

# November 10, 2014

## Agenda

*Pledge of Allegiance*

Approve Minutes

Before/after Expenditures

Interfund Transfer/Advance

Remove from Table – Supplemental Appropriation Haz Mat Equipment

Supplemental Appropriations (5)

Transfer of Funds (2)

Court Order – Transfer/Supplemental

Travel – Auditor

Equipment Request LEPC

Treasurer’s Investments – October 2014

Remove from Table – Contract Project #6-2014 Vehicle Storage Building with Wash Bay  
 Contract – Project #6-2014 Vehicle Storage Building with Wash Bay

Pay Bills

*Other Business*

Adjourn

THE BOARD OF COMMISSIONERS OF TUSCARAWAS COUNTY MET IN REGULAR SESSION, MONDAY, THE 10<sup>TH</sup> DAY OF NOVEMBER, 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 (1048-2014) APPROVE MINUTES**

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

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

### **RESOLUTION (1049-2014) BEFORE/AFTER EXPENDITURES**

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

Leggett & Harr Siding (OCED)	2235.00
Rex Pipe (W/S)	59.35
Sugarcreek Vet Clinic (Dog Pound)	424.00
Appletree Vet Clinic (Dog Pound)	83.61
Maxwell Investigation (Juvenile/Probate)	1279.00

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

**RESOLUTION (1050-2014) INTERFUND TRANSFER/ADVANCE**

It was moved by Commissioner Everett, seconded by Commissioner Metzger, to approve the following interfund transfer/advance as per State Auditor’s recommendation:

Tusc. Co. Treasurer                      JFS Mandated Share – November 2014                      \$16,726.33

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

**RESOLUTION (1051-2014) REMOVE FROM TABLE – SUPPLEMENTAL APPROPRIATION HAZ MAT EQUIPMENT**

It was moved by Commissioner Everett, seconded by Commissioner Metzger, to remove from the table the request for a supplemental appropriation for Hazardous Materials Equipment.

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

**RESOLUTION (1052-2014) SUPPLEMENTAL APPROPRIATIONS**

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

DEPARTMENT	FROM	TO	AMOUNT	REASON
Hazardous Materials	B050-B10	B050-B02	\$12,000.00	Equipment
Senior Citizen Levy	S010-S10	S010-S04	\$29,557.47	Contract Services
Job & Family Services	H00-H46	H00-H01	\$339,029.41	Salaries – Public Assistance
“ “	H00-H46	H00-H02	\$35,000.00	Supplies
“ “	H00-H46	H00-H03	\$15,000.00	Equipment
“ “	H00-H46	H00-H07	\$50,000.00	Contract Services
“ “	H00-H46	H00-H09	\$10,000.00	Facilities
“ “	H00-H46	H00-H11	\$2,000.00	Travel & Expenses
“ “	H00-H46	H00-H12	\$47,464.12	PERS
“ “	H00-H46	H00-H13	\$5,649.89	Workers Comp
“ “	H00-H46	H00-H14	\$30,000.00	Insurance
“ “	H00-H46	H00-H16	\$4,915.93	Medicare
“ “	H00-H46	H00-H25	\$215,561.00	Salaries – Public Assistance
“ “	H00-H46	H00-H30	\$14,500.00	Travel & Expenses
“ “	H00-H46	H00-H31	\$30,178.55	PERS
“ “	H00-H46	H00-H32	\$4,219.00	Workers Comp
“ “	H00-H46	H00-H33	\$110,000.00	Purchase of Service
“ “	H00-H46	H00-H32	\$3,125.60	Medicare
“ “	H00-H46	H00-H15	\$70,000.00	Other Expenses
“ “	H00-H46	H00-H20	\$6,000.00	FCFC Grant Pass Thru
“ “	H00-H46	H00-H34	\$13,000.00	Other Expenses

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

**RESOLUTION (1053-2014) 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
Board of Elections	A03-A08	A03-A03	\$2,000.00	Office Supplies

