

September 2, 2014

Agenda

Pledge of Allegiance

2:00 Union Hospital Bond Hearing

Approve Minutes

Before/after Expenditures

Repay Cash Advance (DRETAC)

Supplemental Appropriations (2)

Transfer of Funds (2)

Declare Items Obsolete – Probate/Juvenile

Declare Items Obsolete – Law Library

Declare Items Obsolete – Board of Elections

Establish Funds – Short-Lived Asset Water/Sewer

Dog & Kennel Monthly Report – June (previously misplaced)

Floodplain Permit-Wayne Real Estate, Inc.

Equipment Request-Veterans Service Office

Reject Bids-Union Township Property

Update Promulgation Document-Annex O (Haz-Mat Annex) EOP

Authorize Transfer-CHIP Home Program Income Funds

RUMA-Chesapeake Exploration LLC

Pay Bills

Other Business

Adjourn

THE BOARD OF COMMISSIONERS OF TUSCARAWAS COUNTY MET IN REGULAR SESSION, TUESDAY, THE 2ND DAY OF SEPTEMBER, 2014, WITH THE FOLLOWING MEMBERS PRESENT:

Chris Abbuhl
Belle Everett

Commissioner Abbuhl presiding.

Note: Commissioner Metzger absent.

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

RESOLUTION (803-2014) APPROVE MINUTES

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

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

RESOLUTION (804-2014) BEFORE/AFTER EXPENDITURES

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

Kimble Landfill (Engineer)	49.68
Forensic Diagnostic Center (So. Court)	750.00
Quick Print (Public Defender)	315.00
Stanley Miller Construction (W&S)	1,230.38
Tusc Co Health Dept. (Community Corrections)	6,310.75
Quill (Southern Court)	391.86
Wayne Door (Southern Court)	137.49

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

RESOLUTION (805-2014) REPAY CASH ADVANCE – PROSECUTOR DRETAC S75

It was moved by Commissioner Everett, seconded by Commissioner Abbuhl, to repay the cash advance in the amount of \$8,000.00 from Tuscarawas County Prosecutor’s DRETAC Fund S75 to County General. The original cash advance was approved February 27, 2014.

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

RESOLUTION (806-2014) SUPPLEMENTAL APPROPRIATIONS

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

DEPARTMENT	FROM	TO	AMOUNT	REASON
CSEA	S070-S15	S070-S03	\$8,800.00	Replace Server
Sheriff	A018-A00	A006-A24	\$803.00	Election Detail

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

RESOLUTION (807-2014) TRANSFER OF FUNDS

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

DEPARTMENT	FROM	TO	AMOUNT	REASON
Sheriff	B55-02	B55-12	\$2,000.00	Unemployment
“ “	S80-16	S80-05	\$9,000.00	Repairs
“ “	S80-06	S80-05	\$3,000.00	Repairs
“ “	A006-30	A006-02	\$10,581.99	Leave Payout

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

RESOLUTION (808-2014) DECLARE ITEMS OBSOLETE – Probate/Juvenile (recording)

It was moved by Commissioner Everett, seconded by Commissioner Abbuhl, to declare, as obsolete for the use for which it was acquired in accordance to Ohio Revised Code 307.12(B) the following items which will be disposed of in accordance to ORC:

- Confer-Corder recording system, serial number 0527707
- Confer-Corder recording system, serial number 0529088
- Confer-Corder recording system, serial number 0523319
- Sony dictator/transcriber, serial number 0504411
- 30 C-90 InStart recording audio tapes

They no longer have a need for these items as they switched to a digital recording system. They attempted to sell them on GovDeals but received no bids.

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

RESOLUTION (809-2014) DECLARE ITEMS OBSOLETE – Law Library (desk)

It was moved by Commissioner Everett, seconded by Commissioner Abbuhl, to declare, as obsolete for the use for which it was acquired in accordance to Ohio Revised Code 307.12(B) the following items which will be disposed of in accordance to ORC:

1 large computer desk they are unable to use.

They offered it to other offices and posted it on GovDeals. They will recycle the desk.

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

RESOLUTION (810-2014) DECLARE ITEMS OBSOLETE – Brd of Elections (Typewriter)

It was moved by Commissioner Everett, seconded by Commissioner Abbuhl, to declare, as obsolete for the use for which it was acquired in accordance to Ohio Revised Code 307.12(B) the following items which will be disposed of in accordance to ORC:

1 IBM Wheelwriter 7000 with a broken key board.

They will keep this for spare parts.

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

Communication:

August 26, 2014

To: Board of Commissioners

From: Mike Jones

Re: REQUEST FOR SEPARATE SHORT-LIVED ASSET FUNDS FOR BOTH THE WATER AND SEWER DEPARTMENTS

Dear Commissioners:

In accordance with commonly accepted utility budgeting practices and as recommended by USDA RD, I am requesting that two new reserve funds be created to fund replacement of short-lived assets (SLAs) for both the water department and sewer department. In order to develop a financially sustainable system, it is important that reserves are allocated for timely replacement of these assets.

SLAs are equipment/assets which are not daily/weekly/monthly O&M type items and should be kept separate from the operating fund. SLAs are typically divided into three periodic life cycles for replacement: 0-5 years, 5-10 years, and 10-15 years. Some typical SLA items and their time frames are shown as follows:

Short Lived Assets				
Asset	Years			
	5	10	15	
Pumps (life cycle depends on type of pump)	X	X	X	
Individual Meters		X		
Water Tank Painting			X	
Control Valves		X		
Chemical Feed Equipment	X	X		
Computer Equipment/Software	X			

Control Equipment		X		
	Gauges		X	
	Transmitters		X	
	Sensors		X	
Power and/or Specialty Equipment				X
Vehicles			X	
Laboratory Equipment		X		
Tools		X		
Emergency Generators				X
Tank Cathodic Protection Equipment			X	
Filter Media Replacement				X

Between both departments, we have over 30 pump stations, 8 treatment plants, 10 storage tanks, over 20 vehicles, as well as various equipment, controls and other equipment. In order to maintain an acceptable level of service to our customers and meet Ohio EPA operating requirements, we must ensure that adequate reserves are established so that timely replacement of these assets occurs before prior to failure.

