S 30° 34' 13" W, 307.56 feet to an iron pin with cap stamped "D. A. BOWER" found therein;

Course No. 5 Thence S 29° 05' 50" W, 123.52 feet to an iron pin with cap stamped "D. A. BOWER" found at a corner of said 27.964 acre parcel of land so conveyed to William H. and Lenore E. Dudgeon and Mark A. and Jill E. Roth, in said Stillwater Avenue, on the line dividing Union Township and the Village of Dennison corporation and on the south line of said Northwest Quarter of Section 31;

Course No. 6 Thence crossing through said 27.964 acre parcel of land so conveyed to William H. and Lenore E. Dudgeon and Mark A. and Jill E. Roth, with the line between said Union Township and the Village of Dennison corporation, and with the south line of said Northwest Quarter of Section 31, N 89° 10' 10" W, 680.14 feet to an iron pin set on the line said Union Township and the Village of Dennison corporation;

Course No. 7 Thence leaving said line between Union Township and the Village of Dennison corporation and with a new line of division through said 27.964 acre parcel of land so conveyed to William H. and Lenore E. Dudgeon and Mark A. and Jill E. Roth the following eight (8) courses and distances: N 46° 42' 58" E, 71.20 feet to an iron pin set;

Course No. 8 Thence N 53° 17' 02" E, 40.57 feet at an iron pin set;

Course No. 9 Thence N 63° 03' 23" E, 61.15 feet to an iron pin set;

Course No. 10 Thence N 53° 38' 34" E, 76.60 feet to an iron pin set;

Course No. 11 Thence N 26° 39' 20" E, 69.12 feet to an iron pin set;

Course No. 12 Thence N 18° 29' 49" E, 43.81 feet to an iron pin set;

Course No. 13 Thence N 12° 56' 06" E, 50.51 feet to an iron pin set;

Course No. 14 Thence N 13° 04' 58" E, 133.67 feet to the **Point of Beginning**, containing **5.328 acres** (232,075 square feet), more or less, of which 0.130 acres lie within the road right of way, but subject to all legal highways, easements, reservations and restrictions of record.

Bearings are oriented to the 27.964 acre parcel of land by a deed recorded in Volume 1264, Page 2117 of the Tuscarawas County Official Records. All iron pins set are 30" x 3/4" round steel bars with plastic caps stamped "DIVERSIFIED ENGINEERING".

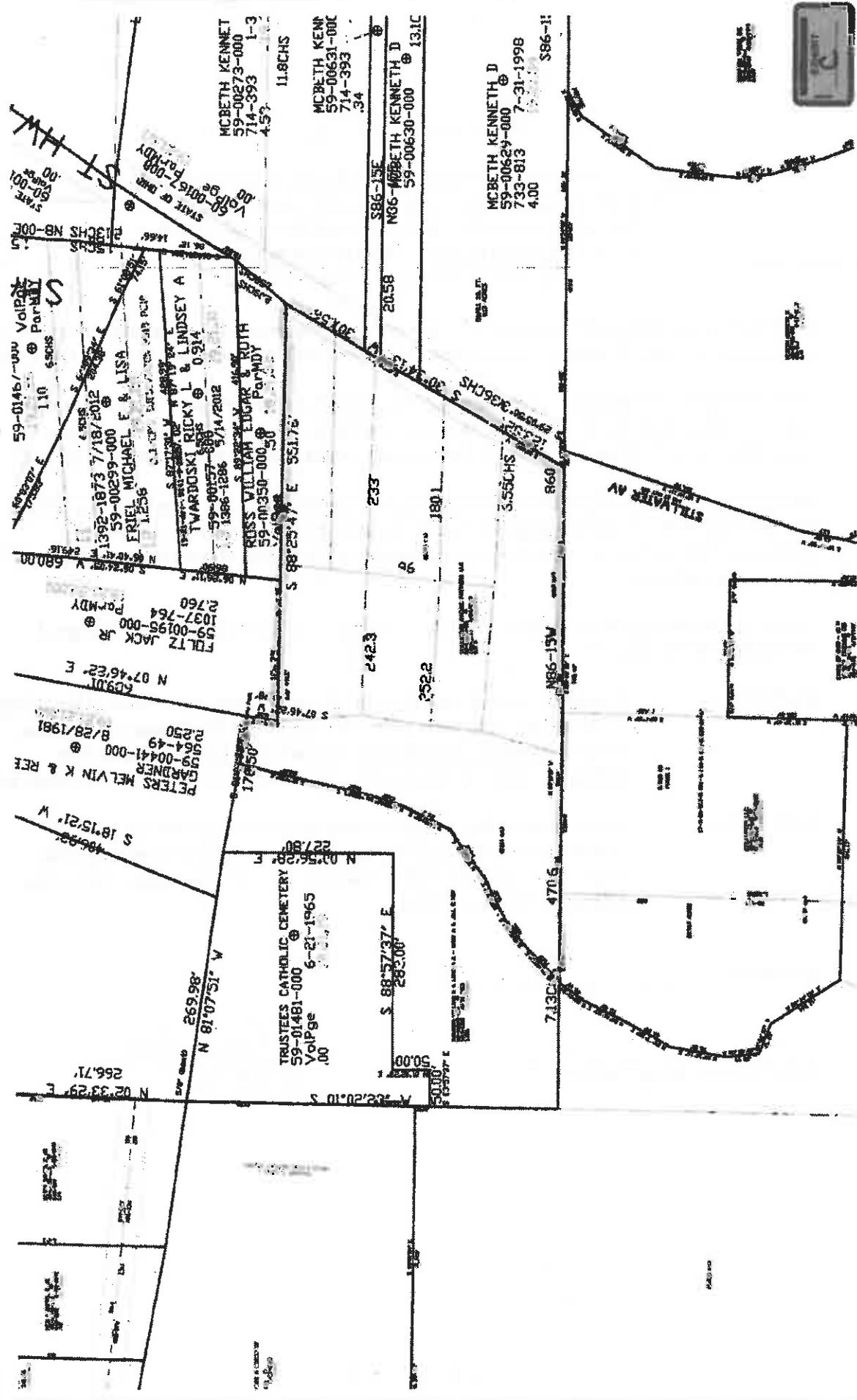
Description prepared from a field survey under the direction of Leslie J. Froelich, Professional Surveyor No. 8502 in July 2012.

