

# October 26, 2015

## Agenda

*Pledge of Allegiance*

1:15	David Haverfield-JFS	Replacement Hire
1:20	Marissa Lautzenheiser	RuralAction-AmeriCorps
1:30	Hearing-Road Vacation	3rd Street, Newport, Mill Twp.

Approve Minutes

Transfer of Funds (5)

Supplemental Appropriation (5)

Interfund Transfer/Advance

Before/after Expenditures

Disposal of Obsolete Items-TuscBDD

Frost Law 2015-2016

Pay Bills

*Other Business*

Adjourn

THE BOARD OF COMMISSIONERS OF TUSCARAWAS COUNTY MET IN REGULAR SESSION, MONDAY THE 26<sup>TH</sup> DAY OF OCTOBER, 2015, WITH THE FOLLOWING MEMBERS PRESENT:

Belle Everett  
 Kerry Metzger  
 Chris Abbuhl

Commissioner Everett presiding.

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

**RESOLUTION (962-2015) APPROVE MINUTES**

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

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

**RESOLUTION (963-2015) TRANSFER OF FUNDS**

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

DEPARTMENT	FROM	TO	AMOUNT	REASON
Common Pleas	A02-B06	A02-B21	\$4,060.00	Unemployment
Juvenile Court	S60-S03	S60-S05	\$15.42	Contract Services
Probate Court	S57-S03	S57-S05	\$20.31	Contract Services
Sheriff	S81-S06	S81-S13	\$150.00	Other
Sheriff	X32-X05	X32-X13	\$18.00	Other

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

Note: Commissioner Abbuhl wanted clarification on the Common Pleas transfer involving unemployment. Currently there wasn't an unemployment line item. This transfer will resolve that issue.

**RESOLUTION (964-2015) SUPPLEMENTAL APPROPRIATIONS**

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

DEPARTMENT	FROM	TO	AMOUNT	REASON
Juvenile Court	S68-S50	S68-S03	\$59.83	Other
Law Library	S20-S99	S20-S05	\$845.00	Insurance
Auditor	Y27-Y99	Y27-Y01	\$1,000.00	Distribution to Dept.
Death Benefit	Y55-Y05	Y55-Y03	\$12.89	Other
Insurance-Group Health	Y50-Y10	Y50-Y06	\$77.35	Contract Services

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

**RESOLUTION (965-2015) INTERFUND TRANSFER/ADVANCE**

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

<i>Treasurer, Tusc. Co.</i>	<i>Co. General to Juvenile Court Computerization (S60)</i>	<i>\$8,000.00</i>
<i>Treasurer, Tusc. Co.</i>	<i>Co. General to Child Service Fund (S00) Aug/Sept</i>	<i>\$372,343.70</i>

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

**RESOLUTION (966-2015) BEFORE & AFTER EXPENDITURES**

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

Newton Asphalt (Engineer)	50747.67
Union Hospital (Commissioners)	310.84
Blasenbauer Plumbing (Commissioners)	584.47

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

**RESOLUTION (967-2015) DECLARE ITEMS OBSOLETE FOR USE-TuscBDD**

It was moved by Commissioner Abbuhl, seconded by Commissioner Metzger, to declare, as obsolete for the use for which it was acquired in accordance to Ohio Revised Code 307.12 (B).



October 20, 2015

Tuscarawas County Commissioners  
 Tuscarawas County Courthouse  
 125 East High Avenue  
 New Philadelphia, Ohio 44663

Re: Disposal of Unneeded, Obsolete, or Unfit Equipment

The Tuscarawas County Board of Developmental Disabilities took the following action at their October 19, 2015 Board meeting:

Recommendation to approve the disposal of the 2000 Chevrolet CG-31503 shuttle considered unneeded, obsolete, or unfit by the Tuscarawas County Board of DD. This motion will be submitted to the Tuscarawas County Commissioners for final approval. This vehicle will then be disposed of by one of three ways: selling the vehicle outright via the internet auction website GovDeals.com, trading the vehicle in at a local dealership if another van or shuttle is purchased, or scrapping the vehicle if there are no buyers.

Motion: **Donna Wayt**

Second: **Robert Preston**

<b>Roll Call:</b>	<u><b>Yea</b></u>	<u><b>Nay</b></u>
Jeremy Everett	x	
Thomas Fantin	x	
Robert Glasgow	x	
Linda Patterson	x	
Robert Preston	x	
Donna Wayt	x	
Stephanie Wilson	x	

The President declares the motion **carried**.

We are now requesting approval from the Tuscarawas County Commissioners' Office in order for us to dispose of this item as outlined in the above motion.

Please forward a copy of the action taken by the Commissioners to the following email address: [lsidoti@tuscbbdd.org](mailto:lsidoti@tuscbbdd.org) or in the mail to my attention. If you have any questions or need to speak to me directly, please call 330-339-9779. Thank you in advance for your attention to this request.

Sincerely,

Kellie Brown  
 Superintendent

KB:ls

cc: Mark Schott, Director of Business Operations

- Starlight School** 518 Church Avenue SW, New Philadelphia, OH 44663-2225 • Phone: 330.339.3577
- Starlight Workshop** 638 Commercial Avenue SW, New Philadelphia, OH 44663-9365 • Phone: 330.339.3578
- Independence Employment** CARF Accredited 638 Commercial Avenue SW, New Philadelphia, OH 44663-9365 • Phone: 330.339.9683
- TuscBDD Service and Support Center** 610 Commercial Avenue SW, New Philadelphia, OH 44663-9365 • Phone: 330.308.7173

VOTE:

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

Note: Commissioner Abbuhl wanted to clarify the communication from TuscBDD. If selling the shuttle is the option TuscBDD chooses it will be sold on Tuscarawas County GovDeals internet auction site

**RESOLUTION (968-2015) FROST LAW 2015-2016**

It was moved by Commissioner Metzger, seconded by Commissioner Abbuhl, to approve the following as recommended by Joe Bachman, County Engineer.

