

February 15, 2017

Agenda

Pledge of Allegiance

- 3:10 Gary Little, CIC - Promissory Note Consolidation
- 3:15 Bill Bradish, Palmer Energy – Review Results of Electric RFP

Approve Minutes

Before/after Expenditures

Supplemental Appropriation (1)

Set Evening Meetings 2017

OMEGA Appointments 2017

Travel – OCED

Revised Procurement Procedure Policy

Approve Coroner’s Bond

Approve Non-General Fund Budgets 2017

Approve General Fund Budgets 2017

Rescind Resolution (151-2017) Setting Dates Hearing & Viewing CR 111A

Setting Dates for Viewing & Hearing – Vacation of Right-of-Way CR 111A

Pay Bills

Other Business

Adjourn

THE BOARD OF COMMISSIONERS OF TUSCARAWAS COUNTY MET IN REGULAR SESSION, WEDNESDAY, THE 15TH DAY OF FEBRUARY 2017 WITH THE FOLLOWING MEMBERS PRESENT:

Chris Abbuhl
 Kerry Metzger
 Joe Sciarretti

Commissioner Abbuhl presiding.

The Lord’s Prayer was said.
The Pledge of Allegiance was said.

RESOLUTION (155-2017) APPROVE MINUTES

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

VOTE: Chris Abbuhl, yes;
 Kerry Metzger, yes;
 Joe Sciarretti, yes;

RESOLUTION (156-2017) BEFORE/AFTER EXPENDITURES

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

Jane Gingrich (Juvenile)	125.00
Tatmans Excavating (Engineer)	1004.00

Truck Sales & Service (Engineer)	1385.15
Kimble Clay & Limestone (Engineer)	702.25
The Times Reporter (OCED)	236.40
Agnes Walker (JFS)	11262.64
Society for Equal Access (JFS)	89759.40
Society for Equal Access (JFS)	88512.05

VOTE: Chris Abbuhl, yes;
Kerry Metzger, yes;
Joe Sciarretti, yes;

RESOLUTION (157-2017) SUPPLEMENTAL APPROPRIATIONS

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

DEPARTMENT	FROM	TO	AMOUNT	REASON
Probate/Juvenile	M51-M11	M51-M05	\$2,000.00	Equipment

VOTE: Chris Abbuhl, yes;
Kerry Metzger, yes;
Joe Sciarretti, yes;

RESOLUTION (158-2017) SET EVENING MEETING DATES

It was moved by Commissioner Sciarretti, seconded by Commissioner Metzger, to set the following evening meeting dates for 2017:

March 6, 2017 at 6:30 p.m.
October 2, 2017 at 6:30 p.m.

These evening meeting will replace the 9:00 a.m. meeting for those two days. Both meetings will be held in the William E. Winter’s Board Room located at 125 E. High Avenue, New Philadelphia OH 44663 with the doors open at the Ashwood Lane Entrance of the building.

VOTE: Chris Abbuhl, yes;
Kerry Metzger, yes;
Joe Sciarretti, yes;

RESOLUTION (159-2017) OMEGA APPOINTMENTS

It was moved by Commissioner Metzger, seconded by Commissioner Sciarretti, to appoint the following to the Ohio Mid Eastern Governments Association:

OMEGA MEMBERSHIP BOARD

- Chris Abbuhl, Commissioner
- Kerry Metzger, Commissioner
- Joe Sciarretti, Commissioner
- Scott Reynolds, Economic Development Director
- Michael Jones, Sanitary Engineer/Director, Metropolitan Sewer District
- Joe Bachman, Tuscarawas County Engineer

OMEGA EXECUTIVE BOARD

- Chris Abbuhl, Commissioner
- Joe Sciarretti, Alternate

VOTE: Chris Abbuhl, yes;
Kerry Metzger, yes;
Joe Sciarretti, yes;

RESOLUTION (160-2017) OUT OF COUNTY TRAVEL – OCED

It was moved by Commissioner Sciarretti, seconded by Commissioner Metzger, to approve the following travel request as submitted by Scott Reynolds, Director, Office of Community & Economic Development:

DATE: April 12, 2017
 LOCATION: ODOT Auditorium 1980 W. Broad Street Columbus OH 43223
 ATTEND: Kimberly Beans
 EXPENSE: \$130.00 (244 mi. round trip +\$15 meals)
 REASON: PY2017 Community Development Program Training

VOTE: Chris Abbuhl, yes;
 Kerry Metzger, yes;
 Joe Sciarretti, yes;

Discussion: Commissioner Abbuhl stated that Tracey Judy (Chief Deputy, Auditor's Office) updated the Procurement Procedure Policy since the threshold for small purchases using federal funds has changed from \$3,000 to \$3,500. The last update was in 2013.

RESOLUTION (161-2017) PROCUREMENT PROCEDURE POLICY

It was moved by Commissioner Sciarretti, seconded by Commissioner Metzger, to approve the following updated Procurement Procedure Policy:

TUSCARAWAS COUNTY PROCUREMENT PROCEDURE POLICY

All purchases made by Tuscarawas County must be in accordance with the requirements of the Ohio Revised Code ("R.C"). The purpose of this document is to establish the general guidelines and procedures Tuscarawas County will follow in the procurement of goods or services. Tuscarawas County will also follow any procedures required by State and/or Federal funding sources.