Senior Citizen Levy	S010-S05	S010-S04	\$845.18	Contract Services
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VOTE: Chris Abbuhl, yes;  
 Belle Everett, yes;  
 Kerry Metzger, yes;

COMMUNICATION:

STATE OF OHIO \* SS: COURT OF COMMON PLEAS  
 TUSCARAWAS COUNTY \* PROBATE DIVISION  
 In the Matter of \*  
 SUPPLEMENTAL APPROPRIATION OF \* MISCELLANEOUS JOURNAL  
 FUNDS TO THE TUSCARAWAS COUNTY ENTRY  
 COMMON PLEAS COURT, PROBATE/  
 JUVENILE DIVISION FUNDS

**FILED**  
 \* NOV 05 2014  
 PROBATE COURT  
 TUSCARAWAS COUNTY, OHIO

**RECEIVED**  
 NOV 06 2014  
 Tuscarawas County  
 Commissioners Office

The Court finds that the Judge of the Tuscarawas County Court of Common Pleas, Probate Division, is sworn to uphold the laws and Constitution of the State of Ohio and the United States, and;

The Court finds that under Ohio law, the Board of Tuscarawas County Commissioners must appropriate funds consistent with funding that the Judge deems reasonable and necessary for the efficient operation of the Court.

The Court finds that the Court's budgetary requirements for the remainder of 2014 require supplemental funds to ensure the Court's ability to administer justice as required by law.

It is therefore, ORDERED that the Board of Tuscarawas County Commissioners shall transfer the sum of \$3,284.70, from County General Juvenile Court Insurance Account (A002-C32) to County General Probate Court Insurance Account (A002-D14) and the sum of \$2,204.38 from County General to County General Probate Court Insurance Account (A002-D14) to cover insurance costs due to changes in insurance statuses.

*Linda A. Kate*  
 Linda A. Kate, Probate Judge

cc: Board of County Commissioners  
 Probate Court

**RESOLUTION (1054-2014) COURT ORDERED TRANSFER/SUPPLEMENTAL**

It was moved by Commissioner Everett, reluctantly seconded by Commissioner Metzger, to approve the following as per Court Order:

Transfer the sum of \$3,284.70 from County General Juvenile Court Insurance Account (A002-C32) to County General Probate Court Insurance Account (A002-D14)

Supplemental Appropriation from County General to County General Probate Court Insurance Account (A002-D14) to cover insurance costs due to changes in insurance statuses.

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

**Discussion:** Commissioner Everett stated this is the first time she has received a request for transfer/supplemental appropriation like this (in court order form) from the Judge. She realizes the Judge has the right to mandate but feels it would have been simple to fill out the transfer/supplemental forms. She questioned the other commissioners if this is new. Commissioner Metzger has seen this type of court order but it could have been handled with a transfer/supplemental appropriation form. If the Board has confronted the judge he could see a court order but there have not been any confrontations and the Board expects transfers and supplemental appropriation requests near the end of the year to balance the books. To him, it is inappropriate to do it this way. Commissioner Abbuhl stated it may be clarifying language of the court to make the request by court order.

**RESOLUTION (1055-2014) TRAVEL – AUDITOR**

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

DATE: November 19-21, 2014  
LOCATION: Columbus – Dublin Ohio (Embassy Suites)  
ATTEND: Larry Lindberg, Allan Sayre  
REASON: County Auditor's Association of Ohio 2014 CAAO Winter Conference – continuing education is required by ORC 319.04  
EXPENSE: \$900 (from Real Estate Assessment Fund)

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

**RESOLUTION (1056-2014) EQUIPMENT REQUEST – LEPC**

It was moved by Commissioner Metzger, seconded by Commissioner Everett, to approve the following equipment request as requested by Patty Levensgood, EMA Director:

New 2015 Polaris Ranger Crew 900 EPS Sunset Red in the amount of \$11,937.94 from the HazMat Equipment Budget. They are trading in 2004 Gator for safety reasons.