The Frost Law Season for 2015-2016 will begin on December 15, 2015 and remain in effect through May 15, 2016. The legal load on all Tuscarawas County Roads will be reduced to 50% of the legal load during this period.

Any companies wanting to haul loads on any Tuscarawas County road during this period must first have a County Maintenance Agreement signed between their company and the Tuscarawas County Commissioners.

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

**RESOLUTION (969-2015) PAYMENT OF BILLS**

It was moved by Commissioner Abbuhl, seconded by Commissioner Metzger, to approve for payment the following bills.

**911**

American Electric Power	Tower Electric	206.76
Language Line Services	Interpreter	13.88
APCO	Annual Membership	92.00
Mercy Medical Center	CPR Cards	55.00

**Child Support**

Jeffrey Mamarella	IV-D Contract/Juvenile Court Magistrate	7,707.49
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**Clerk of Courts**

First Data	Credit Card Fees	351.24
Occupational Medicine Center	Pre-Employment Testing	38.00
Comdoc	Lease	226.72
Independence Business Supply	Supplies	42.44
Jodi Foutz	Travel	113.81
Jeanne Stephen	Travel	97.06
Twin City Chamber of Commerce	Lease	175.00
Dan Loibl	Supplies	73.50

**Commissioners**

Tusc Co Chamber of Commerce	Safety Council/October 2015	17.00
American Electric Power	Electric/JFS	2,336.00
Frontier	Service/339.1855	438.19
American Electric Power	Electric/JFS Light	90.04
Treasurer Tusc Co	Internet Auction Distribution	41.00
GovDeals	Auction Sale Fees	5.00
Widder Architectural	JFS Security Upgrade	1,138.85
American Electric Power	Electric/Veterans	220.29
Treasurer Tusc Co	Audit Fees	805.09
Treasurer Tusc Co	Audit Fees	300.22
Haugh Construction	JFS Security/App #4	72,689.17
Times Reporter	Legal Ad	217.00
Morrow Control	Supplies	43.20
Frontier	Service/364.6784	206.02
Dominion East Ohio Gas	Service/125 EH	181.64
Dominion East Ohio Gas	Service/107 EH	214.93
Dominion East Ohio Gas	Service/JFS	228.85
G & L Supply	Supplies	39.92

**Common Pleas**

Copeco	Service Contract	458.58
Thomson Reuters	Legal Publications	119.50

**Community Corrections**

Verizon Wireless	Cell Phone Service	152.54
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Landstar Properties	Housing Assistance	295.00
First Communications	Long Distance	15.48
Horizon's	Transportation Services	1,242.00
<b>Dog Pound</b>		
SmartBill	Postage/Dog Licenses	3,200.00
Treasurer Tusc Co	Audit Fees	174.80
Clum Tire Service	Repairs	10.00
Parkway Auto Group	Service/Oil Change	40.51
<b>Engineer</b>		
Fastenal Co	Bridge & Culvert Supplies	1,055.77
Fenton Brothers	Repairs	13.44
Truck Sales & Service	Repairs/Parts	376.86
Airgas USA	Bridge & Culvert Supplies	204.77
Terminal Supply	Repairs/Parts	1,015.30
Snyder Brothers Sales	Repairs/Parts	523.16
Skyline Steel	Steel Piling per quote	35,530.00
Rick Watson Trucking	Hauling Materials per bid	721.41
Peterman Plumbing	Repairs/Services	195.00
First Communications	Long Distance	20.86
Asphalt Materials	Materials per bid	59,735.59
Kuester Implement	Repairs/Parts	60.60
Dover Conveyor	Repairs/Parts	343.49
Independent Ag Equipment	Parts	16.47
National Lime & Stone	Materials per bid	360.01
Soehnlén Sand & Gravel	Materials per bid	584.46
<b>Information Technology</b>		
MANCAN	Temp Employee	233.28
MNJ	Printing Supplies	460.00
<b>Juvenile/Probate</b>		
Ziegler Tire	Auto Repairs	17.88
Lexis Nexis	Law Books	218.10
Lexis Nexis	Law Books	218.10
Ziegler Tire	Auto Repairs	29.33
Renee Parker	Travel	97.52
<b>Law Library</b>		
Tusc Co Clerk of Courts	Notary Fees	252.00
Thomson Reuters West Payment	Subscription	425.08
Thomson Reuters West Payment	Subscription	1,248.92
<b>Park Department</b>		
Ohio & Erie Canalway Coalition	Technical Assistance 2015	12,500.00
<b>Public Defender</b>		
Frank Bair	Utilities	314.81
<b>Recorder</b>		
Staples	Supplies	32.78
<b>Sheriff</b>		
Union Hospital	Drug Screening	77.75
First Communications	Long Distance	15.59
Verizon Wireless	Cell Phone Service	545.61
Chuck Nicholson	Cruiser Repairs	458.80
Staples	Supplies	91.17
Total ID Solutions	CCW Supplies	1,499.00
Brian Alford	Travel/Training	9.18
Union Hospital	Inmate Medical Treatment	648.64
Steel Valley Portable X Rays	Inmate X Rays	350.00
Flickinger Pipe	Repairs	1,456.03
G & L Supply	Cleaning Supplies	144.61
Holmes County Sheriff's Office	Gas Masks	733.10
Agland Coop	Dog Food	70.98
Treasurer Tusc Co	Audit Fees	217.21

Treasurer Tusc Co	Audit Fees	115.30
Treasurer Tusc Co	Audit Fees	38.13

**Southern Court**

Peterman Plumbing	Repairs	161.60
Atty Michael Cochran	Acting Judges Fees	187.50

**Treasurer**

Treasurer Tusc Co	Audit Cost	64.80
Staples	Supplies	266.53

**Water & Sewer**

Down Town Ford	Vehicle Service	22.54
Tusc Co Commissioners	Crane Truck Payment	1,219.50
Twin City Water & Sewer	Midvale/Barnhill Sewer Charges	10,832.59
MNJ Technologies	Computer Equipment/Software	198.00
Environmental Design Group	Sewer Study	6,400.00
Dover Utilities	Electric	208.74
Ream & Haager Lab	Lab Services	316.00
Tusc Co Commissioners	Chevy Silverado Payment	777.78
Ream & Haager Lab	Lab Services	526.50
Ream & Haager Lab	Lab Services	1,107.50

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

**RESOLUTION (970-2015) PERSONNEL ACTION- JFS HIRE REPLACEMENT**

It was moved by Commissioner Abbuhl, seconded by Commissioner Metzger, to approve the replacement hiring of Michelle Baldwin as recommended by David Haverfield, Director.

