

January 29, 2024

Agenda

Lord's Prayer
Pledge of Allegiance

Approve Minutes 1-22-24
Approve Minutes 1-24-24

Approve Before/After Expenditures

Request Liquor Permit for Townhouse Drive Thru & Grocery

Approve Road Maintenance Agreement

Approve Bond – Juvenile Court – Dunlap

Approve Bond – Juvenile Court – Affolder

Appoint Board Members – Floodplain Appeal Board

Pay Bills

Other Business

Adjourn

THE BOARD OF COMMISSIONERS OF TUSCARAWAS COUNTY MET IN REGULAR SESSION MONDAY, THE 29th DAY JANUARY, 2024 WITH THE FOLLOWING MEMBERS PRESENT:

Kristin Zemis
Greg Ress
Chris Abbuhl

Commissioner Kristin Zemis presiding.

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

RESOLUTION (98-2024) APPROVE MINUTES

It was moved by Commissioner Ress, seconded by Commissioner Abbuhl to approve the minutes from the January 22, 2024 meeting as written.

VOTE: Kristin Zemis, yes;
Greg Ress, yes;
Chris Abbuhl, yes;

RESOLUTION (99-2024) APPROVE MINUTES

It was moved by Commissioner Ress, seconded by Commissioner Abbuhl to approve the minutes from the January 24, 2024 meeting as written.

VOTE: Kristin Zemis, yes;
Greg Ress, yes;
Chris Abbuhl, yes;

RESOLUTION (100-2024) BEFORE/AFTER EXPENDITURES

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

VENDOR	OFFICE	AMOUNT
Timothy & Jacquelyn McDonnell	JFS	\$67.74
Kyler Lundholm LPM	JFS	\$725.74
Kidslink Neurobehavioral Center	JFS	\$797.50
Kalib & Emalee Winters	JFS	\$93.21
Derek & Savannah McCune	JFS	\$39.77
Derek & Savannah McCune	JFS	\$316.12
Advantage Family Outreach	JFS	\$164.98
International Association of Arson Investigators	Coroner	\$428.00

VOTE: Kristin Zemis, yes;
Greg Ress, yes;
Chris Abbuhl, yes;

DISCUSSION: *Commissioner Zemis stated she had a conversation with Mellissa Clark, Budget Director, about this problem. She is going to address it with the Fiscal Officer. Job and Family Services is using 2024 money to pay bills from November & December of 2023.*

RESOLUTION (101-2024) REQUEST NO HEARING – LIQUOR PERMIT – TOWNHOUSE DRIVE THRU & GROCERY

It was moved by Commissioner Ress, seconded by Commissioner Abbuhl, to request NO HEARING in regards to a liquor permit for Townhouse Drive Thru & Grocery. No correspondence has been received regarding this request.

VOTE: Kristin Zemis, yes;
Greg Ress, yes;
Chris Abbuhl, yes;

RESOLUTION () ROAD MAINTENANCE AGREEMENT – CCU COAL AND CONSTRUCTION, LLC

It was moved by Commissioner Ress, seconded by Commissioner Abbuhl, to approve the road maintenance agreement with CCU Coal and Construction, LLC to use Tuscarawas County Road No. 5 (Gravel Lick) from intersection of SR 258 to Township Rd 124, a distance of 2.15 miles for hauling coal for the period beginning March 1, 2024 and ending March 1, 2025. This action is taken upon the recommendation of Douglas N. Bachman.

TUSCARAWAS COUNTY COMMISSIONERS
125 East High Avenue, Room 205
New Philadelphia, Ohio 44663
(330) 365-3240

TUSCARAWAS COUNTY ROAD MAINTENANCE AGREEMENT

This agreement made between CCU Coal and Construction, LLC, hereinafter called the Company, and the Tuscarawas County Commissioners, hereinafter called the County.