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

**Discussion:** Commissioner Everett asked who the Polaris is for regarding the LEPC equipment request. Commissioner Abbuhl understands this if through the Local Emergency Planning Committee for emergency personnel to utilize.

**RESOLUTION (1057-2014) TREASURER'S INVESTMENTS – NOVEMBER 2014**

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

**Jeffery S. Mamarella**  
**Tuscarawas County Treasurer**  
P.O. Box 250  
New Philadelphia, OH 44663  
Phone (330) 365-3254 • Fax (330) 365-3259

November 4, 2014

Tuscarawas County Commissioners  
125 East High Avenue  
New Philadelphia, OH 44663

Commissioners:

As provided by Section 132.21 of the Ohio Revised Code, please be advised of the investments made by the Tuscarawas County Treasurer's Office during the month of **October, 2014**:

See attached Monthly Portfolio Report for individual purchases, sales/maturities.

End of month interest amount to credit to November report is \$1,009.88

Monthly Investment Total \$42,171,657.53 Balance in Checking Acct. Chase \$4,132,500.59  
(leaving large balance to offset bank charges) Huntington \$639,215.54 (Month End)

**Total cumulative interest through October, 2014 is: Co. Gen. \$100,186.08**

cc: Tuscarawas County Auditor, Prosecutor, Clerk of Courts, Recorder

VOTE:

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

**RESOLUTION (1058-2014) REMOVE FROM TABLE – CONTRACT Project #6-2014 Vehicle Storage Building with Wash Bay**

It was moved by Commissioner Metzger, seconded by Commissioner Everett, to remove from the table the Contract for Project #6-2014 Vehicle Storage Building with Wash Bay.

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

**RESOLUTION (1059-2014) CONTRACT Project #6-2014 Vehicle Storage Building with Wash Bay**

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

**TUSCARAWAS COUNTY PROJECT # 6-2014**

**CONTRACT**

For: **Vehicle Storage Building with Wash Bay**

THIS CONTRACT, made and entered into at New Philadelphia, OHIO, this 6th day of November, 2014, by and between the Board of Tuscarawas County Commissioners, hereinafter called the COUNTY, and a corporation, partnership, individual or \_\_\_\_\_ known as; R & S Builders of Ohio, LLC with an office located at 2555 TR 183, Baltic, OH 43804, hereinafter called the CONTRACTOR.

WITNESSETH: That the CONTRACTOR has agreed and by these presents does agree that the COUNTY, for the consideration hereinbefore mentioned and contained in the proposal, and under penalty expressed in a bond bearing even date with these presents, and herein contained or hereunto annexed to furnish at his own cost and expense, all the necessary materials, labor, superintendence, tools and equipment, and shall execute, construct, finish and test in an expeditious, substantial and workman-like manner, said improvements shown on the contract drawings described in the included specifications or required by the COUNTY, with all equipment and appurtenances, commencing work within ten (10) days from the date of notice from the COUNTY to commence work and executing the same within the time and manner specified and in conformity with the requirements set forth in the specifications herein contained and hereunto attached in accordance with the contract drawings of said work on file in the office of the County Engineer and all to the acceptance of said COUNTY.

THE CONTRACTOR shall proceed with the said work in a prompt and diligent manner and shall do the several parts thereof at such times and in such order as the County Engineer or his duly authorized agent may direct. Further, he shall complete the whole of said work in accordance with the specifications and contract drawings to the satisfaction of the Tuscarawas County Engineer.

IF THE CONTRACTOR shall fail to comply with any of the terms, conditions, provisions or stipulations of this contract according to the true intent and meaning thereof, then the COUNTY may avail itself of any or all remedies provided in that behalf in the contract, and shall have the right and power to proceed in accordance with the provisions thereof. It is hereby agreed by the parties to this Contract that the provisions contained in the "Advertisement for Bids", in "Information and Instruction to Bidders" in the "Proposal and Bid Form", in the "Insurance Specification", in the "Performance Bond", as well as the plans and specifications for the improvement, shall constitute integral parts of the agreement and collectively that they shall comprise and be known as the Contract.