Michelle Baldwin Social Services Worker 1

Michelle will replace Barbara Hunter as the Social Services Worker 1 in the Case Management 2 Unit. Barb resigned her position effective 09/21/15. David Haverfield conducted an independent assessment to determine that these applicants met the minimum qualifications for the position.

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

DISCUSSION: Marissa Lautzenheiser, Middle Tuscarawas Watershed Coordinator was present to request approval of the Memorandum of Understanding (MOU) between Rural Action and The Tuscarawas County Board of Commissioners. When the MOU is signed it will formalize the agreement for the sponsorship of one full time AmeriCorps member. There were revisions made to the MOU. Commissioner Everett requested Ms. Lautzenheiser discuss the revisions made. The financial contributions were revised and original amounts and changes are found in the agreement. Commissioner Abbuhl questioned if Robert Stephenson, Assistant Prosecuting Attorney had reviewed the agreement. It was reviewed by Atty. Stephenson

Note: Commissioner Metzger would like some form of signature line or a box to check on documents that require Atty. Stephenson to review prior to approval of the Commissioners. It would eliminate the need to question if each document was reviewed.

**RESOLUTION (971-2015) APPROVE MOU-RURAL ACTION**

It was moved by Commissioner Abbuhl, seconded by Commissioner Metzger, to approve the Memorandum of Understanding agreement between Rural Action and the Tuscarawas County Commissioners.

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



**SERVE OHIO**  
Ohio Commission on Service and Volunteerism

**RURAL ACTION**  
Sponsor and Host Site  
Memorandum of Understanding  
Ohio Stream Restore Corps/Rural Action 2015-16

This document formally recognizes the agreement between Rural Action (Sponsoring Organization) and the Tuscarawas County Commissioners, the Financial Sponsor responsible for providing funds for the member match to host an Ohio Stream Restore Corps Program member(s) in service. The member(s) will perform services to strengthen and supplement efforts to address community needs as specified in the AmeriCorps work plans. The obligations of the parties are subject to the terms and conditions of this Memorandum of Understanding.

The Tuscarawas County Commissioners as the Financial Sponsor, has requested and been granted the following member slots for the 2015-2016 program year:

1 full-time member (1700 hours)

The Host Site, Middle Tuscarawas River Watershed formerly known as Huff Run/Mud Run Watershed, (the location where the member will be placed) agrees to implement the Ohio Stream Restore Corps AmeriCorps program in accordance with the Corporation for National & Community Service AmeriCorps 2015-2016 Terms and Conditions and the AmeriCorps Ohio Supplemental Terms and Conditions administered by ServeOhio, Ohio's Commission on Service and Volunteerism.

**Responsibilities of the Host Site:**

- a. Provide new member orientation for member(s) during and no later than the first month of service to the procedures and accepted behaviors of the Host site work place;
- b. Provide the member with an adequate work space and the necessary supplies and materials to effectively perform his/her assigned tasks including computer access, email, web access and other materials;
- c. AmeriCorps members are not staff or interns. They are not assigned to the host site to perform tasks meant for staff or other members of the host site organization. They are national service members assigned to the host site to complete specific tasks outlined in the member position description, approved work plan and aligned with approved performance measures for Ohio Stream Restore Corps. Any variance from

these assigned tasks are to be approved by with the AmeriCorps Director before implementation;

- d. Develop a detailed work plan for the member outlining tasks, activities and timelines within the first month of service. A copy will be provided and approved by the AmeriCorps Director. The work plan will be designed to meet the performance measures set forth by the Ohio Stream Restore Corps program. All amendments to the plan must be approved by the AmeriCorps Director before implementation of changes is begun;
- e. Provide overall and day-to-day supervisor of the member including weekly or twice monthly member check-ins to ensure the member is completing assigned activities and making progress on goals outlined in the work plan;
- f. Provide support and encouragement to the member as he/she becomes acclimated to AmeriCorps, the host site, assigned tasks and duties and continue that support as needed throughout the member term;
- g. Provide training opportunities for the member either within the host site, at outside venues or through Rural Action as required by ServeOhio regulations. Members are required to gain 255 hours of training throughout the program term. In addition, the host site is advised to allow the member to attend scheduled Rural Action trainings unless it is critical for the member to participate in activities elsewhere since it is expected that there will be time when scheduling conflicts arise. It is up to the discretion of the host site supervisor and AmeriCorps Director to make a joint decision where the member should participate in that case;
- h. Submit accurate documentation of member service hours, training hours and member activities no later than 5 days after the end of the designated quarter via the Excel spreadsheet distributed for this purpose. In addition, completion of all entries into the OnCorps online reporting system including one Service Report each month submitted no later than the 15th of the following month and approval of member timesheets no later than 5 days after submission by member is required. Completion of all required performance measurements; collection and sharing of member data related to member activities, accomplishments, training hours, volunteer recruitment activities and number of hours served is required;
- i. Submission of a corrective action plan is required to the Sponsoring Organization if it is determined that a member is not on track to complete service hours or training hours as soon as the this or another problem is identified. The Host Site supervisor and member will work together to develop the corrective action plan and submit it to the Program Director. The Program Director will provide the plan to ServeOhio for approval. All parties will agree to comply with the plan once it is approved by ServeOhio;
- j. Conduct performance evaluations of the AmeriCorps member(s) at 12 weeks, mid-term and at the end of service. These forms will be distributed to the members from the Program Director and it is the responsibility of the Host Site supervisor to ensure the forms are completed and submitted in a timely fashion. The mid-term check-in requires forms be completed by both member and supervisor. After forms are

completed member and supervisor will meet to discuss and give feedback to each other. Forms will then be provided to the Program Director;