The source of revenue for this fund will include all proceeds from tap fees, late charges and other penalties. In addition, I anticipate that we will initially divert 2.5% of our operating revenue into this reserve fund. Ultimately, the required reserve in this fund will need to be determined through the development of an Asset Management Plan. We are nearly complete with our Sewer System Asset Management Plan, which is being prepared by Ohio RCAP. Once this plan has been completed, we will begin the process of developing an Asset Management Plan for the water system.

I have attached two spreadsheets showing the proposed layout of the revenues and expenses for the SLA funds.

If you have any questions or need any additional information, please don't hesitate to contact me. Thank you for your consideration in this matter.

RESOLUTION (811-2014) ESTABLISH FUNDS – SHORT LIVED ASSET (Water/Sewer)

It was moved by Commissioner Everett, seconded by Commissioner Abbuhl, to establish the following funds:

SEWER SHORT LIVED ASSET FUND

REVENUE

- User Charges
- Permit Fees
- Penalties and Fees
- Transfer In

EXPENSES

- Pumps & Motors
- Controls
- Chemical Feed Equipment
- Laboratory Equipment
- Valves
- Computer Equipment/Software
- Tools
- Power and/or Specialty Equipment
- Vehicles

WATER SHORT LIVED ASSET FUND

REVENUE

- User Charges
- Permit Fees
- Penalties and Fees
- Transfer In

EXPENSES

- Pumps & Motors
- Controls
- Chemical Feed Equipment
- Laboratory Equipment
- Valves
- Computer Equipment/Software
- Tools
- Power and/or Specialty Equipment

Vehicles
Meters

The source of revenue for this fund will include all proceeds from tap fees, late charges and other penalties. In addition, I anticipate that we will initially divert 2.5% of our operating revenue into this reserve fund. Ultimately, the required reserve in this fund will need to be determined through the development of an Asset Management Plan. We are nearly complete with our Sewer System Asset Management Plan, which is being prepared by Ohio RCAP. Once this plan has been completed, we will begin the process of developing an Asset Management Plan for the water system.

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

Discussion: Commissioner Abbuhl stated that Michael Jones (Director, Water/Sewer) is forward thinking by planning for future replacement for short lived assets. Commissioner Everett agreed and added that Michael is looking 15 years out for replacement of these assets.

RESOLUTION (812-2014) DOG & KENNEL MONTHLY REPORT – JUNE 2014

It was moved by Commissioner Everett, seconded by Commissioner Abbuhl, to approve the following report for June, 2014. This was previously misplaced.

DOG & KENNEL MONTHLY REPORT

<i>JUNE 2014</i>	
DESCRIPTION:	AMOUNT:
Dogs picked up by Wardens:	20
a.) Owner requested pick up:	2
b.) Strays picked up by wardens:	18
c.) Strays brought in by public:	13
Complaints handled:	80
Dogs brought to pound by owners:	25
Total Number Dogs Euthanized:	27
Owner requested euthanasias:	17
Dog Holdovers:	66
Citations Issued:	4
Animal claims:	0
Dogs Sold:	14
Dogs Redeemed:	14
License Sold:	21
License Sold on road by Wardens:	8
License Fees:	\$ 378. ⁰⁰
Pound Fees:	\$ 450. ⁰⁰
Pick up Fees:	\$ 308. ⁰⁰
Euthanasia Fees:	\$ 238. ⁰⁰
Mileage on trucks (1 & 2):	2578
Releases to Rescues:	6

Submitted by: *Karen Slough - Twp. Co. Dog Warden*

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

Communication:

TUSCARAWAS COUNTY
Flood Plain Administration

Room 210 * 125 East High Avenue, New Philadelphia, Ohio 44663 * Phone (330) 365-3246 * FAX (330) 365-3250

Date: August 26, 2014

To: Commissioners

From: Jill Lengler Lengler@co.tuscarawas.oh.us
Floodplain Permit for Wayne Door (Wayne Real Estate), SR 39, Dover

Re: Ohio

CC: _____

Could you please include this on the commissioners' agenda for Tuesday Sept. 2, 2014? Attached is the application, the FIRM, and a site map for an addition to Wayne Door's existing building. There are three copies of the permit that needs to be signed by the commissioners. One is for your files and the other two should be returned to me. I will be on vacation next week, but this is pretty straight forward. The existing site sits 2 feet above the Base Flood Elevation, so it is already elevated out of the flood plain even though on the map it shows the whole site in the floodplain.

Please put the signed permit in our mail box or give to Karen.

Thanks,



Floodpln Admin LOT.doc

RESOLUTION (813-2014) FLOODPLAIN PERMIT – WAYNE REAL ESTATE

It was moved by Commissioner Everett, seconded by Commissioner Abbuhl, to approve the following Floodplain Permit as recommended by Jill Lengler, Flood Plain Coordinator:

**NFIP
FLOODPLAIN DEVELOPMENT PERMIT
Tuscarawas County, Ohio**

Date: Sept. 2, 2014

1-8/2014

\$25 FEE per RESOLUTION #172-87 In addition, administrative fees of twenty-five dollars (\$25) per. hour shall accrue for each hour accumulated toward the issuance of an NFIP Development Permit. Payable to *Tuscarawas County Floodplain Office.*

Permission is hereby granted to Wayne Real Estate, Inc. Name
for Addition in Dover Twp.
located at 2184 SR 39 NW, Dover Ohio 44622 Purpose
(Mailing Address)

The Development Permit application submitted by Bruce Widder AIA is in accordance with the NATIONAL FLOOD INSURANCE PROGRAM REGULATIONS adopted by the Tuscarawas County Commissioners, Resolution #502-2010.

Estimated Cost \$ \$200,000 Elevation of Property 877.5 Ft. (msl)

The information contained in Permit Application Number 1-8/2014, as well as on the drawings and Plans for development, are hereby also embodied as part of this permit.

Said work is to be constructed in compliance with the provisions of the National Flood Insurance program and the Tuscarawas County Flood Damage Prevention Regulations per Resolution #736-2007.