Purchase Orders (PO)

- Require PO that is uniquely numbered, identifiable and traceable, requires Auditor's certificate / encumbrance of funds.
- Board members may request three written quotes for purchases anticipated to cost less than the competitive bidding threshold.
- PO may be sent to vendor.
- Goods are received or services rendered.
- PO/receipt documents / invoice matched.
- Payment made.

Multiple (Blanket) Purchase Orders and Certificates (R.C. 5705.41(D)(3))

- Permits a multiple (blanket) certificate for specific line-item appropriation expenditures.
- The competitive bidding threshold must be adhered to.
- The multiple certificates may remain open for an entire fiscal year obligations.
- More than one certificate may exist at any one time.

Competitive Bids (R.C.307.86 - 307.91)

- Anything to be purchased, leased, leased with an option or agreement to purchase, or constructed at a cost in excess of \$50,000.00, shall be obtained through competitive bidding.
- Services of an accountant, architect, attorneys at law, physician, professional engineer, construction project manager, consultant, surveyor, or appraiser do not need to be competitively bid.
- Competitive bidding is not required when;
 1. An emergency exists as voted unanimously by the Board of County Commissioners.
 2. Cost is less than \$100,000.
 3. Actual physical damage to structures, radio communication, or computers.
 4. Informal estimates obtained and retained for one year.
 - a) Single supplier of supplies or replacement or supplemental parts. (Sole Source)
 - b) Purchase is from another government agency.
 - c) Purchase of services related to information technologies that are proprietary or limited to a single source.
 - d) Public social services including Title XX services.
 - e) Group insurance programs.

- Special exceptions and procedures other than formal competitive bidding are used for real estate leases for offices, health insurance, property liability insurance, and energy conservation programs.

Competitive Bidding Notice (R.C. 307.87)

- Newspaper advertising is required. The newspaper must be one in general circulation within Tuscarawas County. Other postings are permissible.
- The ad must be published once a week for two consecutive weeks.
- Notice must include and state:
 1. General description of the subject and the time and place plans and specifications can be obtained or inspected.
 2. Time and place where bids will be opened.
 3. Time and place for filing bids.
 4. The terms of the proposed purchase.
 5. The conditions under which bids will be received.
 6. Any existence of a preference system for the bids.
- The second advertisement may be eliminated if the County posts the bid on the Internet. The newspaper ad must list the Internet site. R.C.307.87(A)
- Additionally, the contracting authority shall also maintain in a public place a bulletin board where the bid will be posted and maintain a copy of the notice for at least two weeks preceding the day of the opening of the bids.

Bid Openings and Bid Bonds (R.C. 307.88)

- Bid Submission Requirements
 1. Bids must be in a form prescribed by Tuscarawas County.
 2. Bids must be filed in sealed envelopes at the time and place stated in the advertisement.
 3. Bids shall be opened and tabulated at the time stated in the notice.
 4. Bid bond may be required:
 - a. If bid is in excess of \$50,000 and for construction, demolition, alteration, repair, or reconstruction of an improvement, it shall meet the requirements of R.C.153.54 (bid bond equal to 10 percent (10%) of the bid).
 - b. If bid is in excess of \$50,000 and for any other contract authorized by R.C.307.86 to 307.92 there may be a "bond or certified check, cashier's check, or money order on a solvent bank or savings and loan association in a reasonable amount not to exceed 5 percent (5%) of the bid, conditioned that he shall, if his bid is accepted, execute a contract in conformity to the invitation and his bid. Bonds should identify the Board of Commissioners.
 5. By unanimous vote of the Board of Commissioners a contracting authority may be exempted from the bid bond requirements of R.C. 153.54 where the estimated cost of the purchase is \$100,000.00 or less.

Performance Bonds (R.C. 307.89)

"When a bid is accepted for a contract other than for the construction, demolition, alteration, repair, or reconstructions of an improvement, the contracting authority shall, as a condition to entering a contract with the successful bidder require faithful performance of all things to be done under the contract and may require, as a condition to entering a purchase contract, lease, or lease with option or agreement to purchase, the bond provided for by Section 153.57 of the Revised Code with good and sufficient surety in an amount not to exceed the amount of the bid."

Acceptance, Rejection and Award of Bids (R.C.307.90)

- "The award of all contracts subject to sections 307.86 to 307.92 shall be made to the lowest and best bidder." Ordinarily, the discretion of the Board of Commissioners will not be disturbed by the courts short of a showing of an abuse of discretion, fraud or bad faith.
- Under R.C. 9.312 (C.) a county may adopt the alternate award criteria of "Lowest Responsive and Responsible Bidder."
- The contracting authority may reject all bids. (R.C. 307.91)

Certification of Funds Availability and Auditor's Role (R.C. 5705.41)

- Requirements for Expenditure of Funds at County Level (expenditures in excess of \$100.00 or \$1,000.00 if increased by resolution)
 1. Funds must properly be appropriated for that purpose. (R.C.5705.41 (B))
 2. Proper warrant must be drawn against an appropriated fund. (R.C. 5705.41 (C))
 3. Certificates of the fiscal officer (County Auditor) must be attached (affixed) to expenditure before a contract can be signed, or any order made. The certificate states the amount required to meet the obligation in the fiscal year in which the contract is made has been lawfully appropriated for such purposes and the funds are in the treasury or in process of collection to the credit of an appropriated fund free from any previous encumbrance. (R.C.5705.41 (D))

4. Any contract entered without an Auditor's certificate is void. No warrant shall be issued in payment of amount due thereon. (R.C. 5705.41 (D))
5. However, if there was no certificate, payments can be made, if the Auditor certifies that funds were available in the treasury or during collection at the time they entered the contract.
6. When contracts and leases extend beyond the fiscal year, the auditor shall make a certification for the amounts required to meet the obligation of the contract or lease maturing in that fiscal year. The remaining unfulfilled portion shall be included in the annual appropriation measure for the next year as a fixed charge.
7. There is a personal liability for violating the certification process. The Prosecuting Attorney or taxpayer may enforce this section.