IT IS HEREBY mutually agreed that the COUNTY is to pay and the CONTRACTOR is to receive, as full compensation for furnishing all materials and labor in building, constructing, and in all respects completing the herein described work and appurtenances in the manner and under the conditions herein specified, the prices stipulated in the proposal herein contained or hereto annexed.

DURING THE performance of this contract, the CONTRACTOR agrees as follows:

- (1) The CONTRACTOR will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The CONTRACTOR will take affirmative action to ensure that applicants are employed and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation, and selection for training, including apprenticeship. The CONTRACTOR agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this non-discrimination clause.
- (2) The CONTRACTOR will, in all solicitations or advertisements for employees placed by or on behalf of the CONTRACTOR, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.
- (3) The CONTRACTOR and the COUNTY mutually agree that the relationship formed by this agreement is intended to be that of the customer and independent CONTRACTOR and is not an employment relationship. The CONTRACTOR hereby represents that it is not an entity over whom the National Labor Relations Board has ever declined jurisdiction. The CONTRACTOR further agrees and covenants that, should a safety issue or complaint arise from, or involving, an employee, agent or representative of the CONTRACTOR; the CONTRACTOR will indemnify and hold the COUNTY harmless and will assume all legal and financial responsibility for said issue or complaint including, but not limited to, all fines, fees, costs, corrective action, provision of equipment, training and administration. The CONTRACTOR further agrees and covenants that, should a safety related issue suit or complaint be filed against the COUNTY by an employee, agent or representative of the CONTRACTOR, the CONTRACTOR will pay all associated costs of the COUNTY, as the COUNTY deems necessary, in order to defend, correct or resolve said issue or complaint.

SUBJECT TO the applicable provisions of law, this Contract shall be in full force and effect as a contract from and after the date when a fully executed and approved counterpart hereof is delivered to the CONTRACTOR.

IN WITNESS WHEREOF, the parties hereunto affixed their signatures, the day and year first above mentioned.

E-2

CONTRACTOR

Witness: [Signature]

By: [Signature]

Date: 11/6/2014

Title: Owner

(If the CONTRACTOR is a corporation, the corporate seal must be affixed hereon)

BOARD OF TUSCARAWAS COUNTY COMMISSIONERS

Attest: [Signature]

By: [Signature]  
(Chairman)

Date: 11/10/14

[Signature]  
[Signature]

Approved as to form and legal sufficiency

[Signature]

Tuscarawas County Prosecuting Attorney

Date: 11.5/14

E-3

VOTE:

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

**RESOLUTION (1060-2014)****PAY BILLS**

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

**Commissioners**

Lowe's Business Acct	Supplies	319.63
Union Hospital	TB Testing	672.17
CCAO	Registration/Everett	300.00
Belknap's Body Shop	Cruiser Repairs	4,083.57
Belknap's Body Shop	Cruiser Repairs	162.70
Gor-Con Construction	Mediation Project/App #3	2,525.00
Gor-Con Construction	Mediation Project/App #3	747.00
Gor-Con Construction	Mediation Project/App #3	225.00
NP Water Dept	Water/101 EH	161.36
NP Water Dept	Water/JFS	212.86
NP Water Dept	Water/125 EH	286.47
Treasurer State of OH	Elevator Inspections	789.75
Liberty Distributors	Supplies	330.72
Tri-Tech Software Systems	RMS/Sheriff's Office	5,430.59

**Dog Pound**

Tusc Co Sheriff's Office	Fuel	212.55
Tusc Co Sheriff's Office	Fuel	482.91
Kimble	Service	104.30
Rose Products	Supplies	86.97
NP Water Dept	Water	113.67