- k. Notify the Sponsoring Organization immediately regarding unscheduled termination of conditions of AmeriCorps members, such as arrests, hospitalization, and absences without leave;
- l. Allow AmeriCorps members to participate in national and local emergency relief efforts if needed;
- m. Allow AmeriCorps members to participate in Days of Service, i.e. Martin Luther King Jr. Day of Service, Make a Difference Day, and National AmeriCorps Week should activities be organized in the communities where the members are in service;
- n. Agree not to offer a staff position or initiate a hiring process for a currently serving AmeriCorps member assigned to the Host Site during the duration of that member's term of service;
- o. All AmeriCorps members must submit to both an FBI and state background check prior to being accepted into the program. All AmeriCorps members must also sign a Federal Drug-Free Workplace form prior to the beginning of service. All AmeriCorps members will be subject to a check on the National Sex Offenders Public Website before acceptance into the AmeriCorps program;
- p. AmeriCorps members are not eligible for unemployment benefits since they are not employees of either the Host Site, Rural Action, the state of Ohio or the federal government;

"The member understands that he/she is not eligible for unemployment compensation based on service in AmeriCorps. The Ohio Department of Job and Family Services has determined that section 414101 (B) (3) (aa) of the Ohio Revised Code and Rule 4141-5-05 of the Ohio Administrative Code excludes AmeriCorps members from coverage under the Ohio Unemployment Compensation Law. This determination does not limit the member's rights to unemployment benefits to which they may be entitled on the basis on any outside employment that is concurrent with their AmeriCorps service."

- q. AmeriCorps members are not volunteers, but national service members and are subject to all regulations and provisions of the Corporation for National and Community Service and ServeOhio, Ohio's Commission on Service and Volunteerism;
- r. AmeriCorps members do not receive official sick leave or vacation. All scheduled hours missed due to illness must be made up. Time off may be taken by the member with approval of the Host Site supervisor as long as it does not jeopardize completion of the required 1700 hours of service in a 12-month period;
- s. Follow all restrictions regarding prohibited activities for AmeriCorps members including Host Site organizations:

Generally, grantee staff and program participants may not (1) attempt to influence legislation, including activity related to the appropriations process, or (2) participate in:

- a. attempting to influence legislation;
- b. engaging in partisan political activities or other activities designed to influence the outcome of an election to Federal, state or local public office;
- c. participation in activities that are likely to include advocacy for political parties, platforms or candidates, proposed legislation, or elected officials; and
- d. conducting a voter registration drive.

Individuals may exercise their First Amendment rights, including participating in the political process, as long as it is done on their own initiative, on their own time, and using non-CNCS funds and resources. But in doing so, it is very important to avoid even a perception that national and community service staff or participants are engaging in impermissible political activities in those capacities.

**Prohibited Activities:**

**At no time during active service may a member:**

- a. Engage in activity that is illegal under local, state or federal law;
- b. Engage in activities that pose significant safety risk to others;
- c. Attempt to influence legislation or an election;
- d. Assist, promote or deter union organizing;
- e. Engage in religious instruction or conduct worship services;
- f. Engage in any form of religious proselytization;
- g. Organize or engage in protests, petitions, boycotts or strikes;
- h. Impair existing contracts for services or collective bargaining agreements;
- i. Participate in or endorse events or activities that are likely to include advocacy for or against political parties, political candidates, political platforms, proposed legislation, or elected officials;
- j. Provide a direct benefit to a for-profit entity, a labor union, a partisan political organization;
- k. Engage in partisan political activities or other activities designed to influence the outcome of an election to a public office;
- l. Engage in voter registration drives;
- m. Other activities that the Corporation determines will be prohibited upon notice of the Grantee.

**AmeriCorps members may not:**

- a. Raise funds for his or her living allowance;
- b. Raise funds for an organization's operating expenses or endowment;
- c. Write grant applications for AmeriCorps funding or for any other funding provided by the Corporation for National and Community Service, or any other federal agency;
- d. Spend more than ten percent (10%) of her/his originally agreed-upon term of service performing fundraising activities;

**The Host Site may not:**

- a. Assign AmeriCorps members to activities that would result in the hiring of or result in the displacement of employed workers, or impair existing contracts for services;
- b. Accept or permit the acceptance of compensation from the AmeriCorps members or from beneficiaries for the service of the AmeriCorps member;
- c. Approve the involvement of any AmeriCorps member assigned to it in planning, initiating, participating in, or otherwise siding or assisting in any demonstrations whatsoever;
- d. Carry out projects resulting in the identification of such projects with partisan or non-partisan political activities, including voter registration activities, or providing voters transportation to the polls.

**Responsibilities of the Financial Sponsor:**

- a. As the Financial Sponsor, the Tuscarawas County Commissioners will provide funds for the member match to host an Ohio Stream Restore Corps member in the adjusted amount of \$8,075.00.
- b. Upon receiving an invoice from Rural Action Inc., the Fiscal Sponsor will send requested funds to Rural Action, Inc. for program year 2015-16. The total amount allocated for PY 2015-2016 is \$8,075.00. The program shall run from August 17, 2015 to August 16, 2016 and will be for one (1) full-time member term equaling 1,700 hours.
- c. Will participate in meetings in connection with the completion of this agreement, planning sessions for work plan development and other activities necessary for successful implementation of this agreement.
- d. When possible, share information and resources that could help and enhance the implementation of the agreement and successful completion of the work plan.
- e. AmeriCorps members are not staff or interns. They are not assigned to the Fiscal Sponsor to perform tasks meant for staff or other members of the Fiscal Sponsor's organization. AmeriCorps members are not staff or interns. They are national service members assigned to complete specific tasks outlined in the member position description, approved work plan and aligned with approved performance measures for Ohio Stream Restore Corps. Any variance from these assigned tasks are to be approved by with the AmeriCorps Director before implementation;