Contracts in General

- "An agreement upon sufficient consideration between two or more persons to do or not to do a particular thing."
- Authority to contract is specified through statutes, various sections of the R.C.
- Contract requirements:
 1. "No contract...shall be valid unless is has been assented to a regular or special session of the board, and entered in the minutes of its proceedings.
 2. Elements of a contract:
 - A. Offer and acceptance
 - B. Definiteness
 - C. Consideration
 - D. Mutuality of obligation
 - E. Capacity of parties
 - F. Legality of purpose
- Funds must be lawfully appropriated for such purposes and a certificate attached as to the availability of funds free from any previous encumbrances.
- Unlawful interest in a public contract is prohibited.

Construction Contracts (R.C. 153.01 to 153.60)

- Bidding Requirements:
 1. Every contract for the construction, alteration, or repair of any public building or public work shall contain provisions that state the contractor or subcontractor agrees not to discriminate in hiring or supervision of employees because of race, creed, sex, disability, familial, military, or color. (R.C.154.59)
 2. Prevailing wage laws of the State of Ohio must be complied with.
 3. A construction contract must be awarded within sixty (60) days of the bid opening.
 4. A formal "Notice to Commencement" must be given to a successful contractor on public improvement projects. (R.C.1311.252)
 5. Change orders shall be approved by the Board of Commissioners.

Procurement of materials or services with federal funds

- In accordance with federal law, to include 44 CFR Section 13.36 et seq., the procurement of materials and services with federal funds shall first require obtaining three (3) proposals from qualified sources for purchases to provide for full and open competition for small purchases over \$3,500.00. In order to insure objective contractor performance and to eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work or invitations for bids or requests for proposals, shall be excluded from competing for any such procurements.

This Procurement Procedure Policy applies to all departments that have not accepted their own policy.

VOTE: Chris Abbuhl, yes;
Kerry Metzger, yes;
Joe Sciarretti, yes;

Discussion: Commissioner Abbuhl noted the Coroner was appointed as interim and he has been officially appointed as Coroner. He has been sworn in for the permanent position which this bond reflects.

RESOLUTION (162-2017) APPROVED CORONER'S BOND

It was moved by Commissioner Metzger, seconded by Commissioner Sciarretti, to approve the updated Coroner's Bond:



HOME OFFICE OR BRANCH SERVICE OFFICE - DES MOINES, IOWA

EMPLOYERS MUTUAL CASUALTY COMPANY

CHANGE ENDORSEMENT OR RIDER

ATTACHED TO AND FORMING PART OF BOND OR POLICY NO. T240999	DATE ENDORSEMENT OR RIDER EXECUTED 02/07/2017	EFFECTIVE DATE OF ENDORSEMENT OR RIDER 02/06/2017
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Obligee: State of Ohio for the Benefit of Tuscarawas County
125 E HIGH AVE
NEW PHILADELPHIA, OH 44663-25

Agent: HANHART AGENCY, INC.
PO BOX 158
DOVER, OH 44622-0158

Principal: JEFFREY L. CAMERON
1660 CRATER AVENUE EXT
DOVER, OH 44622-6933

It is hereby agreed that the words:
Bond term 1/1/17 to 12/31/17.
Public Official position: Interim Tuscarawas County Coroner

are hereby deleted,
And the words;
Bond term 1/1/17 to 12/31/18.
Public Official position: Tuscarawas County Coroner

are hereby substituted therefor;
Provided that, no amount carried under the Bond during any period shall be cumulative with the amount or amounts carried under the Bond during any other period or periods.



EMPLOYERS MUTUAL CASUALTY COMPANY

ACCEPTED BY PRINCIPAL: JEFFREY L. CAMERON
By: *Jeffrey L. Cameron*

By: *Sharon K. Smith*
SHARON K. SMITH Attorney-in-fact

ACCEPTED BY OBLIGEE: State of Ohio for the Benefit
By: *Chris Abbuhl*

DATE OF ENTRY: 02/07/17
T240999 18003

Form 7001.1e Rev. 10-13

961 SS FNS

VOTE: Chris Abbuhl, yes;
Kerry Metzger, yes;
Joe Sciarretti, yes;

RESOLUTION (163-2017) APPROVE NON-GENERAL BUDGETS 2017

It was moved by Commissioner Sciarretti, seconded by Commissioner Metzger, to approve the following Non-General Budgets for 2017:

