

Thursday, July 21, 2011

The Board of County Commissioners met in regular session on **Thursday, July 21, at 9:40 AM** with the following members present:

Maureen T. Frederick

Christopher Smeiles

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Absent: Tommie Jo Marsilio on vacation

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It was moved by Christopher Smeiles, seconded by Maureen T. Frederick to approve the meeting minutes of the July 19, 2011 meeting. Commissioner Marsilio absent, motion carries

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

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INTERNAL SERVICES - Cancelled

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HUMAN RESOURCES

Present: Karen U’Halie, Audrey Tillis, JoAnn Townend

Insurance claim reimbursements

The Directors are attending to discuss how insurance claims are handled. Director Tillis noted that, in the past, the Board had asked for reimbursement from non-General Fund departments for the deductible, which is paid by the General Fund. The Board of Commissioners had agreed to the chargeback, which has not been happening. Recently, a department asked for the documentation authorizing the chargeback but there is none.

Recently, the county received a \$44,000 check for a totaled Solid Waste Management District vehicle that went to the General Fund. The Auditor’s Office indicated that the check should have gone directly to the Solid Waste Management District. The Directors are recommending that the Board of Commissioners set a policy that reimbursement checks go directly to the department once the Human Resources Department makes certain that all paperwork is correct and the expense should be processed in the departmental budget. The Human Resources Department expense and claims line would then not be used.

Director U’Halie confirmed that the review and approval must go through the Human Resources Department to make sure paperwork and photos are on hand. This should streamline the process and make certain that the paperwork is filed correctly.

In third party accidents when the county is at fault, the deductible will be paid by each department.

Director Townend commented that when the Motor Pool Director talked to the Board of Commissioners about the Sheriff’s desire not to fix certain damaged cars on Tuesday, he noted his

concern that vehicles are not repaired that he thinks should be. The claim would follow the car and allow the Motor Pool to complete repairs as paid for by county insurance.

The Board of Commissioners will consider the adoption of the policy for insurance claims reimbursement once the resolution is drafted. The Board agreed that the resolution should detail the entire process from the occurrence of an accident through the insurance reimbursement.

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10:10 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 an employment issue and a Workers' Compensation issue. **Also present:** Human Resources Department Director Karen U'Halie and Department of Budget & Financial Management Director Audrey Tillis. Roll call vote: Christopher Smeiles, Yea; Tommie Jo Marsilio, Absent; Maureen T. Frederick, Yea.

10:20 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; Tommie Jo Marsilio, Absent; Maureen T. Frederick, Yea.

After exiting executive session, the Board took action by Journal Entry.

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Attorney Chris Meduri and County Engineer's staff Bob Renner attending to present the compensation agreement between the Board of Commissioners and Chesapeake Exploration for the upcoming drilling in Suffield Township. Mr. Renner advised that the agreement details the process of compensation for any damage caused to county roads or township roads during the project/11-0638

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10:40 AM Board of Commissioners Recessed

1:00 PM Reconvened

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1:00 PM Recessed for the Solid Waste Management District meeting

1:10 PM Reconvened

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COUNTY ENGINEER - Cancelled

Present: Mickey Marozzi

Resolution No 11-638 for Chesapeake Energy was adopted this morning when Attorney Chris Meduri and Bob Renner met with the Board of Commissioners.

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RESOLUTION No. 11-0636 - 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:

RESOLVED, that the bills were approved and certified to the County Auditor for payment, contingent upon the review of the Portage County Department of Budget and Financial Management or other designee on July 21, 2011 in the total payment amount of **\$409,125.51 for Funds 0001-7219** as set forth in the Accounts Payable Warrant Report on file in the office of the Portage County Auditor; 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.

Roll call vote as follows:

Maureen T. Frederick, Yea; Tommie Jo Marsilio, Absent; Christopher Smeiles, Yea;

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RESOLUTION No. 11-0637 - RE: WIRE TRANSFER 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:

RESOLVED, that the bills were approved and certified to the County Auditor for payment, contingent upon the review of the Portage County Department of Budget and Financial Management or other designee on July 21, 2011 in the total payment amount as follows:

1. \$ 5,204.47 to Take Care by WageWorks, Inc. for processing claims for Medical Mutual; and
2. \$ 87,019.24 to Medical Mutual for claims – Fund 7101; and
3. \$ 650.00 to Take Care by WageWorks, Inc. for Admin Fees for Medical Mutual; and

as set forth in the Accounts Payable Warrant Report on file in the office of the Portage County Auditor; and be it further

RESOLVED, that the Board of Commissioners authorizes the wire transfer for the charges relating to health benefits, as presented by the Portage County Auditor’s Office:

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| Wire Transfer on Friday, July 22, 2011 | \$ 5,204.47 |
| Wire Transfer on Friday, July 22, 2011 | \$ 87,019.24 |
| Wire Transfer on Friday, July 22, 2011 | \$ 650.00 |

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.