- f. The Fiscal Sponsor agrees not to offer a staff position or initiate a hiring process for a currently serving AmeriCorps member assigned to the Host Site during the duration of that member's term of service;

**Responsibilities of Rural Action, the Sponsoring Organization:**

- a. Assist Ohio Stream Restore Corps Host Site in developing work plans for each assignment and provide support and supervision to AmeriCorps members as needed;
- b. Assist in the provision of pre-service, early service, and in-service training. A member training schedule will be designed for the program year and distributed to Host Site supervisors and member during new member orientation;
- c. Retain full responsibility for the management and fiscal control of the project;
- d. Conduct two formal site visits during the service year (November, July). A formal evaluation tool will be used to assess partnership functions at the conclusion of the program year;
- e. Provide all necessary and accurate program documentation to ServeOhio, the Ohio Commission on Service and Volunteerism in a timely manner;
- f. Meet with Host Site supervisors on a quarterly or as needed basis to analyze the progress of the program toward performance measures and address any Host Site needs;
- g. Engage Host Site supervisors in discussions on program revisions, input into expansion and/or major changes within the program before said changes are implemented unless mandated by ServeOhio or the Corporation for National and Community Service. In that case the Program Director will notify the supervisors as soon as possible of the changes;
- h. The Program Director will maintain open communication with Host Sites via email, telephone or through written documentation on a regular basis to ensure the flow of needed information pertaining to the program is maintained;
- i. The Program Director will maintain an open door policy for members as well as Host Site Supervisors to ensure issues and concerns are addressed in a timely manner and appropriate manner.

**Joint Responsibilities:**

- a. Both parties (the Host site and Sponsoring Organization) will make every reasonable effort to ensure that the health and safety of the AmeriCorps member is protected during the performance of his/her assigned duties. Neither the Sponsor nor the Host Site shall assign or require an AmeriCorps member(s) to perform duties which would jeopardized the safety or cause injury to the member;
- b. Both parties will ensure that persons selected as AmeriCorps members are not related by blood or marriage to project staff, sponsor staff, or members of the Sponsor's Board of Directors or responsible to the Commission on Service and Volunteerism or Corporation program staff;

- c. Both parties will make every reasonable effort to make the member fully aware of the rules, regulations, prohibitions and benefits of service with Ohio Stream Restore Corps and the Host Site including information regarding employment or enrollment in school while serving, the term of service, training and hourly requirements, living allowance and other benefits, the education award on completion of service and the prohibition on receiving unemployment benefits after completion of service;
- d. Both parties will adhere to all regulations concerning non-discrimination and equal opportunity regulations as outlined in federal and state law. Non-discrimination is defined as:

"No person with responsibilities in the operation of the project shall discriminate against any AmeriCorps member, or member of the staff of, or beneficiary of the project, with respect to any aspect of the project on the basis of race, religion, color, national origin, sex, age, disability, or political affiliation."

**Legal Restrictions:**

The Sponsor and Host Site agree that no AmeriCorps member assigned under this Agreement shall participate in or receive funds from the Corporation used in, the following activities when they would result in the identification of such programs with:

- a. Partisan and non-partisan political activities, including voter registration;
- b. Direct or indirect attempts to influence passage or defeat of legislation or
- c. proposals by initiative petition;
- d. Labor or anti-labor organization or related activities;
- e. Religious instruction, worship services, proselytization, or any other religious activity as an official part of their duties.

**Non-Discrimination Policy:**

This program is available to all without regard to race, color, national origin, disability, age, sex, political affiliation, or in most instances, religion. It is also unlawful to retaliate against any person who, or organization that, files a complaint about such discrimination. In addition to filing a complaint with local and state agencies that are responsible for resolving discrimination complaints, you may bring a complaint to the attention of the Corporation for National and Community Service. If you believe that you or others have been discriminated against, or if you want more information, contact:

Rural Action Inc.  
9030 Hocking Hills Drive  
The Plains, Ohio.

740-677-4047 or email Candi Withem, AmeriCorps Director at: [candi@ruralaction.org](mailto:candi@ruralaction.org)

Or:

Corporation for National and Community Service  
1201 New York Avenue NW  
Washington DC 20525  
800-833-3722 (TTY and reasonable accommodation line)  
202-565-3465 Fax: [eo@cncs.gov](mailto:eo@cncs.gov) (email)

**Modifications:**

This Memorandum of Understanding may be amended at any time by an Agreement in writing, executed by authorized representatives of the Sponsoring Organization, the Fiscal Sponsor or the Host Site.

**Duration:**

This Agreement shall become effective on August 17, 2015, and shall terminate on August 16, 2016, subject, however, to the terms of the paragraphs entitled "Duration" and "Termination" in the Memorandum of Agreement between the Corporation for National and Community Service and the Sponsor dated August 17, 2015

**Termination:**

Any termination of the Memorandum of Agreement between the Sponsor and the Corporation will result in the termination of all provisions of this Memorandum of understanding except for paragraph 2.h.