10/15/13  
Date

  
Terence R. Allison, Professional Surveyor No. 7176

**EXHIBIT C**  
**LIST OF ADJOINING LANDOWNERS**

1. Stillwater Partners LLC  
300 California Street, Suite 210  
San Francisco, CA 74104
  
2. William H. Dudgeon and Lenore E. Dudgeon  
Mark A. Roth and Jill E. Roth  
30955 Barber Hill Road  
Tippecanoe, Ohio 44699
  
3. Kenneth D. McBeth  
514 Stillwater Avenue  
Dennison, Ohio 44621
  
4. William Edgar Ross and Ruth Ross  
202 McCook Avenue  
Dennison, Ohio 44621
  
5. Jack Foltz, Jr.  
6181 Wolf Run Road SE  
Dennison, Ohio 44621
  
6. Melvin K. Peters and Rebecca Gardner  
6545 State Route 800 SE  
Uhrichsville, Ohio 44683



STATE OF MARYLAND  
59-0146-UN Vol 124  
110 @ Par-Bill  
5900  
10000

ERIEL MICHAEL F & LISA  
1392-1873 7/18/2012  
59-00299-000 @  
1256

FULTZ JACK JR  
59-00195-000  
1037-764 Par-MDY  
2760  
N 07'46" E  
609'01"

PETERS MELVIN K & REE  
GARDNER  
59-00441-000 @  
564-49  
2250  
8/28/1981

MCBETH KENNETH  
59-00273-000  
714-393  
4.57  
11.8CHS

TWARDOSKI RICKY L & LINDSEY A  
59-00157-000 @  
0.214  
1396-1286 5/14/2002

TRUSTEES CATHOLIC CEMETERY  
59-01481-000 @  
Vol 96  
6-21-1965  
50.00

MCBETH KENNETH D  
59-00631-000  
714-393  
.34

ROSS WILLIAM EDGAR & RUTH  
59-00350-000 @ Par-MDY  
1396-1286 5/14/2002

MCBETH KENNETH D  
59-00630-000 @ 13.1C

MCBETH KENNETH D  
59-00629-000 @  
733-813 7-31-1998  
4.00  
S86-11

MCBETH KENNETH D  
59-00630-000 @ 13.1C

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RESOLUTION 2577

A RESOLUTION ACCEPTING MAINTENANCE RESPONSIBILITY  
FOR ROADWAY THAT WILL BE SEGMENTED DUE TO  
THE ANNEXATION OF 5.328 ACRES FROM UNION  
TOWNSHIP INTO THE CORPORATION LIMITS OF  
THE VILLAGE OF DENNISON, OHIO

WHEREAS, the Village of Dennison, Ohio has previously approved the proposed annexation of 5.328 acres in Union Township into the corporation limits of the Village of Dennison, Ohio; and

WHEREAS, the Tuscarawas County Engineer has advised that the proposed annexation will cause a street or highway to be divided or segmented by the boundary line between Union Township and the Village of Dennison, Ohio so as to create a road maintenance problem; and

WHEREAS, pursuant to the Ohio Revised Code, the Tuscarawas County Engineer has advised that his office will not provide approval for the proposed annexed unless the Village of Dennison, Ohio agrees, as a condition of the annexation, that it will assume the maintenance of that street or highway.

NOW, THEREFORE, BE IT RESOLVED by the Members of the Council of the Village of Dennison, Ohio as follows:

SECTION 1. In order to comply with the Ohio Revised Code, the Council of the Village of Dennison, Ohio hereby formally agrees that the Village of Dennison, Ohio will assume maintenance of the street or highway that will be divided or segmented due to the annexation of the the 5.328 acre tract; and

SECTION 2. The Council of the Village of Dennison, Ohio requests that the Tuscarawas County Engineer approve the proposed annexation of the 5.328 acre tract from Union Township into the corporation limits of the Village of Dennison, Ohio.