WITNESSETH:

Whereas the Company has need to use Tuscarawas County Road No. 5 (Gravel Lick) from intersection of SR 258 to Township Road 124, a distance of 2.15 miles, for hauling Coal for the period beginning March 1st 2024 and ending March 1st 2027.

Therefore, the Company agrees that certain damages may occur from such unrestrained use during this period and agree (1) to furnish all material needed to repair such road during the hauling period and to restore the road to its original condition after hauling is completed, (2) to furnish all material needed for dust control during the hauling period, and (3) to reimburse the County all costs, including equipment and labor, in the event that extreme damage is done to said road. In the event that extreme damage is done, the Company will be billed by the County for labor and equipment used to restore the said road unless other arrangements are previously made.

If more than one significant hauler is using the road, determination of damages will be by mutual agreement between the Company and the County

COMPANY
[Signature]
Signed by
CCU Coal and Construction, LLC
Company
PO Box 1027
Coshocton, OH 43812
Address
740-294-8702
Phone
rseitz@ccucoal.com
E-mail address
1/19/2024
Date

COUNTY
[Signature]
Tuscarawas County Engineer
Date 1/24/2024
[Signature]
[Signature]
Tuscarawas County Commissioners

VOTE: Kristin Zemis, yes;
Greg Ress, yes;
Chris Abbuhl, yes;

RESOLUTION (103-2024) APPROVE BOND – WESTFIELD INSURANCE COMPANY - DUNLAP

It was moved by Commissioner Ress, seconded by Commissioner Abbuhl to approve the bond for Shawnee Dunlap in Tuscarawas County Juvenile Court effective February 9, 2024 as approved by Kristine Beard, Assistant Prosecutor as follows;

Continuation
Certificate

Westfield Insurance Company

Westfield Insurance®
1 Park Circle, PO Box 5001
Westfield Center, Ohio 44251-5001

In consideration of an agreed premium payable in advance, the Bond described below is hereby continued in force for the period indicated. Continuation is subject to the condition that the maximum aggregate liability under the Bond and any and all continuations thereof shall in no event exceed the amount of liability shown herein. This endorsement shall be valid only when executed by an attorney-in-fact of this Company.

BOND NO.	BOND AMOUNT	RENEWAL PREMIUM	CONTINUED	
			FROM	TO
BND 129280N	\$ 1,000.00	\$ 125.00	2/9/2024	2/9/2025
PRINCIPAL SHAWNEE DUNLAP				
OBLIGEE TUSCARAWAS COUNTY JUVENILE COURT				

Signed, sealed and dated this 18th day of January, 2024

THE TUSCARAWAS AGENCY COMPANY
Agency
160 N Broadway New Philadelphia, OH 44663-2628
City & State

By: 
Ryan Felgenhauer Attorney-in-Fact 

BD 5403 (10-2011)

POWER NO: 34-0579
Power of Attorney

Westfield Insurance Company

CERTIFIED COPY

1 Park Circle, PO Box 5001, Westfield Center, Ohio 44251-5001

Know All Men by These Presents, That **Westfield Insurance Company**, a corporation, hereinafter referred to individually as a "Company" duly organized and existing under the laws of the State of Ohio, and having their principal offices in Westfield Center, Medina County, Ohio, do by these presents make, constitute and appoint of **New Philadelphia** and State of **OH** its true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred in their name, place and stead, to execute, acknowledge and deliver

Bond Number: **BND 129280N**
Principal Name: **SHAWNEE DUNLAP**
Obligee Name: **TUSCARAWAS COUNTY JUVENILE COURT**
Bond Penalty: \$ **1,000.00**

and to bind the Company thereby as fully and to the same extent as if such bond was signed by the President, sealed with the corporate seal of the applicable Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney(s)-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolution adopted by the Board of Directors of the **Westfield Insurance Company**

"**BE IT RESOLVED**, that the President, any Senior Executive, any Secretary or any Surety Operations Executive or other Executive shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

The Attorney-in-Fact may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements of indemnity and other conditional or obligatory undertakings and any and all notices and documents cancelling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be as binding upon the Company as if signed by the President and sealed and attested by the Corporate Secretary."