Roll call vote as follows:

Maureen T. Frederick, Yea; Tommie Jo Marsilio, Absent; Christopher Smeiles, Yea;

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RESOLUTION No. 11-0638 - RE: ENTER INTO A COMPENSATION AGREEMENT FOR ROADWAY MAINTENANCE, DAMAGE AND RESTORATION.

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

WHEREAS, the Portage County Board of Commissioners has jurisdiction over the roads comprising the county highway system; the Portage County Engineer has the authority to maintain and repair county roads; and

WHEREAS, Chesapeake Exploration LLC (operator) is, or intends to become, an operator of certain oil and gas wells located at 453 Congress Lake Road in Suffield Township, Portage County, Ohio; and

WHEREAS, in order to ingress and egress the drilling site, the operator intends to use Swartz Road (CH 16) between State Route 43 and CH 17; Congress Lake Road (CH 17) for 0.3 miles south from CH 16 to the Hosey well access, which have not been designed for the type and nature of use anticipated by the operator traveling to and from the drilling site; now therefore be it

RESOLVED, that the Board of Commissioners agrees to enter into a compensation agreement with Chesapeake Exploration LLC, 6100 N. Western Avenue, Oklahoma City, OK 73118, detailing the process for the operator to compensate Portage County for maintenance, repair, and restoration of affected county and township roads resulting from the operator’s use; 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 meetings open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Voice Vote as Follows:

Maureen T. Frederick, Yea; Tommie Jo Marsilio, Absent; Christopher Smeiles, Yea;

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RESOLUTION No. 11-0639 - RE: ACCEPTANCE OF THEN AND NOW CERTIFICATIONS FOR PAYMENT.

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

WHEREAS, Ohio Revised Code Section 5705.41 (D)(1) authorizes the expenditure of moneys, provided a certificate of the County Auditor is supplied stating that there was at the time of the making of such contract or order and at the time of the execution of such certificate a sufficient sum appropriated for the purpose of such contract and in the treasury or in process of collection to the credit of an appropriate fund free from any previous encumbrances (Then and Now Certification), and

WHEREAS, the Then and Now Certification is recommended by the State Auditor’s Office, the Portage County Auditor’s Office, and the Portage County Prosecutor’s Office, and

WHEREAS, a listing of expenditures, attached hereto as Exhibit “A” and incorporated herein by reference, has been certified by the County Auditor according to Ohio Revised Code section 5705.41 (D)(1); now therefore be it

RESOLVED, that the expenditures listed herein are properly certified by the County Auditor in the amount of **\$3,753.48** as set forth in Exhibit “A” dated **July 21, 2011** shall be paid; 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:

Maureen T. Frederick, Yea; Tommie Jo Marsilio, Absent; Christopher Smeiles, Yea;

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RESOLUTION No. 11-0640 - RE: ACCEPT PROPOSAL OF SOLAR TESTING LABORATORIES, INC. TO PROVIDE CONSTRUCTION INSPECTION SERVICES FOR THE SANDY LAKE ROAD RESURFACING PROJECT (C.H. 89, SECTION D – FROM

3. Approve the wire transfers as presented by the County Auditor. /11-0637
4. Approve the Journal Vouchers, as presented by the County Auditor./None.
5. Approve the Then & Now Certification, as presented by the County Auditor./11-0639
6. Accept proposal of Solar Testing Laboratories, Inc. to provide construction inspection services for the Sandy Lake Road Resurfacing Project (CH 89 Section D from Meloy Road to Lakewood Road), Rootstown Township, Portage County, Ohio. (County Engineer)./11-0640

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INVITATIONS

July 21, 2011

1. Invitation for the 2011 Ohio GIS Conference, Thursday-Friday, September 29-30, 2011, Hyatt Regency, Columbus.
2. Invitation from Home Savings Bank for the newly remodeled Brimfield Office Thursday, July 28, 2011, 5:00-7:00 PM hors d'oeuvre and Drinks, 7:00-9:00 PM Home Savings Heritage Concert, 4023 State Route 43, Kent.
3. Invitation for the Northeast Ohio Regional Indicators & Objectives (NEORIO) Health Conditions in Northeast Ohio: A Regional Forum Tuesday, July 26, 2011, 8:30 AM-11:00 AM, Kent State University Center – Kiva.
4. Invitation to the 153rd Randolph Fair Opening Day Ceremony on Tuesday, August 23, 2011, 11:00 AM at the main gate.