This permit void if the development activity has not begun within 180 days of the issuance date. This permit will remain valid for one (1) year from date of issuance.

Reviewed by: Jill P. Lengler
Floodplain Coordinator

August 27, 2014
Date

Approved by: Chris Abbuhl
Commissioner

9/2/2014
Date

Belle Everett
Commissioner

9/2/2014
Date

Commissioner Metzger, absent;
Commissioner

Date

NOTICE: Tuscarawas County is not responsible for any flood damages, within or outside the designated Floodplain Hazard Areas, that result from reliance on the Flood Damage Prevention Resolution ##502-2010 or any administrative decisions lawfully made thereunder.

The property Owner/Developer is required to procure, and make available to the public, an inspection document that certifies the Floodplain development project mentioned above is installed according to the approved development plan.

I:\My Documents\Flood Forms\Wayne door Floodplain Development permit 2013.doc

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

RESOLUTION (814-2014) EQUIPMENT REQUEST – VETERANS (Server)

It was moved by Commissioner Everett, seconded by Commissioner Abbuhl, to approve the following equipment request from Deb Cook, Veterans Services Director:

Hewlett-Packard Computer – Server in the amount of \$6,316.00 from A009-C04 to replace the old server.

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

Communication:

Assistant Prosecutors

R. Scott Deedrick
Michael J. Ernest
Amanda K. Miller
Robert R. Stephenson, II
Robert C. Urban, Jr.
Patrick J. Williams

Main Phone
330.365.3214

Juvenile & Civil Admn. Asst.
Patty Spears • 330.365.3212



RYAN STYER
TUSCARAWAS COUNTY
PROSECUTOR

Criminal Admin. Assts.

Tina Swank, Office Administrator
• 330.365.3275
Phyllis Sweitzer • 330.365.3235

**Intake & Grand Jury
Coordinator**

Kelly McCune • 330.365.3310

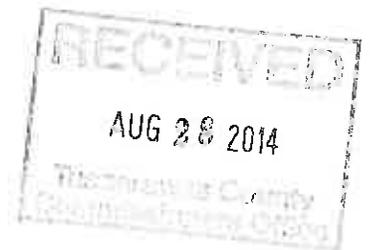
Victim Advocates

Deb Baker • 330.365.3258
Michelle Weaver • 330.365.3286

August 28, 2014

Board of Tuscarawas County Commissioners
125 East High Ave.
New Philadelphia, OH 44663

**Re: Potopsky Property
Union Township**



Dear Commissioners:

Mr. Supers will not pay the bid price with the restrictions we need to add concerning Potopsky’s potential adverse possession/prescriptive easement claim. It is best to reject the bids and move on. He may want to buy the strip later through additional sealed bids- but not at the \$10,000 figure he bid.

Very truly yours,

[Handwritten Signature]
Robert R. Stephenson II
Assistant Prosecuting Attorney

RRS/pls

RESOLUTION (815-2014) REJECT BIDS – EXCESS PROPERTY (Union Township)

It was moved by Commissioner Everett, seconded by Commissioner Abbuhl, to reject the two bids received for “Excess Property” located in Union Township as recommended by Bob Stephenson, Assistant County Prosecutor:

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

RESOLUTION (816-2014) PROMULGATION DOCUMENT HAZ MAT ANNEX O (EOP)

It was moved by Commissioner Everett, seconded by Commissioner Abbuhl, to approve the following as recommended by Patty Levengood, HS/EMA Director:

*Tuscarawas County
Emergency Operations Plan
Annex O
Hazardous Materials/Radiological*

Tab A to Annex O

**TUSCARAWAS COUNTY
PROMULGATION DOCUMENT**

The preservation of life and property is the fundamental responsibility of government at all levels. As chemicals are an essential part of everyday life in Tuscarawas County, the potential for an incident to occur involving the transport, use, storage, or manufacture of Hazardous Materials is ever present. Therefore it is a basic function of local government to prevent or lessen the impact of such an incident through emergency planning and preparation. We have attempted to do this by writing Annex O (Hazardous Materials Plan) into the Tuscarawas County Emergency Operations Plan.

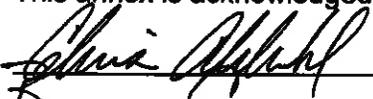
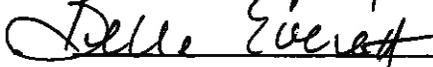
This annex, Annex O, the Tuscarawas County's Hazardous Materials Plan, establishes the roles, procedures, and inter-organizational relationships under which county officials, department heads and private organizations shall operate in the event of any Hazardous Materials Incident. It is supported by individual agency standard operating guidelines that address specific hazardous materials operational concepts.

Thus, the Local Emergency Planning Committee, designated by the County Commissioners and appointed by the State Emergency Response Commission, is charged with the responsibility of preparing, and annually exercising and reviewing the Tuscarawas County Hazardous Materials Plan. The plan shall be executed by the Tuscarawas County Commissioners, the Tuscarawas County Homeland Security and Emergency Management Agency, the Tuscarawas County Local Emergency Planning Committee and those agencies as designated and described within this plan.

This Annex is an appendix to the Tuscarawas County Emergency Operations Plan, supports the State of Ohio Hazardous Materials Emergency Management Plan, and is coordinated with neighboring LEPC plans.

This plan is developed in accordance with Chapter 3750 of the Ohio Revised Code and the rules adopted under it, the Superfund Amendments and Reauthorization Act: Title III Emergency Planning and Right-To-Know Act of 1996 and other applicable local, state and federal laws.