**Original Financial Contribution:**

- \$7,031.00 1<sup>st</sup> year (2014-2015)
- \$7,727.00 2<sup>nd</sup> year (2015-2016)
- \$8,439.00 3<sup>rd</sup> year (2016-2017)
- \$23,196.00 total commitment from Tuscarawas County Commissioners

**Adjusted Financial Contribution:**

- \$7,139.81 1<sup>st</sup> year (2014-2015)
- \$8,075.00 2<sup>nd</sup> year (2015-2016)
- \$8075.00 3<sup>rd</sup> year (2015-2016)

**SPONSOR:**

By: Belle Everett  
(Signature)

Title: Pres. Board of Tusc. -  
County Commissioners

Date: Oct 24, 2015

**FISCAL SPONSOR:**

By: \_\_\_\_\_  
(Signature)

Title:

Date:

**RESOLUTION (972-2015) MOTION TO RECESS**

It was moved by Commissioner Metzger, seconded by Commissioner Abbuhl, to recess at 1:20 p.m. until 1:30 p.m. for the Hearing - Road Vacation Third Street Newport-Mill Township

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

*Commissioner Everett called the meeting out of recess and back into Regular Session at 1:30 p.m. for the purpose of the Public Hearing Road Vacation Third Street Newport-Mill Township*

**HEARING – ROAD VACATION-THIRD STREET NEWPORT-MILL TOWNSHIP**

Commissioner Everett opened the hearing at 1:30 p.m.

Commissioner Everett stated the Board of Commissioners has viewed the proposed road vacation on Third Street Newport-Mill Township. Commissioner Abbuhl commented that you could see where the road was, but it has been used as a private drive for many years. There also is a garage that was built on the right of way there as well. There wasn't any public correspondence prior to the hearing and no public attendance at the hearing.

The hearing was closed at 1:36 p.m.

**RESOLUTION #973-2015  
BOARD OF COMMISSIONERS, TUSCARAWAS COUNTY, OHIO  
VACATING A PORTION OF THIRD STREET IN NEWPORT  
PETITIONED BY THE MILL TOWNSHIP TRUSTEES**

The Board of Tuscarawas County Commissioners met in regular session on October 26, 2015, with respect to the hearing upon Mill Township Resolution 2015-3, a Petition filed by the Township Trustees for a street vacation in Newport, with the following members present: Belle Everett, Kerry Metzger, Chris Abbuhl.

After hearing and in consideration of the Petition, Mr. Chris Abbuhl moved the adoption of the following resolution:

1. WHEREAS, R.C. 5553.045 authorizes a board of township trustees to petition the Board of County Commissioners to vacate a township road, to include a street or alley, by passing a resolution that requests the vacation of the road or portion and which includes a description of the general route and termini of the road or portion; and

2. WHEREAS, under R.C. 5553.045 the Mill Township Fiscal Officer, James J. Ong, has filed a copy of Resolution 2015-3, with the Board of Commissioners and has certified another copy to the County Engineer for the issuance of a written report under R.C. 5553.06; and the County Engineer has issued a report dated September 16, 2015, approving the survey, plat and description and determining that the vacation of the subject street portion is appropriate; and

3. WHEREAS, R.C. 5553.042 indicates that a township shall lose all rights in and to a public road, highway, street or alley which has been abandoned and not used for a period of (21) years, and requires that the board of county commissioners upon petition and determination that the subject public road, highway, street or alley has been abandoned and not used for a period of 21 years, to, by resolution, order the road, highway, street or alley vacated and the roadway to pass in fee to the abutting landowners subject to the preservation of any existing right of way in favor of a public utility as required under R.C. 5553.043; and

4. WHEREAS, the Mill Township Trustees have requested and received from P & L Surveying & Engineering, a "Vacation Plat for Street" dated June 6, 2015, (Exhibit A) depicting the portion to be vacated to abutting landowners, which is adopted within this resolution by reference; and

5. WHEREAS, the Board, upon viewing the subject street and alleys depicted in the Plat of Survey, has determined that, in accordance with R.C. 5553.042, the street and alleys have been abandoned in that they have not been developed and/or used for a period in excess of twenty-one (21) years. Specifically, Whereas, the Trustees, upon viewing the subject street depicted in the Plat of Survey, have determined that, in accordance with R.C. 5553.042, the subject portion of Third Street has been abandoned, in that it has not been developed and/or used for a period in excess of twenty-one (21) years; Specifically, the portion of Third Street situated in Mill Township, Tuscarawas County, Ohio, as platted and recorded in Volume 7, Page 571, of the Tuscarawas County Deed Records on August 27, 1883, contains a street which was never constructed or opened by the developer or the Township Trustees.

6. WHEREAS, the Plat of Survey contains a specific description of the general route and termini of the street portion to be vacated: 35 feet (0.121 acres) (Exhibit B) to be vacated to Jeffery A. Arnold, with the remaining 31 feet retained by Mill Township on behalf of the Town of Newport.

7. WHEREAS, the Board has determined that the abandoned street portion should properly be vacated pursuant to R.C. 5553.045 and R.C. 5553.042 since the street constitutes an abandoned township road, under Ohio law.

8. WHEREAS, pursuant to R.C. 5553.045, the Board has set this date for the public hearing on the requested vacation, not more than 45 days after the resolution was filed with the Board of the Clerk of the Board of Commissioners has notified by regular mail the landowners abutting the street or alley proposed to be vacated, which notice was sent at least twenty (20) days before the Board's public hearing informing such owners of the filing of the Board of Township Trustee's Petition requesting the vacation of the portion of subject street and informing the landowners of the time and place of the public hearing scheduled for October 26, 2015. This notice was mailed to the addresses of the abutting owners as they appeared on the County Auditor's current tax list as set forth in Mill Township Resolution 2015-3. Moreover, the hearing was subject to a notice published in *The Times-Reporter*, a newspaper of general circulation in Tuscarawas County, Ohio, and published on October 6, 2015, and October 13, 2015.

NOW, THEREFORE, BE IT RESOLVED by the Board of Tuscarawas County Commissioners that the petition filed by the Board of Township Trustees of Mill Township, Tuscarawas County, Ohio, requesting the vacation under R.C. 5553.045(B) of the subject portion of the above-described street is granted. The real estate described in the attached Vacation Plat, the subject portion of Third Street, Newport, Mill Township Ohio, as platted in Volume 7, Page 571, Tuscarawas County Deed Records, is vacated 35 feet to Jeffery A. Arnold and remaining 31 feet to be retained by Mill Township, Tuscarawas County, Ohio, as successor to the Town of Newport, as noted in the plat prepared by P & L Surveying & Engineering shall be vacated to the abutting owners as reflected on the Vacation Plat dated June 6, 2015, is approved and shall be recorded by the Petitioning Township upon receipt of a certified copy of this Resolution, at its costs:

Mr. Kerry Metzger seconded the motion.