PASSED: 8/7/14

Kathy Norman  
Kathy Norman, Fiscal Officer

Tim Still  
Tim Still, Mayor

**RESOLUTION (768-2014)**

**PAY BILLS**

It was moved by Commissioner Everett, seconded by Commissioner Metzger, to approve for payment the following bills:

**Commissioners**

MNJ Technologies	RMS/Sheriff's Office	7,712.00
MNJ Technologies	RMS/Sheriff's Office	16,796.00
Thyssen Krupp Elevator	Repairs	496.86
Pitney Bowes Global Financial	Postage Machine Lease	669.00
First Communications	Long Distance/Veterans	46.01
First Communications	Long Distance/Switchboard	129.40
Liberty Distributors	Supplies	330.72

**Dog Pound**

First Communications	Long Distance	15.17
GovDeals	Auction Sale Fees	16.62
Treasurer Tusc Co	Internet Auction Distribution	148.38

**Engineer**

Tatman's Excavating	Oils & Greases	264.30
Martin Quarry	Materials	34.58
Guernsey Muskingum Electric	Electric Service	18.00
Northstar Asphalt	Project #3-2014	15,549.24
Republic Services	Purchase Fill Mat'1	2,349.00
Airgas USA	Bridge & Culvert Supplies	440.73
Clum Tire Service	Repairs/Parts	3.00
Kimble Clay & Limestone	Materials	6,176.34
Oster Sand & Gravel	Fill Dirt for CR 103	17,432.32

**Clerk of Courts**

Independence Business Supply	Supplies	45.00
Bloom's	Supplies	125.00

**Law Library**

Thomson Reuters West	Westlaw Patron Access	273.87
Thomson Reuters West	Westlaw Patron Access	578.63

**Employee Dress Down Day Fund**

Dress A Child	July DDD	281.85
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**Information Technology**

Provantage	Supplies	434.29
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**Water & Sewer**

Robert Wallace	Return Water Permit	925.00
OUPS	Manual Call Outs	6.00
RJ Wright & Sons	Fuel	1,611.11
Verizon Wireless	Modem Service	15.02
Frontier	Service	35.76
Frontier	Service	333.58
American Electric Power	Electric	5,776.80
Charles Rewinding	Repairs	607.35
Tusc Co Commissioners	Postage Meter Use	800.00
American Electric Power	Electric	2,623.89
Village of Tuscarawas	Wainwright Payment	2,020.78
RJ Wright & Sons	Fuel	1,051.22
Frontier	Service	34.48
American Electric Power	Electric	42.43
OUPS	Manual Call Outs	6.00
Univar	Materials	3,280.75
Tusc Co Commissioners	Postage Meter Use	132.34
Staples	Supplies	390.30
Brouse McDowell	Legal Services	58.00
Ream & Haager Lab	Lab Services	323.00
American Electric Power	Electric	1,060.36

**Job & Family Services**

Belmont Pines Hospital et al	Boarding Home Payroll	205,106.12
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**Sheriff**

Hahn Motor	Cruiser Repair	783.00
Johnsons Printing	Supplies	420.00
Steel Valley Portable X Rays	Inmate X Rays	100.00

**911**

Language Line Services	Interpreter	56.83
Emerson Network Power	UPS/Battery	6,549.00
American Electric Power	Tower Electric	227.66

**Public Defender**

Frank Bair	Utilities	372.53
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VOTE: Chris Abbuhl, yes;  
 Belle Everett, yes;  
 Kerry Metzger, yes;

**RESOLUTION (769-2014) RECESS**

It was moved by Commissioner Metzger, seconded by Commissioner Everett, to recess at 1:06 p.m. until 1:15 p.m. the next scheduled appointment.

VOTE: Chris Abbuhl, yes;  
 Belle Everett, yes;  
 Kerry Metzger, yes;

*Commissioner Abbuhl called the meeting out of recess and back into Regular Session at 1:14 p.m.*

**Discussion:** Joe Bachman (County Engineer) was present to discuss a letter he sent July 28, 2104 requesting excess funds for his department (found in Commissioners Journal 75, page 211, July 31, 2014). He asked to be in attendance when the letter is deliberated in public and he is present to answer any questions or for clarification. Commissioner Everett asked for a list of projects and what has begun. Joe Bachman said that he has not done anything. He is committed to purchase salt and noted it is a little bit too late in the season to do any paving simply because of bidding requirements. There are plans in the works for the truck wash bay they have to do regardless. They are about 1 month or so of having plans completed and submitted to the Port Authority folks. Patch materials have been purchased and is by far a record for patch materials, about double what they previously used.

Commissioner Abbuhl asked if Joe has heard any more from the stated regarding a study commissioned to come back with recommendations on dollars coming back to the Engineer's department. Joe explained at the beginning of the year a study was commissioned but nothing will be coming out before the governor election.