NO.	FUND NAME	AMOUNT
Q90	County Building Improvements	\$2,284,254.47
S00	Children Services Board	\$4,429,897.00
S20	Law Library Resource Board (as approved by LL Board)	\$150,749.00
S95	Commissioners Parks & Recreation	\$155,906.00
S96	Arson Registration Fund	\$0.00
T07	Sheriff Conceal Handgun Licensure Fund	\$145,200.00
T12	Sheriff's Cont Prof Training	\$18,200.00
T13	Community Corrections Grant	\$160,204.00
T22	Felony Delinquent Care & Custody	\$214,130.00
T24	Ohio Elections Commission Fund	\$0.00
T26	Jail Diversion Grant Project	\$0.00
T27	Tusc. Co. Canal Lands Development	\$2,250.00
T28	Drug Court Post Adjudication	\$0.00
T29	Victim Assistance	\$119,792.00
T30	Norma Johnson Nature Preserve	\$2,020.00
T31	Smart Ohio Funding Grant	\$100,000.00
T32	Specialized Docket Payroll Fund	\$0.00
T33	Court Mediation Program	\$49,911.70
T36	Common Pleas Special Project	\$61,061.00
T38	Hazardous Mitigation Grant	\$0.00
T43	NIBRS	\$0.00
T44	Transportation Program Fund	\$0.00
T45	Help America vote Act Grant	\$0.00
U10	Recount	\$0.00
U35	Insurance Trust Fund	\$444,746.00
U40	Capital Projects	\$423,300.80
U46	Law Enforcement Trust - Sheriff	\$0.00
U47	Department of Treasury Seizure Monies	\$0.00
U48	Department of Justice Seizure Monies	\$0.00
U49	Tuscarawas County Drug Task Force	\$0.00
U60	Growth Fund	\$5,250.00
U61	Tusc. Co. Port Authority Debt Reserve	\$0.00
U65	Employee Dress Down Day Fund	\$5,746.28
U66	IT Internal Service Fund	\$23,000.00
U70	Sexual Offender Registration	\$100.00
W50	Marriage License Special Fund	\$22,000.00
X32	Sheriff Policing Rotary Fund	\$275,289.00
X33	Sheriff Gasoline Internal Service	\$115,200.00
Y18	Unclaimed Monies	\$85,000.00
Y27	Auction Clearing Fund	\$0.00
Y50	Insurance Group Health	\$7,674,687.72
Y95	Workers Compensation Payable	\$492,790.00
Y96	PERS Payable	\$3,650,000.00

VOTE: Chris Abbuhl, yes;
Kerry Metzger, yes;
Joe Sciarretti, yes;

Discussion: Commissioner Abbuhl discussed the General Fund Budget Appropriations for 2017. He noted a correction under the Clerk of Courts amount listed is \$604,588 with the correct amount of \$614,558. He appreciates the work of the Board and Executive Assistant making sure the material was updated and presented to the Board while doing "double duty". It is a big process to go through. Initially the Board was looking at cutting \$2 million in expenditures (based on the Budget Commission certified receipts vs requested expenditures). This is a balanced budget. He explained the rule of thumb is to keep 18% of the previous years expenditures in the carry over balance. The amount of over the 18% was then appropriated to be transferred into the Capital Projects Budget (\$36,322.23). The process was smooth and right on schedule. Commissioner Sciarretti stated he is grateful for the Board answering all the questions he had and is very grateful to the other Board members for all the extra time during the process but still finishing on schedule.

RESOLUTION (164-2017) APPROVE GENERAL FUND BUDGETS 2017

It was moved by Commissioner Metzger, seconded by Commissioner Sciarretti, to approve the following General Fund Budgets for 2017:

DEPARTMENT	2017 Appropriations
Commissioners	\$460,714.00
Human Resources	\$97,118.00
Agricultural Security Area	\$150.00
Microfilm	\$6,176.00
Auditor	\$405,845.00
Personal Property (Auditor)	\$0.00
Treasurer	\$302,028.00
Prosecuting Attorney	\$952,016.00
Budget Commission	\$175,000.00
Board of Revision	\$0.00
Surplus Property	\$0.00
Bureau of Inspection	\$95,000.00
Data Processing	\$319,415.00
Court of Appeals	\$14,000.00
Common Pleas Court	\$1,243,160.00
Jury Commission	\$4,307.00
Juvenile Court	\$1,166,819.00
Probate Court	\$323,745.00
Clerk of Courts	\$604,558.00
Coroner	\$184,702.00
Southern District Court	\$876,643.00
Indigent Defense Application	\$3,500.00
Municipal Court	\$180,710.00
Board of Elections	\$1,018,415.00
BOE - SOS Mandated	\$0.00
Maintenance & Operation	\$791,725.00
Sheriff	\$2,991,725.00
Recorder	\$224,947.00
Humane Agent	\$6,051.00
Floodplain Office	\$0.00
Civil Defense (EMA)	\$176,999.00
Extension Service	\$216,809.00
Soil Conservation	\$200,394.00
Fairboard	\$5,000.00
Apiary	\$900.00
Disease Prevention	\$0.00
TB Hospitals, Clinic, etc	\$8,000.00
Vital Statistics	\$1,500.00
Other Health	\$178,155.00
Child Welfare	\$1,748,294.00
Soldiers Relief	\$460,823.00
Veterans Services	\$470,951.00
Public Assistance	\$191,852.00
Jail Operations	\$3,264,709.00
So. Court Dept Retirement	\$0.00
Map Office	\$0.00
Law Library	\$0.00
Insurance on Property	\$4,450.00
Contingency	\$40,000.00
Transfer	\$36,422.00
Hazardous Materials	\$18,000.00
Child Support	\$0.00
Road & Bridge Advertising	\$1,000.00
Regional Planning	\$61,000.00
Canal Grant	\$0.00
Park Department	\$55,000.00