Roll Call Vote:

Commissioner Everett	Aye
Commissioner Abbuhl	Aye
Commissioner Metzger	Aye





**CONNOLLY, HILLYER & ONG, INC.**  
ATTORNEYS AT LAW AND COUNSELORS AT LAW SINCE 1964  
Brad L. Hillyer\* • James J. Ong • Brett Hudson Hillyer  
hillyerlaw@hillyerlawoffice.com

\*Also admitted in Florida  
James Connolly 1917-1988  
W. Hudson Hillyer 1928-2013

September 11, 2015

**RECEIVED**

SEP 14 2015

Attorney Robert Stephenson II  
125 East High Ave.  
New Philadelphia, Ohio 44663

**TUSCARAWAS COUNTY  
PROSECUTOR**

*In Re: Mill Township/Tuscarawas County Commissioners*

Dear Bob:

Please be advised that the Mill Township Trustees, on September 1, 2015, passed the Resolution you had prepared in regard to the road vacation issue.

Through this letter, I am formally filing with the Board of Commissioners of Tuscarawas County, Ohio a copy of that resolution.

The Mill Township Trustees request that the Board of Tuscarawas County Commissioners set a date for a public hearing on the requested vacation, not more than 45 days after the date the resolution is filed with the Board.

The Mill Township Trustees further request that the Clerk of the Board of Commissioners notify, by regular mail, the landowners abutting the street or alleys proposed to be vacated. Such notice must be sent at least 20 days before the Board's public hearing. The Resolution lists the abutting landowners.

The Mill Township Trustees will certify a copy of the Resolution to the Tuscarawas County Engineer, and will request that the Tuscarawas County Engineer, within 30 days of the receipt of the resolution, issue a written report, as required by R.C. 5553.06, to the Board of County Commissioners.

Please advise if you have any questions.

Sincerely,

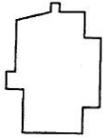
**CONNOLLY, HILLYER & ONG**

By:

**James J. Ong**

JJO/hlh  
Enclosure

201 N Main St P.O. Box 272 Uhrichsville, Ohio 44683 (740) 922-4161 Fax (740) 922-2229 Main Office  
139 E Main St P.O. Box 71 Newcomerstown, Ohio 43832 (740) 498-5196 Fax (740) 498-5197



**Joseph S. Bachman, P.E., P.S. Tuscarawas County Engineer**

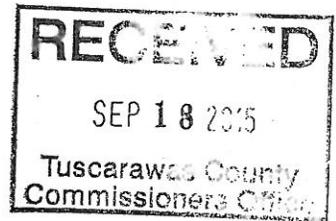
832 Front Avenue SW, New Philadelphia, OH 44663

Phone: (330) 339-6648 Fax: (330) 339-6687 Email: engineer@co.tuscarawas.oh.us

September 16, 2015

TO: Tuscarawas County Commissioners ✓

RE: Mill Township Road Vacation



Commissioners:

We have enclosed a copy of a September 11, 2015 letter from Attorney James J. Ong regarding a proposed road vacation for "3<sup>rd</sup> Street" in the unincorporated village of Newport in Mill Township. Please be advised that we have no objection to the proposed road vacation.

It appears that the roadway to be vacated is to be deeded to the adjacent property owner, Jeffery A. Arnold. Please be aware that an appropriate description will have to be approved by the map office. You may wish to also get the Prosecutor's office involved to make sure that the property is properly deeded to Mr. Arnold.

Please advise if you have questions.

Sincerely,

Joseph S. Bachman, P.E., P.S.  
Tuscarawas County Engineer

Copy: James J. Ong  
Map Office  
Mill Township Trustees

*cc: ea. Com Clerk*

**Description of Survey  
of a 0.121 Acre Parcel for  
Jeffery A. Arnold**

Situated in the Township of Mill, County of Tuscarawas, State of Ohio.

Being part of Third Street as shown on the plat of the Town of Newport as recorded in Volume 7 at Page 571 of the Tuscarawas County Deed Records and being more fully described as follows:

Beginning at an iron pin (set) at the northwest corner of Lot 29 as shown on said plat of the Town of Newport and the TRUE POINT OF BEGINNING of the parcel herein described;

thence with the westerly lines of said Lot 29 and a parcel deeded to Jeffery A. Arnold (Vol. 1438 Pg. 1917) South 18 deg. 32 min. 02 sec. East, 150.00 feet to an iron pin (set) at the southwest corner of said Lot 29;

thence South 71 deg. 28 min. 59 sec. West, 35.00 to an iron pin (set);

thence North 18 deg. 32 min. 02 sec. West, 150.00 feet to an iron pin (set);

thence North 71 deg. 28 min. 59 sec. East, 35.00 feet to the TRUE POINT OF BEGINNING containing 0.121 acres more or less, and being subject to all legal highways, right of ways, easements, leases or restrictions of record or otherwise established.

Bearings are oriented to a 0.1721 acre parcel as recorded in Volume 1455 at Page 1917 of the Tuscarawas County Deed Records.

Iron pins indicated set are 5/8" rebars, 30 inches long with plastic cap stamped JKP 7683.

