

Thursday, January 15, 2009

The Board of County Commissioners met in regular session on **Thursday, January 15, 2009 at 9:45 AM** with the following members present:

Maureen T. Frederick

Christopher Smeiles

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Absent: Commissioner Keiper on vacation

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It was moved by Christopher Smeiles, seconded by Maureen T. Frederick to approve the meeting minutes of the January 13, 2009 meeting. Commissioner Keiper absent, motion carries

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Also attending throughout the day: Mike Sever, Record-Courier

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ATTORNEY RON HABOWSKI

Present: Attorneys Ron Habowski, Denise Smith, and Tommie Marsilio and Water Resources Department Harold Huff

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Water Resources Department Director Harold Huff attending with Attorney Habowski to ask the Board of Commissioners to adopt a resolution approving the Water Resources Department collective bargaining agreement/08-0044

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9:50 AM In accordance with the Ohio Rev. Code Ann. 121.22(G)(1), it was moved by **Christopher Smeiles**, seconded by **Maureen T. Frederick** that the Board of Commissioners move into executive session to consider the Sheriff's Department's labor negotiations. **Also present:** Attorneys Habowski, Smith and Marsilio. Roll call vote: Christopher Smeiles, Yea; Charles W. Keiper II, Absent; Maureen T. Frederick, Yea.

10:55 AM Upon conclusion of the above referenced discussion, it was moved by **Christopher Smeiles**, seconded by **Maureen T. Frederick** that the Board of Commissioners moves out of executive session. Roll call vote: Christopher Smeiles, Yea; Charles W. Keiper II, Absent; Maureen T. Frederick, Yea.

After exiting Executive Session, motion by Maureen T. Frederick to approve the Sheriff's Collective Bargaining Agreements. Hearing no second, motion died.

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FAMILY & COMMUNITY SERVICES

Present: Carole Beaty and Carol Kurtz

Ms. Beaty attending today to present the application and ask the Board of Commissioners to authorize the electronic Subgrant resubmission application to the US Department of Justice Program, Violence Against

Women 2009 Grants to encourage arrest policies and enforcement of protection orders grant program for the Advocate Train & Respond Collaborative (ATR) /09-0035

Commissioner Frederick asked Ms. Beatty why the proposed application, which was received by staff yesterday, was not brought forward sooner to allow a proper review. Ms. Beatty responded that there is a 30 day turnaround for information requested of other parties. In the future, perhaps Dan Banks could contact other agencies to get requested information in a more timely manner. The Board of Commissioners agreed to help in any way that they can. Ms. Beatty also noted that there was a last minute “glitch” that caused major changes to the application.

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INTERNAL SERVICES

Present: JoAnn Townend

Discussion

The Director advised the Board of Commissioners that she reviewed the two quotes for security and audio visual equipment for the new offices of the Department of Economic Development. Executive Assistant Diana Fierle advised that they would like the windows alarmed and a better lock placed on the basement door. Diana Fierle also advised that Jon Barber had suggested that a telephone be installed for immediate access to the Security Department. The Board of Commissioners agreed that the quote provided for security is excessive; JoAnn Townend to reprice a simpler solution.

JoAnn Townend advised that the audio visual equipment quoted is a system something like the Board Room set-up. JoAnn Townend to investigate and bring back additional pricing.

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JoAnn Townend advised the Board of Commissioners that the Time Warner Solid Waste Management District internet access agreement for Roadrunner is due to be renewed. However, the terms and conditions are contrary to what the Prosecutor prefers to see regarding indemnity. Attorney Denise Smith has told Director Townend that even if the Board of Commissioners signs such an agreement and the Prosecutor does not sign as to form, a signed indemnification will not hold up in court. The Board of Commissioners accepted Director Townend’s recommendation and agreed to move forward with the Solid Waste Management District agreement and the Water Resources agreement for internet access. Commissioner Smeiles noted that that maximum county liability is the cost of the service for the term of the contract. The Board of Commissioners agreed that JoAnn Townend should sign the agreements for both the Solid Waste Management District and Water Resources Department./Journal Entry