Multi Co Juvenile Attention	\$1,032,640.00
Public Defender	\$298,326.00
Victim Witness Match	\$26,362.00
Economic Development Office	\$62,007.00
Jail Operations (extra pay)	\$0.00
Mosquito Grant	\$0.00
CSEA Rent	\$20,712.00
Litter Grant Match	\$0.00
Transportation Coordination	\$0.00
Community Corrections	\$378,179.00
Family & Chidlren First Council	\$5,000.00
Countywide landfill Appeal	\$0.00
Sales Tax - Capital Projects	\$0.00
Sales Tax - Permanent Improvement	\$0.00
Sales Tax - Econ. Growth	\$0.00
Sales Tax - Insurance Trust	\$0.00
Sales Tax - 911	\$1,468,934.00
Sales Tax - Jail Operations	\$0.00
1 mill Capital Projects	\$0.00
1 mill Co Bldg Improvement Fund	\$250,000.00
Casino Tax Proceeds Transfer	\$230,000.00
Special Projects	\$0.00
TOTAL	\$23,360,887.00

VOTE: Chris Abbuhl, yes;
Kerry Metzger, yes;
Joe Sciarretti, yes;

RESOLUTION (165-2017) RESCIND RESOLUTION (151-2017) SETTING DATES HEARING & VIEWING CR 111A

It was moved by Commissioner Metzger, seconded by Commissioner Sciarretti, to Rescind Resolution (151-2017) Setting Dates Hearing & Viewing CR 111A due to a communication error regarding the calculation of the dates set.

VOTE: Chris Abbuhl, yes;
Kerry Metzger, yes;
Joe Sciarretti, yes;

RESOLUTION (166-2017) SETTING DATES HEARING & VIEWING CR 111A

TUSCARAWAS COUNTY COMMISSIONER'S RESOLUTION 166-2017

IN THE MATTER OF A REQUEST FOR VACATION OF A RIGHT-OF-WAY ON COUNTY ROAD 111A FILED BY JOSEPH S. BACHMAN, TUSCARAWAS COUNTY ENGINEER AND SETTING DATES FOR VIEW AND HEARING

The Board of Tuscarawas County Commissioners, Tuscarawas County, Ohio met in regular session on February 15, 2017, with the following members present: Chris Abbuhl, Kerry Metzger, and Joseph Sciarretti.

Commissioner Metzger moved the adoption of the following resolution:

WHEREAS, R.C. 5553.04 provides that when the Board of County Commissioners is of the opinion that it will be for the public convenience or welfare to locate, establish, alter, widen, straighten, vacate, or change the direction of a public road, it shall so declare by resolution, which resolution shall set forth the general route and termini of the road, or part of the road, to be located, established, or vacated, or the general manner in which the road is to be altered, widened, or straightened, or the direction of the road is to be changed.

WHEREAS, a request was filed with the Clerk of the Board of County Commissioners on January 19, 2017, by Joseph S. Bachman, Tuscarawas County Engineer, regarding the vacation of a right-of-way for County Road 111A in Lawrence Township; the request and reasons underlying the request are set forth in Exhibit "A" attached, a January 18, 2017, letter from Joseph S. Bachman, Tuscarawas County Engineer; Exhibit "B" attached contains a description/plat of the right-of-way limits of the portion of Tuscarawas County Road 111A sought to be vacated.

WHEREAS, in accordance with R.C. 5553.04 through 5553.11, the Board of Commissioners accepts the request for the vacation and relocation of the right-of-way for County Road 111A in Lawrence Township and sets the date for a view in connection with the request for **March 22, 2017 at 10:00 a.m.**, meeting at the site of the vacation/relocation and further sets the date for a final hearing for **March 22, 2017 at 3:30 p.m.**, to be held in the office of the Tuscarawas County Commissioners; the Clerk of the Board shall give notice of the time and place for both the view and hearing by publishing an appropriate notice in *The Times-Reporter* once a week for two consecutive weeks which shall include a brief statement of the character of the requested improvement. Additionally, the Clerk under R.C. 5553.05(B) shall send written notice of the final hearing by first class mail at least twenty (20) days before the date of the final public hearing to the owners of the properties abutting upon the portion of the road to be vacated, together with the Director of the Ohio Department of Natural Resources. These notices shall be mailed to the addresses of such owners appearing on the County Auditor's current tax list: Gregory J. Sivy, PPN 34-03014-000, 10497 Fort Laurens Drive, N.W., Bolivar, Ohio, 44612 and Matt and Tonya A. Troup, 34-00032-005, 10461 Fort Laurens Road, N.W., Bolivar, Ohio, 44612.

THEREFORE, BE IT RESOLVED by the Board of Tuscarawas County Commissioners that the Board accepts the above-mentioned request of the Tuscarawas County Engineer and officially sets the dates and times noted above for the view and final hearing on the requested vacation of the right-of-way as petitioned.

Commissioner Sciarretti Seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

This document reviewed by: Robert R. Stephenson II (0034616), Civil Division, Office of Ryan Styer, Tuscarawas County Prosecutor, 125 East High Avenue, New Philadelphia, Ohio, 44663.