This annex is acknowledged and signed this date, September 2, 2014 by:

 Tuscarawas County Commissioner, President of Board
 Tuscarawas County Commissioner

Mr. Metzger, absent; Tuscarawas County Commissioner

_____ Tuscarawas County LEPC Chairman

_____ Tuscarawas County Homeland Security and EMA Director

Annex O

13

8/28/2014

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

RESOLUTION (817-2014) AUTHORIZE TRANSFER, APPROPRIATION & USE OF CHIP HOME PROGRAM INCOME FUNDS

It was moved by Commissioner Everett, seconded by Commissioner Abbuhl, to approve the authorization to transfer, appropriate and use CHIP Home program income funds. The transfer will be for use of up to \$22,227.00 of CHIP Home Program Income funds for CHIP program qualified/approved projects. The funds will be used to assist an Owner Rehabilitation Project. The funds will be expended during the same timeline of the FY2012 CHIP. Tuscarawas County's current FY2012 CHIP Administrator, Ohio Regional Development Corporation (ORDC) will oversee the projects. ORDC is to work with and under the direction of the Tuscarawas County Office of Community & Economic Development in order to assure that all services, information and documentation are provided and that all program rules and regulations are followed. This resolution also authorizes the president and/or Vice-president of the Board of Tuscarawas County Commissioners to sign any and all paperwork related to the use of these funds.

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

RESOLUTION (818-2014) RUMA – CHESAPEAKE EXPLORATION LLC

It was moved by Commissioner Everett, seconded by Commissioner Abbuhl, to approve the following as recommended by Joe Bächman, County Engineer:

MODEL ROADWAY USE AND MAINTENANCE AGREEMENT FOR HORIZONTAL DRILLING PROJECTS AND INFRASTRUCTURE

THIS AGREEMENT is entered into at New Philadelphia, Ohio, by and between Tuscarawas County, a political subdivision, whose mailing address is 832 Front Avenue SW, New Philadelphia, OH 44663 (hereafter "Authority"), and Chesapeake Exploration, LLC, whose address is 6100 N. Western Avenue, Oklahoma City, OK 73118 (Hereafter "Operator"), and shall be as follows:

RECITALS

WHEREAS, Authority has control of the several county/township roads within Perry Township, in Tuscarawas County, Ohio and is required by law to keep such roads in good repair; and

WHEREAS, Operator is the operator of certain oil and gas leasehold, and intends to develop and operate the [Dutch Valley Well Site], including the equipment, facilities, impoundments, and pipelines necessary for the operation of the [Dutch Valley Well Site] (hereafter collectively referred to as "oil and gas development site") located in Perry Township, in Tuscarawas County, Ohio; and

WHEREAS, Operator intends to commence use of 4.1 miles of CR 13 (Sandy Ridge Road SE) and for the purpose of ingress to and egress from the [Dutch Valley Well Site], for traffic necessary for the purpose of constructing sites and drilling horizontal oil and gas wells, and completion operations at the [Dutch Valley Well Site] (hereinafter referred to collectively as "Drilling Activity"); and

WHEREAS, Authority and Operator desire to enter into an agreement, providing for the repair and maintenance of said roads and bridges thereon as a result of such Drilling Activity; and

WHEREAS, if any county or township roads contemplated herein contain any railroad crossings, Section 4 below shall apply;

NOW THEREFORE, in consideration of the good faith performance by each party of the mutual covenants hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Operator agrees to the maintenance and repair of said roads and bridges, to their pre-Drilling Activity condition or as modified pursuant to Appendix A, thereon for any damages thereto, as a result of Drilling Activity related to such sites.

FURTHER, Operator shall also provide for the strengthening and upgrading of the roads and bridges if mutually agreed to be necessary, prior to or during any Drilling Activity. The areas and structures required to be strengthened and/or upgraded shall be determined by an engineer provided by the Operator with the approval of the County Engineer to be provided within thirty (30) days of a written request submitted by the Operator. Operator's engineer shall provide a written report to the County detailing the condition of the roads and appurtenances covered under this Agreement along with any recommendations, if necessary.

BOTH PARTIES FURTHER AGREE to the following additional terms and conditions:

1. The portion of CR 13 (Sandy Ridge Road SE), to be utilized by Operator hereunder, is that exclusive portion beginning at the intersection of CR 13 (Sandy Ridge Road SE) and State Route 258 (Newtown Road), and ending at the Dutch Valley Well Site entrance. It is understood and agreed that the Operator shall not utilize any of the remainder of CR 13 (Sandy Ridge Road SE) for any of its Drilling Activities hereunder.

2. Those portions of said roads and bridges and their appurtenances to be used by Operator hereunder and mutually agreed to require necessary strengthening and/or upgrading by the Operator's Engineer in conjunction with the County Engineer, shall be strengthened and/or upgraded to a condition sufficient and adequate to sustain the anticipated Drilling Activity by Operator, at Operator's sole expense, and with the advice and approval of the County Engineer as detailed in Appendix A. Thereafter, such roads shall be maintained by Operator for damages caused by Operator's Drilling Activity, at Operator's sole expense, throughout the term of this Agreement, to a level consistent with the condition of such roads at the commencement of its use by the Operator hereunder or as modified pursuant to Appendix A, as determined by the Operator's engineer and the Tuscarawas County Engineer. The maintenance of aforementioned roads includes the use of a commercially recognized dust palliative to control the airborne dust created and/or contributed to by the Operator or the Operator's contractors and or agents.

3. The Operator shall give notice to the railroad at least thirty (30) days prior to any known Drilling Activity utilizing a railroad crossing so that a joint inspection can determine the condition of the crossing. Additionally, the Operator shall coordinate all work needing to be performed at a railroad crossing with the railroad company at least thirty (30) days prior to starting work on a railroad crossing. If the railroad company fails to respond to the Operator's notice of work needing to be performed at a railroad crossing within thirty (30) days of receipt of such notice, then the railroad waives all rights it has under this agreement with respect to the work specified in the notice. Work performed at a railroad crossing may include a separate agreement at the railroad's discretion. The Authority shall not be liable for any incidents arising out of or related to work performed at any railroad crossing pursuant to this Agreement or any separate Agreement between the Operator and the railroad company, or lack of notification by Operator.

4. Either the Operator or the Authority may terminate this Agreement with just cause following at least thirty (30) days written notice to the other of its intent to terminate. As soon as possible after receipt of such notice, the Authority and the Operator shall inspect said roads and bridges and their appurtenances. Following final inspection, the parties shall meet, and all restoration resulting from Operator's Drilling Activity shall be identified and thereafter completed by the Operator, at Operator's sole expense. Following completion of all restoration work, this Agreement shall be terminated and of no further force or effect.