Commissioner Metzger discussed a seminar he was invited to attend by some of the oil and gas industry folks. The presentation was on a product called Aqua Salina that could reduce salt usage up to 30% and works in lower temperatures. This is a liquid deicer that is being used in 4 of the ODOT Districts but he does not believe our district is one of them. He has the contact person and will provide the information to Joe. Joe stated that Licking County was actually using a waste product from the oil and gas industry at which point he looked into its availability but it would have meant switching vehicles over to that type of product. Commissioner Everett questioned if that means Joe would need a different vehicle for application? Joe answered not necessarily a different vehicle but it ties you to the inserts ODOT uses and the liquid application along with that.

Commissioner Abbuhl stated the Board passed a resolution to get some dollars coming back to help with the Engineer's department needs. He understands Joe needs money to do some things he needs to do but unfortunately the Board has projects in the county. He would not be supportive of \$1.1 million going to road and bridge projects when there are projects that need to be done with the Sheriff, 911 and projects related to emergency management. The Board always has capital projects needed. He stated the Sheriff's budget is \$2.7 million, 911 \$1.3 million, Jail Operations \$2.7 million all separate departments with several others at approximately \$1 million (Common Pleas, MCJAS, Child Welfare, Juvenile, Board of Elections, Prosecutor and Maintenance) all out of the County General Fund. Capital Projects expenditures this year are \$763,626 with an additional \$208,267 to be paid with sales tax excess fund and there are another \$4,121,708 in future projects not including the 911 upgrade at \$8-10 million.

**RESOLUTION (768-2014)****PAY BILLS**

It was moved by Commissioner Everett, seconded by Commissioner Metzger, to approve for payment the following bills:

**Commissioners**

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MNJ Technologies	RMS/Sheriff's Office	16,796.00
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**Job & Family Services**

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**911**

Language Line Services	Interpreter	56.83
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**Public Defender**

Frank Bair	Utilities	372.53
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VOTE: Chris Abbuhl, yes;  
 Belle Everett, yes;  
 Kerry Metzger, yes;

**RESOLUTION (769-2014) RECESS**

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VOTE: Chris Abbuhl, yes;  
 Belle Everett, yes;  
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**Discussion:** Joe Bachman (County Engineer) was present to discuss a letter he sent July 28, 2104 requesting excess funds for his department (found in Commissioners Journal 75, page 211, July 31, 2014). He asked to be in attendance when the letter is deliberated in public and he is present to answer any questions or for clarification. Commissioner Everett asked for a list of projects and what has begun. Joe Bachman said that he has not done anything. He is committed to purchase salt and noted it is a little bit too late in the season to do any paving simply because of bidding requirements. There are plans in the works for the truck wash bay they have to do regardless. They are about 1 month or so of having plans completed and submitted to the Port Authority folks. Patch materials have been purchased and is by far a record for patch materials, about double what they previously used.

Commissioner Abbuhl asked if Joe has heard any more from the state regarding a study commissioned to come back with recommendations on dollars coming back to the Engineer's department. Joe explained at the beginning of the year a study was commissioned but nothing will be coming out before the governor election.

Commissioner Metzger discussed a seminar he was invited to attend by some of the oil and gas industry folks. The presentation was on a product called Aqua Salina that could reduce salt usage up to 30% and works in lower temperatures. This is a liquid deicer that is being used in 4 of the ODOT Districts but he does not believe our district is one of them. He has the contact person and will provide the information to Joe. Joe stated that Licking County was actually using a waste product from the oil and gas industry at which point he looked into its availability but it would have meant switching vehicles over to that type of product. Commissioner Everett questioned if that means Joe would need a different vehicle for application? Joe answered not necessarily a different vehicle but it ties you to the inserts ODOT uses and the liquid application along with that.

Commissioner Abbuhl stated the Board passed a resolution to get some dollars coming back to help with the Engineer's department needs. He understands Joe needs money to do some things he needs to do but unfortunately the Board has projects in the county. He would not be supportive of \$1.1 million going to road and bridge projects when there are projects that need to be done with the Sheriff, 911 and projects related to emergency management. The Board always has capital projects needed. He stated the Sheriff's budget is \$2.7 million, 911 \$1.3 million, Jail Operations \$2.7 million all separate departments with several others at approximately \$1 million (Common Pleas, MCJAS, Child Welfare, Juvenile, Board of Elections, Prosecutor and Maintenance) all out of the County General Fund. Capital Projects expenditures this year are \$763,626 with an additional \$208,267 to be paid with sales tax excess fund and there are another \$4,121,708 in future projects not including the 911 upgrade at \$8-10 million.

When Commissioner Everett looks at these projects one she thought the construction of the truck wash bay is important being it is an environmental concern, a must do project. Joe stated that many other people are getting a lot of heat from the EPA doing what they are doing. Commissioner Everett added that New Philadelphia sweeps the streets with the "sweepings" to be deposited the proper way not to pile them up. She would like for the Board to consider helping as it would help the engineer, watershed and community.