Chris Abbuhl - yes;
Kerry Metzger - yes;
Joseph Sciarretti - yes;

Discussion: Scott Reynold, Director, Office of Community & Economic Development and Garry Little, Director, Tuscarawas County Community Improvement Corporation, were present to request approval of a Promissory Note. Mr. Reynolds explained the CIC would like to consolidate their two loans into one for the amount owed of \$125,000 extended for a 36 month period to allow the reorganization of economic development structure before payment is due. This was approved by Bob Stephenson, Assistant Prosecuting Attorney. Commissioner Sciarretti asked if they will make quarterly payments or what the pay structure will be. Mr. Reynolds stated they can make payments when they are in a position to make a payment otherwise it will all be due in 2020.

RESOLUTION (167-2017) PROMISSORY NOTE – TCCIC

It was moved by Commissioner Metzger, seconded by Commissioner Sciarretti, to approve the following Promissory Note:

PROMISSORY NOTE**\$125,000.00****Date: February 4, 2017**

FOR VALUE RECEIVED, the undersigned Community Improvement Corporation of Tuscarawas County, a Non-Profit Corporation of the State of Ohio, created under the authority of Section 1724 of the Ohio Revised Code, (**Maker**), promises to pay to the order of The Board of Tuscarawas County Commissioners, (**Payee**), the sum of ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS AND 00/100 (\$125,000.00), without interest, in lawful money of the United States of America, at the principal address of the payee at 125 East High Avenue, New Philadelphia, Ohio 44663, in Tuscarawas County, Ohio, or such other place as the holder of this Note may designate in writing with the principal being payable in the manner and at the time set forth below.

Disbursement of Funds

- 1.) The loan proceeds were disbursed in two separate loans which are hereby being combined into one Note:
 - A.) A single payment of Seventy-five Thousand Dollars and no/100 Dollars (\$75,000.00), made on May 26, 2010. This initial disbursement was the subject of a rolled over Promissory Note dated November 18, 2011. A Twenty-five Thousand and no/100 Dollars (\$25,000.00) payment was made by Maker to Payee on November 8, 2012 with a second rolled over Promissory Note dated November 18, 2012, yielding a remaining obligation of \$50,000.00 of Maker.
 - B.) The additional loan proceeds were previously disbursed by a separate single payment of Seventy-five Thousand Dollars and no/100 Dollars (\$75,000.00), made on February 18, 2011.
- 2.) Payee acknowledges that no portion of the loan proceeds may be used as additional employee compensation, such as bonuses.

Payment of Principal and Interest

- 3.) Payment of any unpaid principal shall be fully due and payable upon the expiration of 36 months from the date of this Note.
- 4.) The funds are being loaned without interest. It is understood that there are no scheduled payments due to the county for this loan during the 36 months of the agreement. The funds may be repaid by the **Maker** at any time during the 36 months of the agreement, without penalty.
- 5.) The Following shall constitute Events of Default hereunder, upon the happening of any one or more of which the entire unpaid balance of the principal, and all other sums shall, at the option of **Payee**, become immediately due and payable without notice:

- (A) The failure of **Maker** to pay the principal when due.
- (B) Use of the loan proceed in violation of item 2 hereof.

Waivers

6.) **Maker** and any endorsers hereof severally waive demand, notice and protest, and any defense by reason of extension of time for payment or other indulgence granted by **Payee** or any subsequent holder hereof.

Construction and Assignment

7.) The words "**Maker**" and "**Payee**" include singular or plural, individual or corporation, and the respective executors, administrators, successors and assigns of **Maker** or **Payee**, as the case may be. The use of any gender applies to all genders. If more than one party is named **Maker**, the obligation hereunder of each such party is joint and several.

MAKER:

**COMMUNITY IMPROVEMENT CORPORATION
OF TUSCARAWAS COUNTY,**
A Non-Profit Corporation created under
Ohio Revised Code Chapter 1724.

BY: Paul Johanning
Paul Johanning, its President

DATE: 02-10-2017

VOTE: Chris Abbuhl, yes;
Kerry Metzger, yes;
Joe Sciarretti, yes;

Discussion: The Commissioners thanked Gary Little, Director, Tuscarawas County Community Improvement Corporation for his service as he is retiring soon. They appreciate the years of service and work he completed for economic development throughout the County. Commissioner Sciarretti added that Gary extended an invitation for him to view the Technology site which is a milestone throughout the County and beyond. Mr. Little enjoyed working with the Commissioners and the relationship between the Board of Commissioners and the CIC as well as the relationship with the Office of Community & Economic Development. They were able to make a lot of things happen over the years.