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Resolutions

1. Accept and award the bid for the purchase of various chemicals for the water resources department./09-38
2. Enter into a lease agreement amendment no. 3 with JFS for 209 South Chestnut St., suite 205./09-39
3. Enter into a lease agreement amendment no. 10 with JFS for 445 S. Meridian St./09-40
4. Enter into a lease agreement amendment no. 5 with JFS for 209 South Chestnut St., floor 2 and 4./09-41

5. Enter into a maintenance agreement with Integrated Precision Systems, Inc. for Photo ID, Access Control System and DCCTV Hardware/Software./09-42
6. Enter into an agreement with Zyama Goldman & Associates for psychiatric care for the residents of the Woodlands./09-43 The Board of Commissioners asked that JoAnn Townend check to determine if this care is reimbursed through the Medicare or Medicaid plans.

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County Auditor Esposito attending to ask the Board of Commissioners if the intent is to charge back in some way for Storm Water Management. The Board of Commissioners responded yes. The County Auditor is checking with the State Auditor to determine if an Enterprise Fund can be established for this project and not use the General Fund. The Board of Commissioners agreed.

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HUMAN RESOURCES

Present: Karen U’Halie, Steve Eva, Nursing Home Administrator; Ann Fagerstrom, RN, Director of Nursing at The Woodlands at Robinson

1. Signature – Engagement for Legal Services (Summary Plan Description and Benefit Plan Documents)/08-0045
2. Voluntary Resignation of Amy Gibson, STNA at Woodlands at Robinson/Information only

11:00 AM In accordance with the Ohio Rev. Code Ann. 121.22(G)(1), it was moved by **Christopher Smeiles**, seconded by **Maureen T. Frederick** that the Board of Commissioners move into executive session to consider discipline, hire, and employment issues at The Woodlands at Robinson. **Also present:** Human Resources Department Director Karen U’Halie, Steve Eva, Nursing Home Administrator and Ann Fagerstrom, RN, Director of Nursing at The Woodlands at Robinson. Roll call vote: Christopher Smeiles, Yea; Charles W. Keiper II, Absent; Maureen T. Frederick, Yea.

11:25 AM Upon conclusion of the above referenced discussion, it was moved by **Christopher Smeiles**, seconded by **Maureen T. Frederick** that the Board of Commissioners moves out of executive session. Roll call vote: Christopher Smeiles, Yea; Charles W. Keiper II, Absent; Maureen T. Frederick, Yea.

After exiting Executive Session, the Board of Commissioners took no action.

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11:35 AM Recessed to Solid Waste Management District
 12:45 PM Board of Commissioners Reconvened

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RESOLUTION No. 09-0034 - RE: BILLS APPROVED AND CERTIFIED TO THE PORTAGE COUNTY AUDITOR FOR PAYMENT.

It was moved by Christopher Smeiles, seconded by Maureen T. Frederick that the following resolution be adopted:

Against Women 2009 Grants to Encourage Arrest Policies and Enforcement of Protection Orders Grant Program for the project period of October 1, 2009 to September 30, 2011 **for a total request amount of \$365,112**, which includes **no local match**; and be it further

RESOLVED, that a copy of this resolution be filed with the Portage County Auditor’s Office, the Portage County Department of Budget & Financial Management, Safer Futures, a program of Family & Community Services, the Portage County Prosecutor’s Office, the Portage County Adult Probation Office, Townhall II Sexual Assault Rape Crisis Program, Children’s Advocacy Center of Portage County, Portage County Courts and the Portage County Internal Auditor; and be it further

RESOLVED, that the Board of Commissioners authorized the Vice President of the Board to sign both the required certification letter and the non-supplanting letter; and be it further

RESOLVED, that the Board of Commissioners finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in meeting open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Voice vote was as follows:

Charles W. Keiper II, Absent; Christopher Smeiles, Yea; Maureen T. Frederick, Yea;

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RESOLUTION No. 09-0036 - RE: APPROVAL OF JOURNAL VOUCHERS/ENTRIES.