Commissioner Abbuhl appreciates the information Joe provided. Everybody in the county has felt the squeeze of losing revenue and he has never questioned that Joe could use the money. The Board has received some grants for the dome repair but it needs done at some point at a cost of \$800,000 - \$900,000. There are many capital projects the Board has put off for a number of years due to the same issues Joe has.

Joe said it caught his eye when the Board went to the state with a resolution to give excess funds to road and bridges. Commissioner Abbuhl stated it was an attempt to get those dollars back locally. He read the State of Ohio Office of Budget and Management Report where the State identified where the surplus funds went except for \$200 million. They did not address where those funds went so a resolution was created to get those funds back. The State also has \$1.5 million in the State's Rainy Day Fund. The Board tried to make it broader to help all the different areas even if they gave \$1 million back to each county it would be \$88 million. Joe's point is the Board passed a resolution saying they need an amount per mile of road and on the same day he was notified of the excess in the county budget so he thought to put that money towards roads. Commissioner Abbuhl pointed out that the excess for the state was factual numbers from the state when the county's excess is a projection from the budget commission. The budget commission did certify an extra \$500,000. This does not fill in for the money that the county has lost over time. \$2 million lost in interest revenue, personal property tax has been removed and the local government funds have been cut (\$900,000 revenue lost). He stated the capital project needs again. Joe asked if those capital projects are the county's highest priorities when the resolution was passed, why didn't the Board ask the state for the funds for those projects? Commissioner Metzger stated the effort was trying to find state dollars to help Joe out. The Board has tried to help out in a small way with solid waste district funds to pave haul roads. From Commissioner Metzger's understanding was this Resolution was an effort to try to find ways to help with the infrastructure in counties, municipalities and townships to help bring infrastructure dollars back. The intent was not to help the Board from the general fund perspective but to help Joe with his funding needs.

Commissioner Metzger truly believes the best shot for infrastructure funding is the severance tax. At some point the state is going to pass some form of a severance tax that will come back to the counties and townships. If you look at the county's general fund revenues they are not back to the level they had in 2007 and are hundreds of thousands of dollars short to reach the revenue projection. The Budget Commission felt comfortable certifying \$500,000 but they feel there will be some "leveling off" of those funds. Of the \$500,000, \$208,000 is going to capital needs that the Board did not know if they would have the funds to do those projects. Looking at the future, there are 3 union contracts to negotiate by the end of the year and there must be funds available for the negotiations. The Board keeps a capital projects list which is the only way to plan ahead. Studies have been done for the dome, justice center, annex, court house and child support buildings along with requests coming in from general fund departments that amount to \$4.1 million that the county has to meet as part of their job. This does not include the 911 system upgrade in 2017 which add another \$8-10 million. Commissioner Everett stated the 911 system is probably higher around \$11 million but she thinks it comes due in 2018.

Commissioner Everett stated the truck wash bay is county property, and questioned if that is something they would consider assisting with? It is not asphaltting the roads or chip and sealing the roads it is physical property in her thoughts it would be one to seriously consider as it is close to New Philadelphia's well field. She looks at the wash bay project the same as Job & Family Services and Sheriff building.

Commissioner Metzger stated the Board recently helped the Water & Sewer Department fund a crane but it was not in the form of a grant but a loan that will eventually come back into the capital projects fund. If there is an issue along those particular lines as far as the equipment side there is potential. General fund pieces have to come first but if there is a way of doing something for equipment in the form of a loan that would help Joe so he does not have to front the money and put then it would be put on a payment plan. Joe doesn't agree doing it that way as it is putting maintenance off to the next generation. Part of his issue is he cut bridge construction down to 1-2 per year. He inherited bridges that were load limited and it would be very easy to not do anything the next 10 years and the general public wouldn't know it but as an elected official he has an obligation to keep from putting that obligation on our grandchildren. He feels the county is asking the state to spend reserves on infrastructure but by the same token the county does not use their reserves, it's not important enough. Commissioner Abbuhl responded that the Board is trying to find a way to get dollars back to benefit the entire State of Ohio. There may be more of a likelihood to support the request if all entities were included.

The Board has obligations to meet that they are mandated to fund such as the Sheriff's Department. The Board is trying to do the best they can to be able to meet all their obligations and he knows Joe is too.

Joe asked if they anticipate a time where road and bridge infrastructure gets into the picture in front of the dome or 911? Commissioner Abbuhl stated he is not necessarily saying Joe's request is behind the dome. Joe asked if there would be a time they would put road and bridge projects on the capital projects list? Commissioner Abbuhl stated if they get back to the funding levels where they have a 6 million dollar carry over but with 3 million dollar carry over it is unlikely. He would never say never to help in the future but they had the dollars back then. Commissioner Everett would like to see it included in the future as it was included in the past. Joe added the commissioners built 2 bridges. Commissioner Metzger noted that was when the money was flush.