RESOLUTION (168-2017)**PAY BILLS**

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

911		
American Electric Power	Tower Electric	205.37
Child Support		
OH Treasurer of State	Laptop	1,079.10
OH Treasurer of State	Elevator Inspection Fee	78.25
Go Shred	Shredding Services	45.00
Clerk of Courts		
Xerox	Service	59.28
Xerox	Service	11.93
Occupational Medicine Center	Pre-Employment Testing	38.00
Commissioners		
Agland Coop	Fuel	118.50
Lehigh Endsley Insurance	Bond	50.00
Blasenbauer Plumbing	Repairs	923.43
Finishing Touch Flooring	Carpet/50% down	767.07
Common Pleas		
Thomson Reuters	Library Plan Contact	112.50
Community & Economic Development		
WE Quicksall & Associates	Engineering Services/S-P-15-1CT-1	200.00
Lawrence Twp Trustees	Return Unused Funds/B-F-15-1CT-1	966.28
Frontier Communications	Fax Line	51.75
Dog Pound		
Action Now Pest Control	Pest Control	35.00
Emergency Management		
Tusc Co Sheriff	Supplies	36.67
Office Experts	Copier Maintenance	19.13
Xerox Financial Services	Copier Lease	100.00
Engineer		
Holmes Oil Distributing	Oils & Greases	1,036.80
Staples Credit Plan	Supplies	123.42
Terminal Supply	Parts	252.61
Dover Tank & Plate	Bridge & Culvert Supplies	83.90
Kimble Clay & Limestone	Materials per bid	21,948.53
Information Technology		
Horizon	Internet Connection	395.00
Provantage	Supplies	151.23
OarNet	Internet	104.00
Job & Family Services		
Patricia Carroll	Graduation Supplies	276.65
Moira Garcia	FC Income Payout	3,030.00
Luke & Megan Kneuss	FC Clothing Reimb	59.72
Jacob & Marilyn Miller	FC Clothing Reimb	32.18
Fredy & Leona Tenorio	FC Clothing Reimb	30.32
Nicole Irwin	Independent Living	100.00
Louis Luxemburg	KPIP	600.00
Debora Allender	KPIP	525.00
Lon & Wanda McEnroe	Transportation	65.50
Simon & Katie Yoder	Transportation	13.80
Fredy & Leona Tenorio	Transportation	38.64
Nicholas & Clorissa Garlando	Transportation	14.26
Billy & Kari Hall	FP Training Stipend	720.00
Carl Conley	FACES/RX	162.54
Wilson Christian Child Care	IV-E Daycare	704.00

Belmont Pines et al	Boarding Home Payroll	281,830.15
Juvenile/Probate		
Independence Business Supply	Supplies	6.90
Independence Business Supply	Supplies	144.99
Shannon Davis	Transcripts	560.00
Ziegler Tire	Auto Repairs	24.56
Independence Business Supply	Supplies	15.18
Independence Business Supply	Supplies	26.82
Law Library		
Independence Business Supply	Supplies	22.39
West Payment Center	Books	170.32
Thomson Reuters West	Books	3,928.01
Public Defender		
Frank Bair	Rent	915.00
Sheriff		
Diamond Medical Supply	Medical Supplies	6,967.57
Tusc Co Law Library	Notary Packets	61.00
First National Bank of Dennison	Travel/Training	42.99
First National Bank of Dennison	Transportation	67.50
Holmes County Sheriff's Office	Confidential Funds	1,500.00
Southern Court		
Thomas Reuters	Legal Books	285.00
Quill	Supplies	258.24
Dominion East Ohio Gas	Service	84.00
Treasurer		
Graphic Enterprises	Copier Base Rate	580.58
Veterans		
Star Building Systems	Garage	26,977.23
Pitney Bowes Global Finance	Machine Lease	540.00
Treasurer Tusc Co	Fuel	361.76
Tusc Co JFS	Billable Services & Supplies	54.60
Tusc Co Sheriff's Office	Fuel	235.74
Water & Sewer		
WE Quicksall & Associates	Dundee Waterline	3,311.22
WE Quicksall & Associates	Dundee Waterline RPR	9,026.16
Elite Excavating	Dundee Waterline	28,430.00
Elite Excavating	Dundee Waterline	58,425.00
Village of Tuscarawas	Water Purchase for resale	1,818.03
NE OH Natural Gas	Utility	13.95
American Electric Power	Electric Service	3,624.26
American Electric Power	Electric Service	8,213.45
Verizon Wireless	Modem Service	73.71
Albers & Albers	Legal Fees	12,749.15
Ream & Haager Lab	Lab Services	306.00
Hull & Associates	Closure Assessment	1,595.00
Agland	Fuel	1,058.45
Frontier	Service	39.94
Frontier	Service	337.13
Truck Sales & Service	Repairs	949.72
Ohio Pump	Materials	210.00
Ohio Pump	Materials	540.00
USA Bluebook	Materials	73.90
Staples	Supplies	341.15
Frontier	Service	38.93
VOTE:	Chris Abbuhl, yes;	
	Kerry Metzger, yes;	
	Joe Sciarretti, yes;	

Discussion: Bill Bradish of Palmer Energy was present to review the results of the Electric Request for Proposal (RFP). He explained they are contracted through the County Commissioner’s Association of Ohio to facilitate energy programs for counties. The current contract for electric will expire this year therefore they went out for RFP’s and discussed the process and results. Mr. Bradish will email the contracts so the Prosecutor can approve them prior to execution of an agreement. Once finalized he will submit the contract with the lowest provider for Commissioner’s approval.



February 10, 2017

To: Tuscarawas County Commissioners
 From: CCAO Service Corporation & Palmer Energy
 Subject: Electric RFP for Tuscarawas County Facilities

As the authorized energy consultant for Tuscarawas County, the CCAOSC and Palmer Energy issued an RFP for its facilities to nine potential suppliers. This RFP comprised approximately 20 meters and 3,260,000 kWh annually. There were six suppliers that responded to the initial RFP and those offers are displayed below.