It was moved by Maureen T. Frederick, seconded by Christopher Smeiles that the following Resolution be adopted:

WHEREAS, the Ohio Revised Code requires that warrants be approved by the Board of Commissioners prior to their issuance, and

WHEREAS, there are other similar financial transactions defined as journal vouchers/entries that are dissimilar in that they are used to pay for charges for services from one county department and/or fund to another department and/or fund and thus are processed in lieu of issuing a warrant, and

WHEREAS, the Journal Vouchers/Entries are recommended by the County Auditor’s Office for review and approval by the Board of Commissioners; now therefore be it

RESOLVED, that the Board of Commissioners approves the following Journal Vouchers/Entries as presented by the County Auditor’s Office:

01/14/09	223	\$ 27,032.88
01/14/09	219	203.75
01/14/09	214	49,554.01

Charles W. Keiper II, Absent;

Maureen T. Frederick, Yea;

Christopher Smeiles, Yea;

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RESOLUTION No. 09-0038

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RE: ACCEPT AND AWARD THE BIDS FOR THE PURCHASE OF VARIOUS CHEMICALS FOR THE WATER RESOURCES DEPARTMENT.

It was moved by Christopher Smeiles, and seconded by Maureen T. Frederick that the following resolution be adopted:

WHEREAS, six (6) sealed bids for the purchase of various chemicals for the Water Resources Department, were received, tabulated and recorded on December 12, 2008; and

WHEREAS, upon review of the bids received, it is the recommendation of the Director of Internal Services and the Water & Monitoring Manager of the Department of Water Resources that the bids for chemicals be awarded to the lowest bidder for each chemical; now therefore be it

RESOLVED, that the Board of County Commissioners does, hereby, award the bids for the various chemicals as follows:

- A. Bonded Chemicals, 2645 Charter St., Columbus, OH 43228
 - 1) Sodium Bisulfite 38% -Shalersville 15gal. carb \$22.20/cwt
 - 2) Calcium Nitrate – 55 gal. drums \$24.19/cwt
 - 3) Calcium Nitrate –66%-Tote \$24.19/cwt
 - 4) Calcium Nitrate –66%-1000 gal bulk \$24.19/cwt

- B. Sal Chemical, 3036 Birch Drive, Weirton WV 26062
 - 1) Sodium Hypchlorite –_Suff & Rand 12% \$ 13.47cwt
 - 2) Hydrofluosilicic Acid \$ 46.50/cwt
 - 3) Potassium Permanganate \$306.80/cwt
 - 4) Citric Acid 50% Concentration \$ 92.85/cwt
 - 5) Sodium Bisulfite 38% - O & M 15 pails \$ 2.84/lb
 - 6) Calcium Hypochlorite powder \$144.00/cwt
 - 7) Sodium Hydroxide 25% - O & M \$ 24.90/cwt

- C. JCI Jones, PO Box 349, 2500 Vanderhoof Road, Barberton OH 44203
 - 1) Chlorine 90, 150 lb. Cylinders \$ 31.33/cwt
 - 2) Sodium Hypochlorite – Stboro 12% \$ 8.41/cwt
 - 3) Chlorine, 15- 1 ton cylinder \$ 21.25/cwt
 - 4) Sodium Bisulfite 38% -Stboro bulk \$ 14.99/cwt
 - 5) Sodium Hydroxide, 25% Shville bulk \$ 17.00/cwt.

- D. Kemira Water Solutions, Inc., 3211 Clinton Pkwy Ct. #1, Lawrence KS 66047
 - 1) Ferric Chloride \$ 28.88/cwt

- E. Morton Salt, 123 N. Wacker Dr., Chicago IL 60606-1743

1) Southern Rock Salt

\$102.24/cwt

and be it further

RESOLVED, that the Board of County Commissioners finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in meetings open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Voice vote as follows:

Charles W. Keiper II, Absent;

Maureen T. Frederick, Yea;

Christopher Smeiles, Yea;

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RESOLUTION No. 09-0039

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RE: ENTER INTO REAL ESTATE LEASE AGREEMENT AMENDMENT NO. 3 WITH THE PORTAGE COUNTY DEPARTMENT OF JOB & FAMILY SERVICES FOR THE PROPERTY LOCATED AT 209 SOUTH CHESTNUT STREET - SUITE 205, RAVENNA, OHIO.