Joe stated the sad part is he has to go by exactly the same rules as ODOT does. On a "per mile of road" basis he has 8% of the amount that ODOT has for every dollar he has ODOT has \$13. There should be some difference as ODOT typically has high traffic but something is totally wrong with the funding picture. Commissioner Abbuhl said that is why we need to focus on the legislature. Joe disagrees and if you look at the movement of the legislature and think there may be a change after the election you are dreaming. Which party is going to vote to take care of these? Commissioner Metzger noted there is a bipartisan effort to get something done on the severance tax. This does not solve everything but provides funding. Joe added the state is taking 80% of the (oil & gas) money out of eastern Ohio and to him that is a crime.

Commissioner Everett appreciates Joe's efforts and his effort last summer noting that \$1.1 million is what he would have gotten from the license plate fee to start to recover. She also noted that materials have gone up, funding fluctuates and the feds (federal government) haven't changed the gasoline tax since 1994.

**Discussion:** Michael Jones (Director, TCMSD) presented his Statement of Rationale for Operating Cost Reductions. His department has been in financially difficult situation. The rates have been raised for customers but even with the rate increase they are operating in a significant deficit. He has been doing an analysis to be more efficient reducing operating costs without impacting customers. To make sure they are financially stable he is recommending the Board abolish 2 positions with subsequent layoffs out of economy and efficiency. This would affect 2 individuals that would be on payroll until September 5, 2014 so they still have county insurance through the end of September. The savings to the district is \$127,000 per year which allows them to become more financially stable. These positions are on an "as needed basis" and he does not have a lot of need for those positions at this time. When he does he can easily contract with a local contractor. He does not see the need in 2015 but may be needed in 2016. They have a lot of capital improvement needs too. He is continuously modifying and adopting changes as more studies are finalized. They are going to have to keep up with rates instead of having another large increase they are talking about smaller more manageable increases.

Commissioner Abbuhl appreciates the fact that Michael is running more efficiently to meet the needs of the consumers without cutting services. Commissioner Everett questioned the \$127,261.19 will leave him no room to allocate funds for capital projects until rates are increased as Michael stated and asked how much he ended last year. Michael said it will be immediate if they continue at our current rate structure in early 2015 we are going to run out of money and he does not have a reserve. They ended last year with about \$3,000. Commissioner Metzger commends Michael for looking at rate increases as they are tough. The easiest thing to do is raise revenue but the public wants to see that you are running an efficient operation and are looking at different ways to run things. Commissioner Metzger appreciates that Michael continues to look at different ways to reduce costs but maintain the services folks expect. Michael explained that the District has an obligation to make sure they are charging adequately to replace equipment. He is utilizing funds as cost effectively as possible. Commissioner Metzger added that it is interesting as commissioners they are responsible for 48 different agency funds out of the general fund and they have to make difficult decisions on how they allocate those dollars.

Commissioner Everett stated on a professional note, she appreciates Michael's efforts. This is a difficult thing to do when you have to tell 2 people that their jobs are no longer there. She appreciates the way he has handled it and feels for those 2 people that have those positions. Michael has faced the most difficult tasks to make those decisions and at the end of the day we (the Board) have to make those too.

Commissioner Abbuhl agreed this is a difficult task and as commissioners they had to make the difficult decision of closing the County home that had 38 positions and have 9 other positions that were not replaced. It is difficult when you are dealing with people's lives.

**Statement of Rationale for Operating Cost Reductions:**

**TUSCARAWAS COUNTY METROPOLITAN SEWER DISTRICT  
WATER AND SEWER DEPARTMENT**

**DIRECTOR / SANITARY ENGINEER**  
Michael B Jones, P.E.  
**SUPERINTENDENT**  
Justin Angel

**COMMISSIONERS**  
Chris Abbuhl  
Belle Everett  
Kerry Metzger

**STATEMENT OF RATIONALE FOR OPERATING COST REDUCTIONS**

August 13, 2014

**INTRODUCTION**

The Tuscarawas County Metropolitan Sewer District is at a critical juncture. Nearly a year has been spent evaluating alternatives to control and reduce the cost of operating our water and wastewater systems. A significant part of this evaluation has placed an emphasis on increasing operational efficiency and reduction of expenses.

**CURRENT FINANCIAL POSITION**

During a period between 2004 through 2013, both the water and sewer departments failed to bring in adequate revenue to cover expenses. In 2004, both the water and sewer department had healthy reserves in excess of \$1 million each. Since 2004, reserve funds have been used to help fund the cost of operations. As a result, the District was forced to take a loan from the Ohio Water Development Authority (OWDA) in 2013 to supplement revenue to help stabilize the system until rate increases took effect in early 2014.

In 2013, the County increased sewer rates 35%. Effective as of January 1, 2014, water rates were increased 42% and sewer rates were increased 12.5%. The sewer department is on pace to break even in 2014; however, the water system is still operating in a \$160,000 deficit. These measures only provide temporary deferral needed for time to remedy this situation by taking advantage of revenue from the OWDA loan. The District must take action quickly to move to a solid financial basis.