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INCOMING CORRESPONDENCE

July 21, 2011

1. Discussion: House Bill 86, which is intended to divert some nonviolent offenders to community programs and will require that Portage County establish a halfway house. On July 5th, the Commissioners discussed the use of the former Nursing Home, current Records Center, as a possible location/Commissioner Frederick noted that Hank Gibson was to contact Mark Frisone to discuss this issue/Hold until the Board of Commissioners receives information from the Community Corrections Board.
2. July 18, 2011 correspondence from Jessica Thacker, First Energy, regarding a proposal to expand a portion of the Hanna Substation fence to incorporate a new capacitor bank/Forward to the County Engineer, Water Resources Department and Homeland Security and Emergency Management Office for comment.
3. July 19, 2011 e-mail from Jon Barber, Office of Homeland Security and Emergency Management, regarding Chesapeake Energy/Information only.
4. July 19, 2011 e-mail from John Mason, Office of Homeland Security and Emergency Management, regarding LEPC attendance/Information Only.

5. July 19, 2011 e-mail from Randy Roberts, Building Department, regarding the revised residential code for one, two and three family dwellings/The Board of Commissioners agreed to meet with Mr. Roberts next week to discuss this recommendation.

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JOURNAL ENTRY

July 21, 2011

1. The Board of Commissioners authorized payment of the July 13, 2011 Invoice for Professional Services rendered – Retainer for June 2011 for \$175.00, as requested by Clemans Nelson & Associates, Inc. and approved by the Human Resources Department Director Karen U’Halie.
2. The Board of Commissioners received the Portage Area Regional Transportation Authority (PARTA) Audit Report for year ended December 31, 2010.
3. Board of Commissioners’ signature requested on two (2) Satisfaction of Mortgages for Jeremy Butler (Instrument No. 200209728 \$2,340.00 and Instrument No. 009811887 \$ 20,000) as requested by Neighborhood Development Services. Documents reviewed by the Department of Budget & Finance with no exceptions noted.
4. Board of Commissioners’ authorization requested to have Commissioner Frederick sign the Ohio Public Works Commission Appendix E Disbursement Request No. 1for the Cooley Road Bridge Replacement, OPWC Project No. CGR14 as requested by the County Engineer.

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REFERRED

July 21, 2011

1. The Board of Commissioners received the Motion for Oral Argument for Case No. 2011 CV 00634 Hiram College and Village Builders vs. Hiram Township Board of Trustees, Board of Commissioners and the Village of Hiram as presented by the Portage County Common Pleas Court. Forwarded to the Prosecutor’s Office/Journal Entry.
2. July 14, 2011 correspondence from Daniel Dobrilovic, regarding the Building Official position/Information only.

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PROSECUTOR

July 21, 2011

1. July 19, 2011 e-mail from Leigh Prugh, regarding the 911 plan/Clerk to confirm with the Homeland Security and Emergency Management Office Director that he has certified to the state that Portage County has paid for all wireless 9-1-1 equipment and training, and is currently providing wireless enhanced 9-1-1 service. Clerk to draft a letter to the Sheriff regarding the proposed use of these funds.

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JOURNAL ENTRY

July 21, 2011

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

1. The Board of Commissioners authorized payment of the July 13, 2011 Invoice for Professional Services rendered – Retainer for June 2011 for \$175.00, as presented by Clemans Nelson & Associates, Inc. and approved by the Human Resources Department Director Karen U’Halie.
2. The Board of Commissioners acknowledged the receipt of the Portage Area Regional Transportation Authority (PARTA) Audit Report for year ending December 31, 2010.
3. The Board of Commissioners signed two (2) Satisfaction of Mortgage for Jeremy Butler, 6572 Crescent Drive [Crescent Lane, Franklin Township] (Instrument No. 200209728 for \$2,340.00 and Instrument No. 009811887 for \$20,000), as presented by Neighborhood Development Services. Documents reviewed by the Department of Budget & Finance with no exceptions noted.
4. The Board of Commissioners authorized Commissioner Frederick to sign the Ohio Public Works Commission Appendix E Disbursement Request No. 1 for the Cooley Road Bridge Replacement, OPWC Project No. CGR14, as presented by the County Engineer.
5. After meeting in an Executive Session today with the Human Resources Director, the Board of Commissioners signed a document authorizing the Portage County TPA Comp Management, Inc. to pursue recommended settlement within the financial guidelines approved by the Board of Commissioners for one Workers’ Compensation claim.
6. The Board of Commissioners acknowledged the receipt of the Motion for Oral Argument for Case No. 2011 CV 00634, Hiram College and Village Builders vs. Hiram Township Board of Trustees, Board of Commissioners and the Village of Hiram, as presented by the Portage County Common Pleas Court.

Tommie Jo Marsilio, 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 **July 21, 2011**. 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 **1:15 PM** Commissioner Marsilio absent, motion carries.

Maureen T. Frederick, President

ABSENT
Tommie Jo Marsilio, Vice-President

Christopher Smeiles, Board Member

Deborah Mazanec, Clerk

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