It was moved by Christopher Smeiles, seconded by Maureen T. Frederick that the following resolution be adopted:

WHEREAS, a lease agreement between the parties was entered into on February 6, 2007 through Resolution No. 07-0188 for real estate property situated in the County of Portage, known for street numbering purposes as 209 South Chestnut Street – Suite 205, Ravenna, Ohio (730 sq. ft.); and

WHEREAS, Amendment No. 1 was entered into on February 22, 2007 through Resolution No. 07-0189 which bans smoking in all public buildings and places of employment (issue 5); and

WHEREAS, Amendment No. 2 was entered into on February 26, 2008 through Resolution No. 08-0156 for the term January 1, 2008 through December 31, 2008; and

WHEREAS, the parties desire to amend the original Lease Agreement to continue such services; now therefore be it

RESOLVED, that the Board of Portage County Commissioners does hereby agree to enter into said Lease Agreement Amendment No. 3 for the property listed above with Job and Family Services for a term of one (1) year, beginning January 1, 2009 and ending on December 31, 2009; and be it further

RESOLVED, Lessee shall pay rent in the amount of \$11.37 per sq. foot in equal monthly installments of Six hundred ninety-one dollars and 68/100 cents (\$691.68) each payable on the 1st day of each month beginning January 1, 2009, and continuing until the expiration of this lease; and be it further

RESOLVED,

that the Board of Commissioners finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in meeting open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Voice Vote as Follows:

Charles W. Keiper II, Absent;

Maureen T. Frederick, Yea;

Christopher Smeiles, Yea;

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RESOLUTION No. 09-0040

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RE: ENTER INTO REAL ESTATE LEASE AGREEMENT AMENDMENT NO. 10 WITH PORTAGE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES FOR 445 SOUTH MERIDIAN STREET, RAVENNA, OHIO.

It was moved by Christopher Smeiles, seconded by Maureen T. Frederick that the following resolution be adopted:

WHEREAS, a lease agreement between the parties was entered into on December 11, 1998 by Resolution No. 98-738 for the real estate property located at 445 S. Meridian Street, Ravenna, Ohio for the term of November 1, 1998 until December 31, 1999; and

WHEREAS, Amendment No. 1 between the parties was entered into on August 10, 2000 by Resolution No. 00-565 for the real estate property located at 445 S. Meridian Street, Ravenna, Ohio for the term of January 1, 2000 until December 31, 2000; and

WHEREAS, Amendment No. 2 between the parties was entered into on December 26, 2000 by Resolution No. 00-955 for the real estate property located at 445 S. Meridian Street, Ravenna, Ohio for the term of January 1, 2001 until December 31, 2001; and

WHEREAS, Amendment No. 3 between the parties was entered into on October 4, 2001 by Resolution No. 01-708 for the real estate property located at 445 S. Meridian Street, Ravenna, Ohio for the term of January 1, 2002 until December 31, 2002; and

WHEREAS, Amendment No. 4 between the parties was entered into on November 14, 2002 by Resolution No. 02-0939 for the real estate property located at 445 S. Meridian Street, Ravenna, Ohio for the term of January 1, 2003 until December 31, 2003; and

WHEREAS, Amendment No. 5 between the parties was entered into on April 20, 2004 by Resolution No. 03-0995 for the real estate property located at 445 S. Meridian Street, Ravenna, Ohio for the term of January 1, 2004 until December 31, 2004; and

WHEREAS, Amendment No. 6 between the parties was entered into on February 7, 2005 by Resolution No. 05-0056 for the real estate property located at 445 S. Meridian Street, Ravenna, Ohio for the term of January 1, 2005 until December 31, 2005; and