"**BE IT FURTHER RESOLVED**, that the signature of any such designated person and the seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signatures or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached." (Each adopted at a meeting held on February 8, 2000.)

In Witness Whereof, **Westfield Insurance Company** has caused these presents to be signed by their **Senior Executive** and their corporate seal to be hereto affixed this **17th** day of **December 2019**.


By: **Gary W. Stumper, National Surety Leader and Senior Executive**

Affixed Corporate Seal



CERTIFICATE

I, **Frank Carrino**, Secretary of the **Westfield Insurance Company**, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Company, which is still in full force and effect; and furthermore, the resolutions of the Board of Directors, set out in the Power of Attorney are in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Company at Westfield Center, Ohio, this **18th** day of **January**, A.D. **2024**.



By: **Frank Carrino, Secretary**

State of Ohio
County of Medina ss:

Notarial Seal Affixed



State of Ohio
County of Medina ss:

By: 
David A. Kotnik, Attorney at Law, Notary Public
My Commission Does Not Expire (Sec. 147.03 Ohio Revised Code)

BPOAC4A (combined) (12-19)

PROSECUTOR CERTIFICATION UNDER R.C. 309.11

The content of the attached bond of Shawnee Dunlap, Tuscarawas County Juvenile Probation Officer, is approved as to legal form and sufficiency, as required by R.C. 309.11.



Kristine Beard, Tuscarawas County Assistant Prosecutor

Date: 1-23-2023

VOTE: Kristin Zemis, yes;
Greg Ress, yes;
Chris Abbuhl, yes;

DISCUSSION: *Commissioner Abbuhl inquired as to whether the Commissioners usually do the bonds for the court employees and how long they last? The Clerk stated the bonds are good for one year.*

RESOLUTION (104-2024) APPROVE BOND – WESTFIELD INSURANCE COMPANY - AFFOLTER

It was moved by Commissioner Ress, seconded by Commissioner Abbuhl, to approve the bond for Angela Affolter in Tuscarawas County Juvenile Court effective February 9, 2024 as approved by Kristine Beard, Assistant Prosecutor as follows;

Continuation
Certificate

Westfield Insurance Company

Westfield Insurance®
1 Park Circle, PO Box 5001
Westfield Center, Ohio 44251-5001

In consideration of an agreed premium payable in advance, the Bond described below is hereby continued in force for the period indicated. Continuation is subject to the condition that the maximum aggregate liability under the Bond and any and all continuations thereof shall in no event exceed the amount of liability shown herein. This endorsement shall be valid only when executed by an attorney-in-fact of this Company.

BOND NO.	BOND AMOUNT	RENEWAL PREMIUM	CONTINUED	
			FROM	TO
BND 129281G	\$ 1,000.00	\$ 125.00	2/9/2024	2/9/2025
PRINCIPAL				
ANGELA K AFFOLTER				
OBLIGEE				
TUSCARAWAS COUNTY JUVENILE COURT				

Signed, sealed and dated this 18th day of January, 2024.

THE TUSCARAWAS AGENCY COMPANY
Agency

160 N Broadway New Philadelphia, OH 44663-2628
City & State

By: 
Ryan Felgenhauer Attorney-in-Fact



BD 5403 (10-2011)

POWER NO: 34-0579
Power of Attorney

Westfield Insurance Company

1 Park Circle, PO Box 5001, Westfield Center, Ohio 44251-5001

CERTIFIED COPY

Know All Men by These Presents, That **Westfield Insurance Company**, a corporation, hereinafter referred to individually as a "Company" duly organized and existing under the laws of the State of Ohio, and having their principal offices in Westfield Center, Medina County, Ohio, do by these presents make, constitute and appoint of **New Philadelphia** and State of **OH** its true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred in their name, place and stead, to execute, acknowledge and deliver