5. Unless excepted for the reasons provided below, prior to the Drilling Activity on the Route, Operator shall post a bond or other surety in a form satisfactory to the Authority to cover the costs of any damage caused by the Drilling Activity on the Route by Operator. The amount of the bond or surety shall be in an amount no greater than n/a & 00/100 DOLLARS (\$ n/a.00) per mile. However, no such bond or surety shall be required of Operator, if any of the following conditions are satisfied:
- a. A geotechnical analysis of the Route provided by the Operator and mutually accepted by the Authority and Operator exhibits that the Route's condition is sufficient for the expected traffic necessary for the development of the oil and gas development site.
 - b. The Operator provides a geotechnical analysis of the Route, mutually accepted by the Authority and Operator, and based on that analysis, an Operator and Authority-approved maintenance plan for the Route or an Operator and Authority-approved preventative repair plan of the Route is attached to the Agreement as an addendum.
 - c. The Operator has provided a sufficient bond or surety, mutually accepted by the Authority and Operator, in favor of the Authority for road usage by the Operator within the Authority's oversight.
6. All motor vehicles to be utilized by Operator hereunder, whether owned by Operator or others, shall comply with all legal size, load and weight limits in accordance with State Law, and all non-conforming vehicles shall require the proper local permit.
7. Operator shall furnish the Authority with a written Letter of Authority, setting forth all necessary contact information, including a twenty four (24) hour emergency contact number, for the authorized local representative of the Operator, and such information shall be maintained and kept current at all times concerned hereunder.
8. If Authority determines that any additional traffic signage is needed, or desired, as a result of this Agreement and in the interests of safety, then Operator shall provide for such signage at Operator's sole expense. In the event that any other safety concerns should arise during the course of this Agreement, Operator and Authority agree that they will mutually discuss such concerns and reach a resolution satisfactory to all concerned.
9. Operator shall protect, save, indemnify, and hold the Authority, its officials and employees harmless from any liability, claims, damages, penalties, charges, or costs which may arise or be claimed as a result of any violations of any laws or ordinances, or any loss, damage or expense, including injury or death to any person, from any cause or causes from Drilling Activity whatsoever.
10. Operator assumes all liability for subcontractors and or agents working on Operator's behalf.
11. This Agreement shall be binding upon Operator and Authority, and their respective successors and assigns.

12. In any event that any clause, provision or remedy in this Agreement shall, for any reason, be deemed invalid or unenforceable, the remaining clauses and provisions shall not be affected, impaired or invalidated and shall remain in full force and effect.

13. Agreement shall be governed by the laws of the State of Ohio.

14. This Agreement shall be in effect on September 2, 2014

Executed in duplicate on the dates set forth below.

Authority

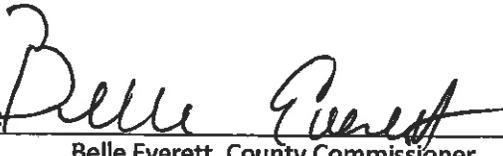
Operator

By: 
Chris Abbuhl, County Commissioner

By: 

By: Commissioner Metzger, absent;
Kerry Metzger, County Commissioner

Printed name: Doug Schafer

By: 
Belle Everett, County Commissioner

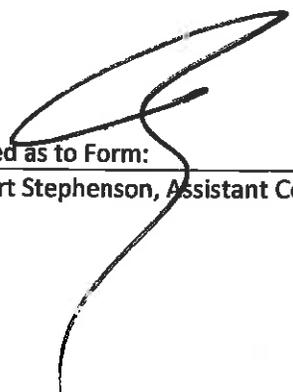
Company Name: Chesapeake Exploration, LLC

By: 
Joe Bachman, County Engineer

Title: Field Services Representative

Dated:

Dated:


Approved as to Form:
Robert Stephenson, Assistant County Prosecutor

Appendix A**Operator shall be required to:**

- 1) Upgrade CR 13 (Sandy Ridge Road SE) in accordance with the following scope: 12" full depth base reclamation with 6% by weight cement application; 3" hot mix asphalt overlay on reclaimed base.
- 2) Maintain CR 13 (Sandy Ridge Road SE) during Drilling Activities for those damages caused by said Drilling Activities.
- 3) Reimburse the Authority for minor maintenance of the road during the hauling period (or provide for a contractor to perform minor maintenance on 24 hour notice) for damages caused by Drilling Activities.

Authority shall:

- 1) Provide for minor maintenance of the road during the Drilling Activity for damages not caused by said Drilling Activity. For any work that is to be reimbursed by the Operator to the Authority, Authority agrees to give 24 hour prior notice to the Operator (or agrees to notify Operator when maintenance is needed).
- 2) Provide for maintenance of the roadway and bridges for damages not caused by the Drilling Activity at the Authority's cost and expense, including snow/ice control, mowing, etc.



VOTE:

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

RESOLUTION (819-2014)**PAY BILLS**

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

Commissioners

Thyssen Krupp Elevator	Repairs	165.62
Tusc Co Chamber of Commerce	Safety Council/August	34.00
Frontier	Service/364.6784	194.68
Frontier	Service/339.1855	340.86
American Electric Power	Electric/JFS Light	82.58
American Electric Power	Electric/JFS	3328.57
Widder Architectural Services	Architect Fees/Mediation Project	480.00
Morrow Control	Supplies	56.40
Mid-Ohio Forklift Inc	Annual Inspection	154.50
Frontier	Service/364.1916	48.40
Frontier	Service/364.8811	753.69
Frontier	Service/343.3921	194.68
American Electric Power	Electric/Veterans	204.69
Rose Products	Supplies	387.50
American Electric Power	Electric/NJNP	37.55
Kathy Kosmides	Humane Agent Salary/August 2014	500.00
Schindler Elevator	Service	519.48
OMEGA	Registration/Abbuhl	20.00
Lehigh Endsley Insurance	Bond	50.00
Danco Lettering	Lettering & Decals/New Sheriff Cruisers	2296.68
Liberty Distributors	Supplies	330.72
Staley Technologies	Tower Repairs/Lightning Strike	10,000.00
Staley Technologies	Tower Repairs/Lightning Strike	4301.26