WHEREAS, the Portage County Human Resources Department recommended a review of the Portage County Employee Health Benefit Plan documents and the Summary Plan description; and

WHEREAS, the Portage County Assistant Chief Prosecuting Attorney Denise Smith recommended the hire of outside counsel for this review noting that county staff does not have the expertise to provide advice regarding the county Health Care Plan and such a review by staff may be a conflict of interest since staff has health care coverage under the terms of this plan; and

WHEREAS, the Board of Commissioners authorized the Human Resources Department to work with Willis of Ohio in the selection of outside counsel; now therefore be it

RESOLVED, that the Board of Portage County Commissioners agrees to accept the terms of the letter of engagement provided by Polsinelli, Shalton, Flanigan, Suelthaus, 7733 Forsyth Boulevard, Twelfth Floor, St. Louis, MO 63105-1814 and enter into an agreement not to exceed \$3,650; and be it further

RESOLVED, that the firm will review the Portage County Employee Health Benefit Plan documents, the Summary Plan description, and draft a Cafeteria Summary Plan Description; and be it further

RESOLVED, that the Board of Commissioners finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in meeting open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Voice vote was as follows:

Christopher Smeiles, yea; Charles W. Keiper II, absent; Maureen T. Frederick, yea

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RESOLUTIONS

January 15, 2009

1. Approval of Meeting Minutes from the January 13, 2009 regular Board Meeting as presented.
2. Approve the Bills as presented by the County Auditor and reviewed by the Internal Auditor./08-34
3. Approve the wire transfer as presented by the County Auditor./08-NONE
4. Approve the Journal Vouchers as presented by the County Auditor./08-36
5. Approve the Then & Now as presented by the Portage County Auditor./08-37

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INCOMING CORRESPONDENCE

DISCUSSION

January 15, 2009

1. Undated correspondence (received January 13, 2009) from Ben Hirsch, Carroll Publishing, Inc. , requesting completion of the directory information for Portage County/Staff to complete.
2. January 13, 2009 e-mail from Dawn Pechman, requesting support of Crestwood School Board's request for a deadline extension for Ohio School Facilities Commission matching funds/Clerk to contact Crestwood's Superintendent to determine if the Board of Commissioners should write a letter of support.
3. January 13, 2009 memo from Charlene Badger, Executive Assistant, regarding the 2008 County Annual Report/Executive Assistant to obtain two additional quotes.

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JOURNAL ENTRIES

January 15, 2009

1. In accordance with the ORC Section 325.07, the Portage County Board of Commissioners received the Transportation of Prisoners Report for December 2008. Forwarded to the Internal Auditor for review.
2. The Board of Commissioners received the Weekly Report of Kennel population for the week ending January 11, 2009 as presented by Dave McIntyre, Dog Warden. The Board of Commissioners acknowledged the receipt of \$ 550.00 in Court Donations.
3. Board of Commissioners' authorization requested to pay Invoice No. 00041874 dated January 7, 2009 for Attendance Fees in the case of Elizabeth Stein vs. Portage County for \$ 60.00 as requested by Nagy-Baker Court Reporting and presented by the Portage County Prosecutor's Office.
4. Board of Commissioners' authorization requested to pay Invoice No. 120366 dated January 7, 2009 for Attendance Fees in the case of Rebecca Kelly & The Woodlands At Robinson, as requested by Mehler & Hagestrom and presented by the Portage County Prosecutor's Office.

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REFERRED

January 15, 2009

1. January 12, 2009 memo from Lt. Governor Lee Fisher, regarding FY 2009 CHIP funding availability. Referred to Internal Auditor, Grants Administrator and Neighborhood Development Services Inc.
2. January 9, 2009 correspondence from Mary Kenneley, regarding the Courthouse elevators. Referred to Maintenance Department and Internal Services/Forward to the Executive Assistant for a response.
3. January 12, 2009 correspondence from Janet Esposito, County Auditor, requesting use of the Portage County Administration Building 6th floor meeting room. Referred to Human Resources Department for scheduling.
4. January 8, 2009 invoice from Troy Construction Company to Home Savings Bank for charges attributable to Portage County for the work at the Ravenna Home Savings \$ 41,387.74. Referred to Internal Services/Journal Entry.