Bond Number: **BND 129281G**
Principal Name: **ANGELA K AFFOLTER**
Obligee Name: **TUSCARAWAS COUNTY JUVENILE COURT**
Bond Penalty: \$ **1,000.00**

and to bind the Company thereby as fully and to the same extent as if such bond was signed by the President, sealed with the corporate seal of the applicable Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney(s)-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolution adopted by the Board of Directors of the **Westfield Insurance Company**

"**BE IT RESOLVED**, that the President, any Senior Executive, any Secretary or any Surety Operations Executive or other Executive shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

The Attorney-in-Fact may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements of indemnity and other conditional or obligatory undertakings and any and all notices and documents cancelling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be as binding upon The Company as if signed by the President and sealed and attested by the Corporate Secretary."

"**BE IT FURTHER RESOLVED**, that the signature of any such designated person and the seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signatures or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached." (Each adopted at a meeting held on February 8, 2000.)

In Witness Whereof, **Westfield Insurance Company** has caused these presents to be signed by their **Senior Executive** and their corporate seal to be hereto affixed this **17th** day of **December 2019**.


By: **Gary W. Stumper, National Surety Leader and Senior Executive**

Affixed
Corporate
Seal



CERTIFICATE

I, **Frank Carrino**, Secretary of the **Westfield Insurance Company**, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Company, which is still in full force and effect; and furthermore, the resolutions of the Board of Directors, set out in the Power of Attorney are in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Company at Westfield Center, Ohio, this **18th** day of **January**, A.D. **2024**.


By: **Frank Carrino, Secretary**

State of Ohio
County of Medina ss:

On this **17th** day of **December**, A.D., **2019**, before me personally came **Gary W. Stumper**, to me known, who, being by me duly sworn, did depose and say, that he resides in **Hartford, CT**; that he is **National Surety Leader and Senior Executive** of **Westfield Insurance Company** the company described in and which executed the above instrument, that he knows the seal of said Company; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Company; and that he signed his name thereto by like order.

Notarial
Seal
Affixed




By: **David A. Kotnik, Attorney at Law, Notary Public**
My Commission Does Not Expire (Sec. 147.03 Ohio Revised Code)

State of Ohio
County of Medina ss:

BPOAC4A (combined) (12-19)

PROSECUTOR CERTIFICATION UNDER R.C. 309.11

The content of the attached bond of **Angela K Affolter**, Tuscarawas County Juvenile Probation Officer, is approved as to legal form and sufficiency, as required by R.C. 309.11.


Kristine Beard, Tuscarawas County Assistant Prosecutor

Date: 1-23-2024

VOTE: Kristin Zemis, yes;
Greg Ress, yes;
Chris Abbuhl, yes;

RESOLUTION (105-2024) APPOINT BOARD MEMBERS – FLOODPLAIN APPEAL BOARD

It was moved by Commissioner Abbuhl, seconded by Commissioner Ress, to approve the appointment of Doug Bachman, Engineer, Chris Zoller, Ag Extension Agent, Jill Lengler, Citizen, Dylan Stine, Soil & Water Conservation Staff and the EMA Director as soon as one is appointed to the Floodplain Appeal Board. The term began January 1, 2024 and will end December 31, 2024.