Dog Pound

Frontier	Service	52.81
American Electric Power	Electric	582.71
Damon Industries	Supplies	67.85
Total First Aid	Supplies	80.80

Public Defender

Staples	Supplies	248.98
Frontier Communications	Service	314.88

Juvenile/Probate

Staples	Supplies	289.88
Staples	Supplies	47.58
Ben Penrod	Travel	50.14

Water & Sewer

Zashin & Rich	Consultant Services	465.50
Michael Benza & Associates	Dundee WTP Imp	918.00
Kegler Brown Hill Ritter	Legal Fees	1501.40
Harris Battery	Generator Battery	198.30
Kegler Brown Hill Ritter	Legal Fees	6000.00
SmartBill	Billings	1976.17
Stanley Miller Construction	Quaker State Pump Station Rehab Proj	12051.00
Twin City Water & Sewer	Midvale Barnhill Sewer	7498.19
Dover Municipal Utilities	Utility	385.99
First Communications	Long Distance	330.80
Frontier	Service	37.70
Fitzpatrick Zimmerman & Rose	Sandyville Waterline Legal Services	75.00
Fitzpatrick Zimmerman & Rose	Sandyville WWTP Legal Services	75.00
Quickprint Center	Booklets	162.00
Osters	Gravel/Fill	69.77
Rex Supply	Materials	13.32
Frontier	Service	35.59
Frontier	Service	69.70
Frontier	Service	69.70
Zashin & Rich	Consultant Services	1906.10
WSOS	CMOM Report Preparation	6312.34
American Electric Power	Electric	8.11

Frontier	Service	45.15
Northern Safety Industrial	Supplies	61.54
Tri State Tree Service	Sewer Line Easement Clearing	13800.00
Frontier	Service	45.42
Frontier	Service	32.26
Frontier	Service	45.53
Northeast Ohio Natural Gas	Utility	23.54
Verizon Wireless	Cell Phone Service	206.70
USA Bluebook	Dehumidifier	2373.00
American Electric Power	Electric	58.10
American Electric Power	Electric	54.00
RJ Wright & Sons	Fuel	2738.36
AT & T	Service	52.72
Environmental Design Group	Wilkshire Hills WWTP Upgrade	33367.15
Frontier	Service	54.97
Verizon Wireless	Cell Phone Service	113.59
American Electric Power	Electric	1414.15
Elite Excavating	Sandy Valley Waterline Distribution	12045.00
Elite Excavating	Sandy Valley Waterline Distribution	1311.00
Elite Excavating	Sandy Valley Waterline Distribution	732.54
Community & Economic Development		
Ohio Regional Development Corp	Soft Costs/B-C-12-1CT-1	5251.00
Ohio Regional Development Corp	Hard Costs/B-C-123-1CT-1	750.00
Kimberly Beans	Travel	48.57
Ohio Regional Development Corp	B-C-12-1CT-1/ Admin	11375.00
Tusc Co Agricultural Society	Parking Passes/Fair Housing Booth	40.00
Tusc Co Recorder	Recording Fee/CHIP Mortgage	52.00
Prosecutor		
Sheriff Ronald Myers	Drug Buy Money	4722.50
Comdoc Leasing	Copier Lease	404.54
Victim/Witness Division	Registration	60.00
US Safety Gear	Multi-Threat Garments	3790.00
Information Technology		
MNJ Technologies	Supplies	17.00
Provantage	Supplies	109.08
Common Pleas		
Quickprint Center	Petit Juror Handbooks	3999.60
Staples Credit Plan	Supplies	422.77
Staples Credit Plan	Supplies	190.15
Staples Credit Plan	Printer	129.99
Matthew Bender & Co	Legal Publication	556.41
Children's Institute	K-1 & 2-3 Manuals Package	247.50
Southern Court		
Quill	Supplies	89.97
Quill	Supplies	185.49
Wayne Door	Repairs/Central Vacuum System	137.49
Quill	Supplies	391.86
EGP Business Solutions	Journal/bookkeeping	18.88
Clerk of Courts		
Frontier	Service	48.67
Dan Loibl	Typewriter	100.00
Independence Business Supply	Supplies	70.75
Child Support		
G & L Supply	Supplies	229.55
Go Shred	Shredding Services	45.00
Frontier	Service	48.40
Melissa Uebel	Travel	34.55
Sheriff		
Henry Heating & Cooling	Repairs	541.73
Frontier	Service	1643.50

First Communications	Long Distance	14.83
Chuck Nicholson	Cruiser Repair	432.80
Johnson's Towing	Cruiser Tow	100.00
Brian Alford	Reimb/Fee to Retrieve Keys Locked in Cruiser	39.00
Johnsons Printing	Supplies	360.00
OH Patrol Officers Training Academy	Training	400.00
American Electric Power	Electric	17911.73
Ohio Soil Services	Gas Pumps Repair	995.00
Xerox	Service	902.27
Bonifay Home Supply	Maint. Supplies	1.99
Wood Electric Inc	Disconnect Switch Repair	687.00

911

Frontier Power Co	Tower Electric	603.85
American Electric Power	Tower Electric	200.19
Frontier	Service	166.97
Frontier	Wireless Tariff	544.32
Xerox	Service	152.96
Staples	Supplies	308.06

Auditor

Harris Computer Systems	Financial Support	1283.38
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Treasurer

Harris Computer Systems	Software Support	372.81
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Engineer