**CAPITAL IMPROVEMENT AND ONGOING MAINTENANCE NEEDS**

Much of the ongoing maintenance, repair, and replacement required to provide an adequate level of service has been deferred over the past 10 to 15 years. Grants and additional funding sources will not provide revenue for all the costs and expenses for planning, administering, and implementing these functions as well as the additional operational costs. As a result, the District has significant capital improvement needs throughout its systems. The following tables provide a summary of our 10-year Capital Improvement Plan for both the Water Department and Sewer Department. Although this list is thorough, it does not include many of the small, yet to be identified minor projects that will also likely be needed to maintain the level of service required of our organization.

**10 YEAR SEWER CAPITAL IMPROVEMENT PLAN**

Year	Description	Estimated Cost	Grant	Loan	Local Share
Annual	Small Projects	20,000/yr	0	0	200,000
Annual	Sewer System Rehab	25,000/yr	0	0	250,000
2015	GIS/CMMS Software	15,000	0	0	15,000
2015	County-wide SCADA System Integration	150,000	0	135,000	15,000
2015	Port Main & Port Quaker Pump Station Renovations	200,000	90,000	90,000	20,000
2017	Mineral City WWTP Sludge Holding Tank	150,000	45,000	67,500	37,500
2017	Wilkshire Hills WWTP Renovations	2,750,000	1,100,000	1,650,000	0
2017	Service Truck Replacement	37,000	0	29,600	7,400
2017	Stonecreek Membrane Replacement	70,000	0	0	70,000

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**Statement of Rationale for Operating Cost Reductions**

August 13, 2014

Page 2 of 3

Year	Description	Estimated Cost	Grant	Loan	Local Share
2018	Kerr WWTP - Convert to Pump Station	800,000	280,000	480,000	40,000
2018	Sandyville/East Sparta WWTP Renovations	2,500,000	1,750,000	750,000	0
2018	Sandyville Pump Station #3 Renovations	200,000	80,000	100,000	20,000
2019	Mineral City Ejector Station Renovations	150,000	75,000	60,000	15,000
2019	Bolivar Pump Station Renovations	350,000	122,500	192,500	35,000
2019	Service Truck Replacement	39,000	0	31,200	7,920
2019	Zoar Pump Station Renovations	250,000	100,000	125,000	25,000
2020	Replace Vac/Jetter Truck	400,000	0	380,000	20,000
2020	Mineral City Sanitary Sewer Rehabilitation	300,000	90,000	180,000	30,000
2021	Stonycreek WWTP Modifications	500,000	175,000	275,000	50,000
2021	Service Truck Replacement	41,000	0	32,800	8,200
2022	New Backhoe (share cost w/ Water Dept.)	50,000	0	45,000	5,000
2023	Saltwell Pump Station Renovations	350,000	105,000	210,000	35,000
2023	Service Truck Replacement	43,000	0	34,400	8,600
2024	Woodhaven Pump Station Renovations	200,000	60,000	120,000	20,000
2024	Roswell Sanitary Sewer System	4,000,000	2,400,000	1,600,000	0
2025	Dump Truck (share cost w/ Water Dept.)	65,000	0	58,500	6,500
<b>Totals</b>		<b>13,655,000</b>	<b>6,472,500</b>	<b>6,646,500</b>	<b>941,120</b>

**10 YEAR WATER CAPITAL IMPROVEMENT PLAN**

Year	Description	Estimated Cost	Grant	Loan	Local Share
2015	Service Truck	40,000	0	36,000	4,000
Annual	Small Projects	20,000/yr	0	0	200,000
2016	Hill St Waterline (Mineral City)	50,000	0	0	50,000
2016	Meter Truck	30,000	0	27,000	3,000
2016	Mineral City Storage Tank Rehabilitation	130,000	32,500	84,500	13,000
2017	Kerns Dr Waterline (Wilkshire Hills)	390,000	97,500	253,500	39,000
2018	Mineral City - Zoar Waterline Relocation	40,000	0	0	40,000
2018	Ridgewood Water System Improvements	1,500,000	300,000	1,200,000	0
2018	Sandyville Estates Tank Rehabilitation	95,000	23,750	61,750	9,500
2019	SR 800 Waterline Replacement	360,000	90,000	234,000	36,000
2019	Service Truck	45,000	0	40,500	4,500
2019	Dundee Booster Pump Station Renovation	80,000	24,000	48,000	8,000
2020	German Cemetary Road Waterline Loop	250,000	62,500	162,500	25,000
2020	Wilkshire Hills Water System Improvements	2,500,000	750,000	1,750,000	0
2020	Wainwright Pump Station #2 Rehab	50,000	0	0	50,000
2020	Service Truck	40,000	0	36,000	4,000

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**Statement of Rationale for Operating Cost Reductions**