**Water & Sewer**

American Electric Power	Electric	2,667.79
Newcomerstown Water	OM & R	3,765.04
City of Dover	County Share of OM & R	2,423.57
City of Dover	County Share of OM & R	5,500.83
Holdsworth	Fabricating Services	768.00
Holdsworth	Repairs	340.00
USA Bluebook	Materials	45.96
Holdsworth	Grinder Station Lid	360.00
Enger Auto	Materials	204.50
Xerox	Copier Fee	69.35
Fitzpatrick Zimmerman & Rose	Legal Services	115.00
Brinkman	Repairs	300.00
Howard Myers	Reimb/Camera System	74.54
Enger Auto	Materials	48.84
American Electric Power	Electric	759.85
Fenton Brothers	Materials	56.92
Dixon Engineering	Engineering Services	247.50
Zashin & Rich	Consultant Services	92.50
RJ Wright & Sons	Fuel	2,012.66
OUPS	Manual Call Outs	8.00
HD Supply	Materials	1,452.83
HD Supply	Materials	156.26
Fenton Brothers	Materials	38.64
Staples	Supplies	264.32
Wheeling Lake Erie Railway	Sandyville Lease	25.00
Columbia Gas	Utility	638.98
American Electric Power	Electric	1,326.63

**Child Support**

Traci Berry	Travel	147.20
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**Public Defender**

Staples	Supplies	375.52
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**Treasurer**

Tusc Co IT Dept	Supplies	219.78
Tusc Co IT Dept	Supplies	183.84
Jeanne Stephen, Clerk of Courts	Foreclosure Costs	610.74
Smartbill	First Half RE Tax Bill Postage	6,319.92

Smartbill	First Half RE Tax Bill Postage	4,380.08
<b>Prosecutor</b>		
Staples Credit Plan	Supplies	193.49
<b>Law Library</b>		
Kathy Moreland-Fell	Reimb Supplies	35.00
Tusc Co Clerk of Courts	Notary Fees	231.00
Thomson Reuters West	Book/Magistrate	354.00
Independence Business Supply	Small Scanner	169.00
<b>Common Pleas</b>		
Elizabeth Stephenson	Travel	395.58
Matthew Bender & Co	Courtroom Manual	177.10
<b>Community Corrections</b>		
Tusc Co Sheriff's Reserves	Security	574.50
<b>Sheriff</b>		
Dominion East Ohio Gas	Service	5,695.81
<b>Veterans</b>		
Time Warner Cable	Cable	208.27
Embassy Suites Hotel	Lodging	589.95
Xerox	Lease	236.60
<b>Community &amp; Economic Development</b>		
Sawmill Creek Resort	Lodging	98.18
<b>Job &amp; Family Services</b>		
Mark & Raynah Abbuhl et al	AA & SAMS	25,490.02
<b>Clerk of Courts</b>		
OH Clerk of Courts Association	Dues	851.42
OH Clerk of Courts Association	Dues	1,277.14
VOTE:	Chris Abbuhl, yes; Belle Everett, yes; Kerry Metzger, yes;	

**OTHER BUSINESS:** Commissioner Abbuhl requested a resolution to proceed with the replacement of the roof at the Norma Johnson Nature Preserve Barn. The Supplemental Appropriation was approved at the last meeting and the funds are in place.

**RESOLUTION (1061-2014) NJNP ROOF REPLACEMENT**

It was moved by Commissioner Metzger, seconded by Commissioner Everett, to approve the proposal from Troyer Roofing & Construction LLC in the amount of \$26,400 for the roof replacement at the Norma Johnson Nature Preserve "Yellow" Barn. They will install a new screw down metal roof, remove the old roof, and install a new ridge on corners.

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

**OTHER BUSINESS:** Commissioner Everett appreciates all the county veterans have done to protect and preserve our country. Commissioner Abbuhl added there are so many assemblies and programs to attend to honor those veterans that have answered the call of duty to secure our freedoms.

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

**RESOLUTION (1062-2014) ADJOURN**

It was moved by Commissioner Everett, seconded by Commissioner Metzger, to adjourn at 1:18 p.m. to meet in Regular Session, Thursday, the 13th day of November, 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:   
Clerk of the Board