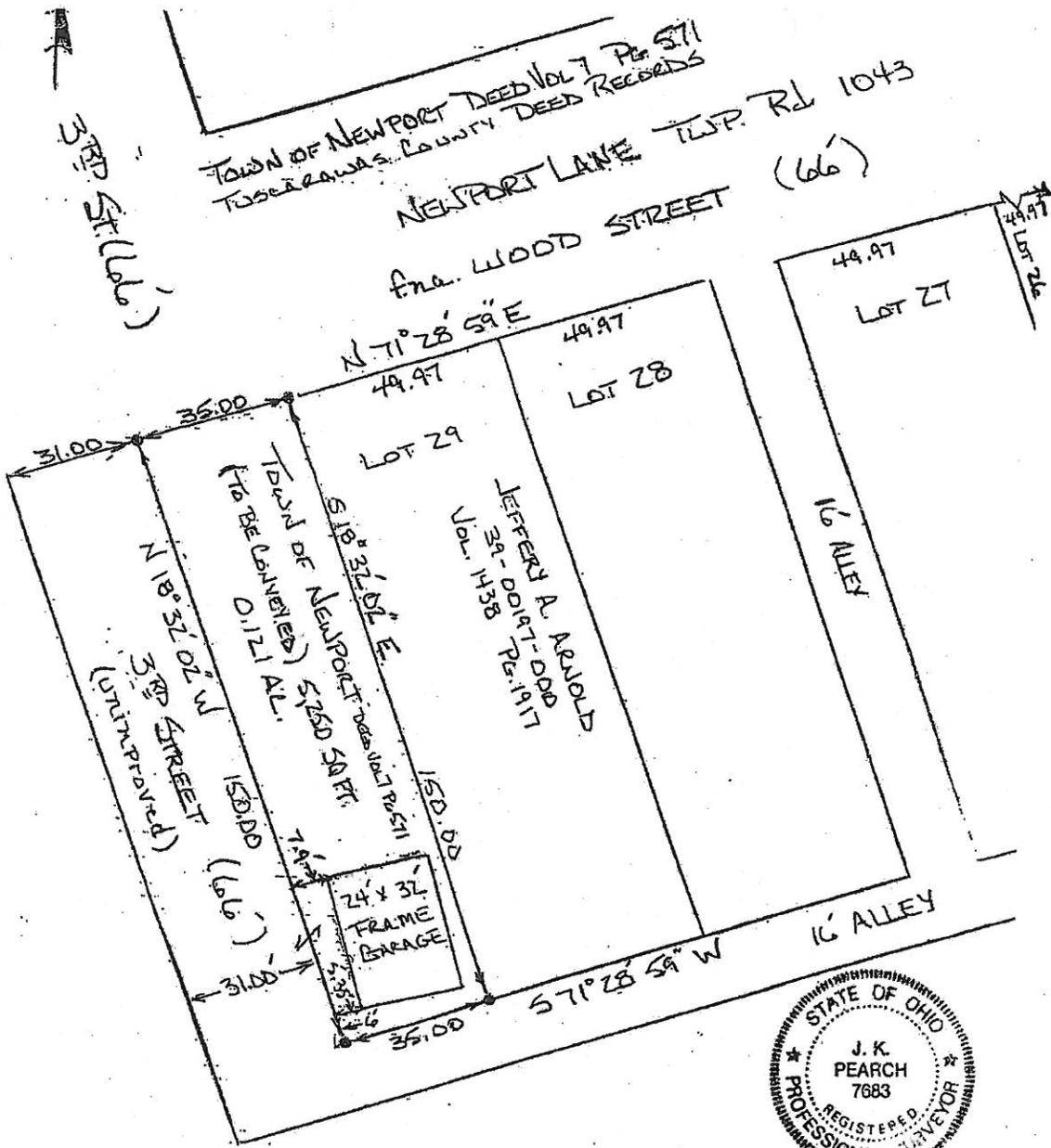
The above description is based upon a survey conducted by J K. Pearch, Registered Surveyor #7683, 704 North Water Street, Uhrichsville, Ohio 44683, on or about June 6, 2015.

  
\_\_\_\_\_  
J.K. Pearch, P.S.  
Registration No. 7683



**EXHIBIT B**





P & L SURVEYING & ENGINEERING 704 N. WATER ST. UHRICHVILLE, OHIO 44683

PLAT OF SURVEY FOR: <b>JEFFERY A. ARNOLD</b>	SITUATED IN MILL TOWNSHIP, TUS. CO., OH. PART OF 3RD STREET AS PLATTED IN VOL. 7, PAGE 571 OF TUS. CO. DEED RECORDS.
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BEARINGS ARE ORIENTED TO THE ORIGINAL TRACT (LOT 26) VOL. 1455 Pg 1917  
TUSCARAWAS COUNTY DEED RECORDS.

DATE: <u>JUNE 6, 2015</u>	SCALE:	1" = 30'
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DENOTES #5 REBAR 30" LONG W/CAP STAMPED JKP 7683 (SET) DENOTES IRON PIN W/CAP D.A. BOWER 5753 (FOUND)	 J.K. PEARCH 15 7683
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**OTHER BUSINESS:** Commissioner Metzger spoke regarding the unfortunate removal of Vote NO on ISSUE 3 signs throughout the county. The signs have been stolen and it is believed that it is not a random act, but an organized effort by supporters of ISSUE 3. He stated the signs are private property, are freedom of speech and paid for by private donations who really believe that voting no on ISSUE 3 needs to be done. Commissioner Everett felt this was a cowardly action and those who trespassed and stole the signs are feeling threatened by the opposition to this issue. Commissioner Abbuhl questioned if there would be a penalty or action taken against these individual(s). Commissioner Metzger informed those present that citizens calling in to report stolen signs should call their law enforcement agency and report it. He stated that going forward if individual(s) are caught the Drug Free Tusc PACT will recommend charges against those involved. Unfortunately, there isn't enough time to print new signs before the election, but the signs that are left will be utilized in key locations.

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

**RESOLUTION (974-2015) ADJOURN**

It was moved by Commissioner Metzger, seconded by Commissioner Abbuhl, to adjourn at 1:49 p.m. to meet in Regular Session, Thursday the 29<sup>th</sup> day of October, 2015.

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

*Belle Everett*  
\_\_\_\_\_

*Kerry Metzger*  
\_\_\_\_\_

*Chris Abbuhl*  
\_\_\_\_\_

Attest: *Maria A. Lautenschlager*  
Clerk of the Board