Zeigler Bolt & Nut House	Bridge & Culvert Supplies	280.61
Southeastern Equipment Co	Repairs/Parts	403.33
JW Cookson	Repairs/Parts	225.74
Martin Quarry	Materials	228.46
Superior Spring	Repairs/Parts	116.44
Young Truck Sales	Repairs/Parts	36.24
Galicks	Bridge & Culvert Supplies	115.50
Fenton Brothers	Repairs/Parts	388.68
Ohio Machinery OH CAT	Repairs/Parts	1638.53
E & H Hardware Group	Repairs/Parts	105.77
Snyder Brothers Sales & Service	Repairs/Parts	1192.50
Independence Business Supply	Supplies	57.98
Kuester Implement	Repairs/Parts	148.05
Zep Manufacturing	Repairs/Parts	2061.90
AA Blueprint Co	Supplies	353.00
Superior Paving & Material	CR 103 Patch & Pave per quote	38038.60
20/20 Enterprises	Chip & Seal CR 21	25509.50
American Electric Power	Electric	2182.78
Allstate Sales of Eastern OH	Repairs/Parts	70.00
Cummins Bridgeway	Repairs	978.70
Airgas USA	Bridge & Culvert Supplies	181.65
Carpenter Heating & Cooling	Heating & Cooling	54.00
Sidwell Materials	Materials	5091.01
Truck Sales & Service	Repairs & Parts	79.28
Yoder Small Engines	Repairs/Parts	27.85
Pleasant Valley Ready Mix	Concrete	5699.63
Frontier Communications	Phones & Internet	228.95
Fastenal	Bridge & Culvert Supplies	623.75
Davis Radiator	Parts/Repairs	95.00
A & M Service Center	Repairs/Parts	482.56

Job & Family Services

Frontier	Service	553.20
Office Max Inc	Supplies	148.93
Catola's Dry Cleaning	Laundry	43.40
Impact Computers & Electronics	Equipment	88.34
FIA Card Services	Web Hosting	23.14
Julietta Tylke	Spend Down Reimb	129.00
S Caldwell K Jones	Vehicle Maintenance	160.00
FIA Card Services	Training	697.98
David Haverfield	Travel & Training	110.40

Jaime Grunder	Travel & Training	244.72
Geoffrey Geers	Travel & Training	239.36
Joyce Volzer	Travel & Training	38.85
FIA Card Services	Adoption Incentive	1548.30

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

RESOLUTION (820-2014) RECESS

It was moved by Commissioner Everett, seconded by Commissioner Abbuhl, to recess at 1:16 p.m. until 2:00 p.m. for the Union Hospital Bond Hearing.

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

Commissioner Abbuhl called the meeting out of recess and back into Regular Session at 2:00 p.m.

SIGN IN SHEET FOR HEARING:

Hearing for the purpose of considering the approval of the issuance by the Issuer of health care facilities revenue bonds (the "Bonds") of the County of Tuscarawas, Ohio, in a principal amount currently estimated not to exceed \$50,000,000, for the benefit of The UNION HOSPITAL ASSOCIATION, an Ohio nonprofit corporation (the "Corporation").

September 2, 2014

NAME (please print)	ORGANIZATION/PUBLIC	CONTACT INFORMATION (Telephone/Email)
Jon Baker	Times-Reporter	jon.baker@timesreporter.com
Shyanne Carroll	W.S.E.R.	330-343-7755
LARRY LINDBERG	TUSCARAWAS County	365-3220
John Thorl	Union Hospital	330-364-0805
Michael Melliere	Ice Miller LLP	614-462-2232
Jim Pringle	Kyler, Pringle	jpringle@kpld.com
Jane Clark	Clerk of the Board	
Chris Abbuhl	Co. Commissioner	
Belle Everett	Co. Commissioner	

NOTICE OF HEARING:

**PUBLISHER'S AFFIDAVIT
LEGAL NOTICE**

Virginia Davis

Being first duly sworn, says that the Affiant is a duly authorized Clerk of The Times Reporter, a Daily and Sunday newspaper published and of general circulation in said

**CITY OF New Philadelphia
STATE OF OHIO
COUNTY OF Tuscarawas**

} SS

and that the legal advertisement, of which the annexed is a copy was published in said newspaper on:

PUBLICATION DATES:

08/18/14

Sworn to and subscribed before me, this 19th day of August, 2014.

Virginia Davis
Representative Signature

J. A. Griffiths
Notary Public
JILL A. GRIFFITHS
Notary Public - State of Ohio
My Commission Expires 03-19-2016

Total number of measured inches published: 33.17
Publisher's Fee: 260.55
Customer Account Number: 136216
Case No:
ORDER NO: 00676646

NOTICE OF PUBLIC HEARING

HEALTH CARE FACILITIES REVENUE BONDS

Notice is hereby given that a public hearing will be held by the Board of County Commissioners of the County of Tuscarawas, Ohio (the "Issuer"), on Tuesday, September 2, 2014 at 2:00 p.m., in the William E. Winters Board Room, Second Floor, 125 East High Avenue, New Philadelphia, Ohio. This hearing is for the purpose of considering the approval of the issuance by the Issuer of health care facilities revenue bonds (the "Bonds") of the County of Tuscarawas, Ohio, pursuant to Chapter 140 of the Ohio Revised Code, in one or more series and in a principal amount currently estimated not to exceed \$50,000,000, for the benefit of The Union Hospital Association, an Ohio nonprofit corporation (the "Corporation"). If the issuance of the Bonds is authorized, the proceeds will be used to (i) finance and reimburse the Corporation for, certain costs of the acquisition, construction, renovation and equipping of certain improvements to "hospital facilities," as that term is defined in Section 140.01 of the Ohio Revised Code, including, but not limited to, construction and equipping of a new emergency department, renovation and construction of existing facilities including but not limited to the existing emergency department, and acquisition and installation of equipment (the "New Project") located at the Corporation's main campus for the health-care facilities known as "Union Hospital" (the "Hospital"); (ii) current refund the outstanding principal amount of the Issuer's Variable Rate Health Care Facilities Refunding and Improvement Revenue Bonds, Series 2009 (Union Hospital Project) (the "Prior Bonds"), the proceeds of which Prior Bonds were used to finance or reimburse the acquisition, construction, renovation and equipping of certain improvements to "hospital facilities", including, but not limited to, renovation and construction of existing facilities, acquisition and installation of MRI units, mammography machines, ultrasound machines, communication equipment, beds and other equipment (the "Prior Bonds Project") (iii) refinance an existing loan of the Corporation (the "Prior Loan"), the proceeds of which were used to finance or reimburse the acquisition, construction and equipping