August 13, 2014

Page 3 of 3

Year	Description	Estimated Cost	Grant	Loan	Local Share
2025	Dump Truck (share cost w/Sewer Dept)	65,000	0	58,500	6,500
2025	Service Truck	48,000	0	43,200	4,800
		5,673,000	1,380,250	4,035,450	497,300

**PROPOSED ACTION PLAN - POSITION ABOLISHMENTS**

**Engineering Technicians**

Following an extensive review of District operations, it is apparent that significant efficiency and economy improvements can be made by utilizing an outside consulting engineering firm to provide services that are currently part of the functions of the Engineering Technicians. At this time, there is inadequate workload to support the two (2) Engineering Technician positions. What little work is needed could be accomplished both efficiently and cost-effectively through a task order General Engineering Agreement with a consulting engineering firm. Based upon professional experience, it is estimated that this could be accomplished with a \$10,000 to \$15,000 annual support agreement.

Further, neither of the Engineering Technicians are licensed professional engineers. While a consulting firm can provide the engineering technician services more cost-effectively, the County will also receive the benefit of being able to rely on that firm's professional level expertise. The consulting firm will provide the County with on-demand access to professional engineers, CAD technicians, GIS technicians, as well as the ability to obtain assistance with grant-writing and funding applications.

In addition, the previous role of the Engineering Technicians in the development and maintenance of the GIS system has been reduced. During its initial development, the GIS system required a significant amount of man-hours to build and develop; however, now that the majority of the GIS system has been built, the system primarily requires maintenance only functions. Maintenance of GIS system can be accomplished by a consulting firm either through the annual support agreement or through a separate GIS consulting agreement. The cost of the maintenance of the GIS system would be included in the cost noted above.

Abolishment of the two Engineering Technician positions will reduce wage/benefit costs by approximately \$127,000 annually. These funds will be appropriated to offset costs related to improvement of operations and maintenance of current systems, as well as an initial step towards being better prepared for future debt service obligations related to needed capital improvement projects.

**Summary of Cost Reductions**

The breakdown in annual costs is as follows:

Position	Salary	Insurance	PERS	Medicare	Longevity	Total
Engineering Technician #1	\$44,450.00	\$10,710.00	\$6,223.00	\$651.41	\$475.00	\$62,509.41
Engineering Technician #2	\$46,590.00	\$10,710.00	\$6,522.60	\$679.18	\$250.00	\$64,751.78
<b>Total Cost Reduction</b>						<b>\$127,261.19</b>

Even after the position abolishment, the Department faces a \$33,000 annual operating deficit. Water rates will need to be increased in 2014 to close the operating deficit and to account for annual inflationary increases in operating costs. This leaves little room left for allocating funds towards needed capital improvements; however, it is anticipated that this will improve over the course of the next three to five years provided that rates are evaluated and set at an appropriate level to cover all costs of operating and maintaining the system.

**Position Description**

A Job Description of the Engineering Technician position is attached for reference.

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**RESOLUTION (770-2014) ABOLISH 2 POSITIONS - TCMSWD**

It was moved by Commissioner Metzger, seconded by Commissioner Everett, to approve the following resolution:

WHEREAS, The Tuscarawas County Metropolitan Sewer District, TCMSD, is at a critical juncture. Nearly a year has been spent by the Director evaluating alternatives to control and reduce the cost of operating the water and wastewater systems. A significant part of the evaluation has placed an emphasis on increasing operational efficiency and reduction of expenses; and

Whereas, a study has been conducted by the Director of the TCMSD which has resulted in a report and recommendations. This report is titled "Statement of Rationale." A copy of the Statement of Rationale is attached as part of this Resolution. The Statement of Rationale examines the costs of the TCMSD projects and operational expenses and concludes that the duties of the two positions of Engineering Technician have substantially changed and are no longer necessary, and that the remaining functions of the positions can be effectively and economically performed by a consulting engineering firm;

THEREFORE, effective **September 5, 2014**, the two current positions of Engineering Technician shall be abolished as a result of a re-organization for the efficient operation of the TCMSD and for reasons of economy, all pursuant to the requirements of the collective bargaining agreement and the County's policies and procedures.

Further, the Director of the TCMSD is authorized and directed to implement the findings of the study and Statement of Rationale. The Director is authorized and directed to notify the affected employees of the abolishment of the Engineering Technician positions. The Director is further authorized and directed to implement the job abolishment and layoff procedures of the collective bargaining agreement for the TCMSD and of the County policies.

ROLL CALL VOTE: Chris Abbuhl, yes;  
Belle Everett, yes;  
Kerry Metzger, yes;

**NO OTHER BUSINESS COMING BEFORE THE BOARD.**

**RESOLUTION (771-2014) ADJOURN**

It was moved by Commissioner Everett, seconded by Commissioner Metzger, to adjourn at 2:10 p.m. to meet in Regular Session, Thursday, the 21st day of August, 2014.

VOTE: Chris Abbuhl, yes;  
Belle Everett, yes;  
Kerry Metzger, yes;

*We hereby certify the above and foregoing to be a true and correct account of the proceedings as had by and before us on the day and year first written above.*


Attest: 