VOTE: Kristin Zemis, yes;
Greg Ress, yes;
Chris Abbuhl, yes;

RESOLUTION (106-2024) PAY BILLS

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

911			
Diglo	Supplies	\$300.00	
Marc/Dept of Admin Services	Marc	\$38,450.00	
			\$38,750.00

Child Support

Bloom's Printing & Design	Supplies	\$320.00	
First Communications LLC	Service	\$12.88	
Quill Corporation	Supplies	\$49.18	
Tusc Co Sheriff's Office	2023 IV-D Contract	\$5,534.10	
Tusc Co Treasurer	2023 IV-D Contract	\$2,055.94	
			\$7,972.10

Clerk of Courts

AT&T	Service	\$124.87	
Xerox	Service	\$59.28	
			\$184.15

Commissioners

AEP	Electric Utility	\$930.55	
Gannett Ohio LocaliQ	Legal Ad	\$86.67	
MNJ Technologies	Equipment	\$2,048.00	
Twin City Chamber of Commerce	2024 Membership Dues	\$45.00	
			\$3,110.22

Community & Economic Development

Nicholas Construction & Remodel LLC	PY2021 CHIP/Act #1	\$2,544.00	
Nicholas Construction & Remodel LLC	PY2021 CHIP/Act #1	\$21,975.00	
			\$24,519.00

Community Corrections

First Communications LLC	Service	\$17.55	
Tusc Co Sheriff's Office	Gasoline	\$91.52	
			\$109.07

Dog & Kennel

Elite Tire	Tires	\$810.48	
Hillyard	Supplies	\$485.41	
Humble Creatures Vet Clinic	Services	\$525.00	
			\$1,820.89

Dress Down

First Federal Community Bank	Tusky Valley Donations	\$45.15	
First Federal Community Bank	Tusky Valley Donations	\$879.85	
			\$925.00

EMA

Atlantic Emergency Solutions	Equipment	\$13,879.41	
			\$13,879.41

Engineer

Advance Auto Parts	Parts	\$221.38	
CEAO	Registration	\$299.00	
Clark Co/Clark Clay Co	Material	\$2,408.10	
Cross Truck Equipment	Parts	\$436.52	
Doug Bachman	Supplies Reimbursement	\$101.06	
Fastenal Co	Supplies	\$2,617.47	
Fastenal Co	Supplies	\$115.37	
Gemstone Gas & Welding Supply	Supplies	\$44.95	
John W Cookson Co	Repairs/Parts	\$908.80	
Liniform	Supplies	\$109.09	
Miller Custon Exteriors	Floor Coating	\$502.00	
Rosenberry Towing	Services	\$650.00	
Ross Towing & Auto Repair	Repairs/Parts	\$319.25	
Stony Point Supply	Supplies	\$469.16	
Terminal Supply Co	Parts	\$212.03	
Triple R Trailer Sales	Parts	\$140.00	
Tusc Construction Supply	Supplies	\$4,135.00	
Young Truck Sales	Parts	\$162.81	