of an ambulatory surgical facility (the "Prior Loan Project") and, together with the New Project and the Prior Bonds Project, the "Project") and any interest rate swap termination payments related to such Prior Loan, (iv) fund capitalized interest on the Bonds, if any and (v) pay certain costs of issuance of the Bonds. The New Project and the Prior Bonds Project are or will be located on the main campus of the Hospital at 659 Boulevard, Dover, Ohio 44622. The Prior Loan Project is located at 320 Oxford St., Dover, Ohio 44622. THE BONDS SHALL NOT REPRESENT OR CONSTITUTE A DEBT OR PLEDGE OF THE FAITH AND CREDIT OR THE TAXING POWER OF THE COUNTY OF TUSCARAWAS, OHIO, THE STATE OF OHIO, OR ANY POLITICAL SUBDIVISION OF THE STATE OF OHIO. The initial owner, operator or manager of the Project is presently anticipated to be the Corporation or one or more affiliates or joint venture partners of the Corporation. Interested persons are invited to attend this public hearing and will be given an opportunity to express their views concerning the proposed Project. Anyone desiring to make written comments may give them to the Clerk of the Board of County Commissioners of the County of Tuscarawas, Ohio, 125 East High Avenue, New Philadelphia, Ohio 44623-2573 prior to the hearing. This notice is given pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended.

Jane E. Clay
Clerk of the Board of County Commissioners
County of Tuscarawas,
Ohio
Published in The Times Reporter on August 18, 2014.

HEARING – UNION HOSPITAL BONDS

Commissioner Abbuhl opened the hearing at 2:00 p.m. for the purpose of considering the approval of the issuance by the Issuer of health care facilities revenue bonds of the County of Tuscarawas, Ohio, pursuant to Chapter 140 of the Ohio Revised Code, in one or more series and in a principal amount currently estimated not to exceed \$50,000,000.00 for the benefit of Union Hospital Association, an Ohio nonprofit corporation. He requested bond counsel for Union Hospital to present information in relation to the health care facility.

Mike Melliere with the law firm Ice Miller serving as counsel for the proposed bond issue: We are not requesting any formal approval at today's meeting. This is just a hearing. I believe we are on the agenda for Thursday's meeting for a resolution authorizing issuance of the bonds. This hearing is an opportunity for the public to speak pro or con on behalf of the proposed issuance of the bonds. The proceeds of the bonds will be used by the Union Hospital Association primarily for two things. One is to refinance their series 2009 bonds which were also issued through the county and then there is a new money project, a new emergency department project at the hospital. A couple of other things, Gene may want to speak to these in more detail if there are any questions, there is going to be some reimbursement of dollars to the hospital for past capital expenditures that the hospital has paid for so they can reimburse themselves out of the new bond issue. That is a relatively minor component with the financing but again, the two primary components are the refinancing of the 2009 bonds and the new emergency department.

Commissioner Abbuhl: I know Larry (Lindberg, County Auditor) had an opportunity to review this, did you have any concerns or anything with any of the documents?

Larry Lindberg (County Auditor): From what I have seen the hospital currently has about \$25 million from the previous bond issuance so it would be an additional \$25 million. We have done this previously for the hospital in 1993, 2001, 2009. It is not an obligation of the county. We will disclose it in our financial statement within the notes but it will not be one of our debts.

Commissioner Abbuhl: Thank you and I appreciate that, as it is one question that I always ask. In Section 3 it mentions and talks about that so just to make clear that there is absolutely no debt to the county and it does not affect our bond rating what so ever, correct?

Larry Lindberg: Correct.

Mike Melliere: That is correct. There is no obligation of the county. No tax payers money at issue or at risk here it is solely an obligation of the hospital.

Larry Lindberg: The only item I would like to add is I believe we are limited in how much of this type of debt we can do in a calendar year. We have not done any previously being it is September, I don't believe that will be an issue.

Commissioner Abbuhl: We don't anticipate anybody else coming forward between now and the end of the year.

Commissioner Everett: I do have a question out of curiosity, the reimbursements, then when you say they are not a lot, I am kind of curious exactly what those are, just a lot of fees associated with (the project)?

Gene Thorn: (addressing Mike Melliere) Do you want to talk about how we can do that and I will talk about what it is?

Mike Melliere: Yes, there are provisions in the federal tax code that specifically authorizes a nonprofit like the hospital to spend money for capital expenditures and roll them into the tax exempt financing in the future that way we are not doing smaller bond issues every six months for the hospital to pay for routine capital expenditures. So there are provisions in the tax code, again, that allows the hospital to aggregate some of those expenditures, wait for the next tax exempt bond issue and then reimburse those amounts. In terms of the amount, Gene?

Gene Thorn: It's about \$250,000. That is not a lot for the type of equipment we buy. This is going to cover, probably the allotment of hospital beds that we will buy for this year.

Commissioner Abbuhl: That is the good thing about having these types of bonds so you will be able to use some of those dollars and it is not costing you additional dollars to be able to do this type of things because you are running through us (the county).

Gene Thorn: We are actually taking advantage of the issue. We normally would not finance things like that but because we are going to do the financing for the ED (Emergency Department) project we have

the ability to do this and it provides a little bit of benefit to our cash flow so we are taking advantage of that in a small amount.

Commissioner Abbuhl: Is there was anyone else in the room that had thoughts on the issuance of the bonds? (*none*) Commissioner Everett do you have any more questions?

Commissioner Everett: No

Commissioner Abbuhl: At this time the Commissioners will take this information under advisement and we will close the hearing at 2:05 p.m.

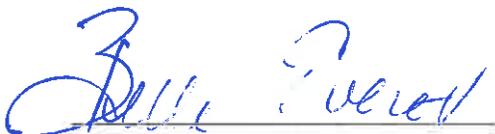
NO OTHER BUSINESS COMING BEFORE THE BOARD.

RESOLUTION (821-2014) ADJOURN

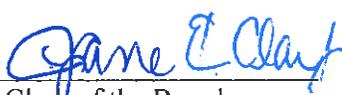
It was moved by Commissioner Everett, seconded by Commissioner Abbuhl, to adjourn at 2:06 p.m. to meet in Regular Session, Thursday, the 4th day of September, 2014.

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

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.

Kerry Metzger, absent;

Attest: 
Clerk of the Board