Supplier	Term (Months)	Rate	Est. Annual Cost Savings Compared to Current Rate	Est. Annual Cost Savings Compared to Est. Current Utility PTC
AEP Energy	12	\$0.05386	\$46,393	\$2,969
Engie	12	\$0.05435	\$44,796	\$1,383
Dynegy	12	\$0.05440	\$44,633	\$1,221
IGS	12	\$0.05460	\$43,981	\$574
Constellation	12	\$0.05484	\$43,199	(\$203)
MidAmerican	12	\$0.05562	\$40,657	(\$2,727)
AEP Energy	24	\$0.05399	\$45,969	\$2,548
Dynegy	24	\$0.05420	\$45,285	\$1,869
Engie	24	\$0.05422	\$45,219	\$1,804
Constellation	24	\$0.05487	\$43,101	(\$300)
IGS	24	\$0.05500	\$42,677	(\$721)
MidAmerican	24	\$0.05538	\$41,439	(\$1,951)
AEP Energy	36	\$0.05188	\$52,846	\$9,378
Engie	36	\$0.05191	\$52,748	\$9,280
Dynegy	36	\$0.05200	\$52,455	\$8,989
Constellation	36	\$0.05252	\$50,760	\$7,306
MidAmerican	36	\$0.05291	\$49,489	\$6,044
IGS	36	\$0.05310	\$48,870	\$5,429

The table above is broken down by pricing term and savings potential. Palmer requested terms of 12, 24, and 36 months. In the table, Palmer Energy has provided two columns of pricing comparison. The first column represents the estimated annual savings versus your current contract rate and is based upon historic usage. The second column represents the estimated annual savings versus the current estimated utility Price-To-Compare (PTC) for each account. Please note all PTCs are estimated and these values will change periodically as tariff rates are adjusted.

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As shown in the table on the previous page, there is savings potential available across each requested term and start date. With this in mind, the first level of elimination is contract term length. To differentiate between the various offers it is useful to compare the savings projections when deciding which term to focus on. It is also important to consider the market when deciding on contract term. During periods when power price volatility could occur it is important to secure the most practical price possible for the longest reasonable period of time to protect against shorter term increases in the wholesale power market.

The price offers provided through this RFP would provide savings versus your current supply rates and versus the current estimated utility Prices-To-Compare. This is due to a number of factors including but not limited to market patterns, weather, and ample natural gas in underground storage. These renewal rates will have a positive effect on your budget for the term of this agreement but it is important to note that market projections indicate higher pricing in the future, or more potential upward risk in the market. Therefore, taking advantage and locking in for a longer term (36 months) is prudent in Palmer's opinion after evaluating the offers for Tuscarawas County. Palmer will continue to evaluate market conditions to identify the best timing for future contracting opportunities.

With the current position of the wholesale power market, Palmer Energy leans towards executing longer term contracts. However, we evaluate all pricing terms to be sure that any premium associated with contracting longer term is reasonable. In this given case, there is no premium. As you can see from the previous tables, the 36-month term offers the lowest overall pricing compared to the 12 and 24-month term offers. Therefore, Palmer recommends focusing on the 36-month term and eliminating the 12 and 24-month price offers.

The second level of elimination is to compare the offers from the various suppliers. It appears that the offers from AEP Energy, Engie, and Dynegy were the most competitive price offers for a 36-month term.

Since refreshed pricing will be needed, Palmer recommends securing pricing from AEP Energy, Dynegy, and Engie as pricing was extremely competitive, and then making a final decision on the refresh date. It is Palmer's general policy to secure refreshed pricing from more than one supplier to ensure the most competitive offers possible at the time of contract execution. Palmer will also provide sample contracts from each supplier for your review.

Note that these supplier offers are particularly competitive considering all offers (Page 1) include the higher capacity costs that have been implemented for the 2016-2017 and 2017-2018 delivery years as brought about by PJM's Capacity Performance Proposal. These increases were proposed by PJM and approved by the FERC (Federal Energy Regulatory Commission); all Ohio electric customers, as well as consumers across the PJM footprint, will be impacted by these higher costs.

In AEP Ohio territory, capacity costs for the 2017-2018 delivery year (June 1, 2017 through May 31, 2018) are increasing \$29/MW-day (24% increase) from the initial rate proposed. As evident in the budget projections, savings are still available (inclusive of these capacity charge increases) with the recommended 36-month term offers.

Please Note: Power prices can be quite volatile, so the specific day a contract is executed can impact the pricing. Due to the extreme volatility of both the natural gas and power markets, proposed prices are only valid the day they are offered, so please inform us as soon as possible when you are ready to act. As always if you have any questions please do not hesitate to contact us.

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OTHER BUSINESS: Commissioner Abbuhl wanted to remind folks that since Monday is Holiday the next meeting will be Wednesday. He also discussed the meeting he had with Leadership Tuscarawas participants. They had lunch at Buffalo Wild Wings which is a former superfund site. He showed them pictures of what the site looked like before BWW was built. He also highlighted some of the general fund items and discussed the budget process as well as park and trail information.

NO OTHER BUSINESS COMING BEFORE THE BOARD.

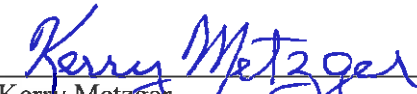
RESOLUTION (169-2017) ADJOURN

It was moved by Commissioner Metzger, seconded by Commissioner Sciarretti, to adjourn at 3:35 p.m. to meet in Regular Session, Wednesday, the 22nd day of February, 2017.

VOTE: Chris Abbuhl, yes;
Kerry Metzger, yes;
Joe Sciarretti, 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.


Chris Abbuhl


Kerry Metzger


Joe Sciarretti

Attest: 
Acting Clerk