Ziegler Bolt & Nut House	Supplies	\$519.40	
			\$14,371.39
Information Technology			
MNJ Technologies	Equipment	\$133.00	
			\$133.00
JFS			
Aaron & Chevelle Barger-Et/Al	ADA & SAMS-Feb 2024	\$18,998.07	
Advantage Family Outreach & FC	Individual Living	\$164.98	
Benjamin & Emily Lippert	FP Training	\$45.00	
Benjamin & Emily Lippert	FP Reimb - Transportation	\$10.80	
Benjamin & Emily Lippert	FP Trans	\$17.40	
David & Cierra McMillen	FP Training	\$720.00	
Derek & Savannah McCune	FP Reimbursement	\$39.77	
Derek & Savannah McCune	FP Reimbursement	\$316.12	
Derek & Savannah McCune	FP Reimb - Transportation	\$96.00	
Dr Nicholas Varrati MD	D Test	\$150.00	
Ivan & Ina Hostetler	FP Training	\$247.50	
Joshua & Elizabeth Renner	FP Training	\$270.00	
Joshua Cottrell	FP Reimb	\$157.86	
Julia Paige Family Center	Ind Lvg - Driver's Ed	\$69.99	
Kalib & Emalee Winters	FP Reimbursement	\$93.21	
Kellicker Estates Ltd	FACES	\$2,400.00	
Kidslink Neurobehavioral Center	Medical Services	\$797.50	
Kyler Lundholm LPM	Non-Recurring	\$725.74	
Leon & Clarie Miller	FP Training	\$337.50	
Melymbrosia Associates Inc	Court Appearance	\$375.00	
New Mexico Vital Records	Birth Certificate	\$10.00	
Ohio Guidestone	Ohio Start	\$3,188.58	
Olivia Rimer	Ind Living Incentive	\$235.00	
Paul & Desiree Runyon	FP Training	\$360.00	
Society For Equal Access	Dec 2023 Transportation	\$12,327.69	
Timothy & Jacquelyn McDonnell	FP Reimbursement	\$67.74	
Timothy & Jacquelyn McDonnell	Sports Fees	\$665.00	
Timothy & Jacquelyn McDonnell	FP Training	\$180.00	
Treasurer State of Ohio	Fingerprints	\$141.75	
Treasurer State of Ohio	Fingerprints	\$189.00	
Tusc Co Health Dept	Birth Certificate	\$25.00	
Wayne & Shanon Matsel	FP Training	\$540.00	
			\$43,962.20
Juvenile/Probate			
Interpreters XP LLC	Services	\$95.00	
Interpreters XP LLC	Services	\$425.00	
Interpreters XP LLC	Services	\$260.00	
Staley Technologies	2024 Lifesize Renewal	\$1,647.50	
Staley Technologies	2024 Lifesize Renewal	\$1,647.50	
The Supreme Court of Ohio	CMP Training	\$150.00	
Ziegler Tire & Supply Co	Auto Maintenance	\$355.51	
Ziegler Tire & Supply Co	Auto Maintenance	\$208.00	
			\$4,788.51
Park			
Treasurer of State	Towpath Trail Ext	\$14,760.00	
			\$14,760.00
Recorder			
Office Experts	Supplies	\$29.28	
			\$29.28

Sheriff

AEP	Electric Utility	\$35.69	
Model Uniforms	Services	\$25.00	
Verizon Wireless	Service	\$240.66	
Wadsworth Service	Contract Services	\$390.27	
			\$691.62

Treasurer

F&E Payment Pros	Equipment	\$300.00	
F&E Payment Pros	Equipment	\$2,930.00	
Independence Business Supply	Supplies	\$72.39	
			\$3,302.39

Veterans

4 Imprint Inc	Supplies	\$721.61	
Boyd's Mower & Repair	Services	\$640.00	
Parkway Auto Group	Service	\$146.40	
			\$1,508.01

Water & Sewer

AEP	Electric Utility	\$1,175.77	
First Communications LLC	Service	\$213.47	
Frontier	Service	\$51.45	
Stanley Miller Construction Company	Construction Contract 2	\$496,532.79	
Treasurer State of Ohio	Boiler Inspection	\$68.25	
Tusc Co Commissioners	Contract Wages	\$1,592.70	
Tusc Co Commissioners	Contract Wages	\$9,256.65	
Verizon Wireless	Service	\$426.05	
			\$509,317.13

GRAND TOTAL \$684,133.37

VOTE: Kristin Zemis, yes;
Greg Ress, yes;
Chris Abbuhl, yes;


OTHER BUSINESS: *Commissioner Ress stated the new JFS Director, Veronica Spidell started her new position today. We want to wish her well in being successful. Hopefully JFS gets turned around and is what we expect.*

RESOLUTION (107-2024) ADJOURN

It was moved by Commissioner Abbuhl, seconded by Commissioner Ress, to adjourn at 1:13 p.m. to meet in Regular session Wednesday, the 31st day of January, 2024.

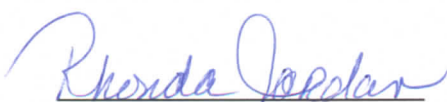
VOTE: Chris Abbuhl, yes;
Kristin Zemis, yes;
Greg Ress, yes;

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


Kristin Zemis


Greg Ress


Attest: Rhonda Jordan, Clerk