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INFORMATION ONLY

January 15, 2009

1. January 8, 2009 correspondence from David Ruller, City of Kent to Michael Hiler, Ohio Department of Development, regarding Ohio's Neighborhood Stabilization Program (NSP).

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PROSECUTOR

January 15, 2009

1. January 12, 2009 confidential e-mail from Tommie Marsilio, regarding court reporter fees/Information only.

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Journal Entry

January 15, 2009

Motion by Christopher Smeiles, seconded by Maureen T. Frederick to approve the following actions:

1. In accordance with Ohio Revised Code Section 325.07, the Portage County Board of Commissioners acknowledged the receipt of the Transportation of Prisoners Report for December 2008, as presented by the Sheriff. Forwarded to the Internal Auditor for review.
2. The Board of Commissioners acknowledged the receipt of the Weekly Report of Kennel population for the week ending January 11, 2009, as presented by Portage County Dog Warden Dave McIntyre. The Board of Commissioners acknowledged the receipt of \$ 550.00 in Court Donations.
3. The Board of Commissioners authorized payment of Invoice No. 00041874 dated January 7, 2009 for Attendance Fees in the case of Elizabeth Stein vs. Portage County for \$60.00. as requested by Nagy-Baker Court Reporting and presented by the Portage County Prosecutor's Office. Original forwarded to the Human Resources Department for payment.
4. The Board of Commissioners authorized payment of Invoice No. 120366 dated January 7, 2009 for Attendance Fees in the case of Rebecca Kelly vs. Portage County (The Woodlands At Robinson), as requested by Mehler & Hagestrom and presented by the Portage County Prosecutor's Office. Original forwarded to the Human Resources Department for payment.
5. The Board of Commissioners signed the Personnel Action form acknowledging the resignation of Dee James as a Social Service Worker 3 for the Portage County Department of Job and Family Services effective January 23, 2009, as presented by the Human Resources Department Director Karen U'Halie and approved by the Department of Job and Family Services Director Anita Herington.
6. The Board of Commissioners signed the Payroll Change Authorization form for Motor Pool Director Joseph Dillon authorizing a pay increase after the successful completion of his probation period, effective December 16, 2008, as presented by Internal Services Director JoAnn Townend.

7. The Board of Commissioners signed the Payroll Change Authorization form for Executive Assistant Charlene Badger authorizing a pay increase after the successful completion of her probation period, effective August 25, 2008, as presented by Human Resources Department Director Karen U’Halie.
8. The Board of Commissioners accepted the recommendation of Internal Services Director JoAnn Townend and authorized her to sign an agreement with Time Warner for internet access for the Portage County Water Resources Department Lab on Infirmery Road. The Board of Commissioners noted that although the terms and conditions of the agreement are contrary to what the Prosecutor prefers to see regarding indemnity, Attorney Denise Smith has told Director Townend that even if the Board of Commissioners signs such an agreement and the Prosecutor does not sign as to form, a signed indemnification will not hold up in court.
9. The Board of Commissioners agreed to direct the Internal Services Director to prepare an amendment to the lease agreement clarifying the term to provide a ten year rent credit for Home Savings Bank for charges attributable to Portage County for the work at the newly remodeled Ravenna Home Savings, located in the county owned Riddle Block Building.

Commissioner Keiper absent, motion carries.

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We do hereby certify that the foregoing is a true and correct record of the Portage County Board of Commissioners’ meeting on **January 15, 2009**. There being no further business to come before the Board, it was moved by Christopher Smeiles, seconded by Maureen T. Frederick to adjourn the official meeting at 1:10 PM. Commissioner Keiper absent, motion carries.

ABSENT

Charles W. Keiper II, President

Maureen T. Frederick, Vice President

Christopher Smeiles, Board Member

Deborah Mazanec, Clerk

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