

March 11, 2024

Agenda

Lord's Prayer
Pledge of Allegiance

1:15 p.m. Multiple Sclerosis Awareness Month Proclamation – Edward Hale
1:30 p.m. Public Hearing – Vacation of Right-of-Way on Tracy Road in Mill Township

Approve Minutes

Approve Before/After Expenditures

Approve Out of County Travel – Probate
Approve Out of County Travel - Coroner

Approve Treasurer's Investments – February 2024

Award Material Bids – Engineer

Approve Contract – TUS-VAR-GR Phase 7 – PDK Construction, INC

Pay Bills

Other Business

Adjourn

THE BOARD OF COMMISSIONERS OF TUSCARAWAS COUNTY MET IN REGULAR SESSION MONDAY, THE 11th DAY MARCH, 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 (225-2024) AMEND AGENDA – REMOVE BEFORE/AFTER EXPENDITURE

It was moved by Commissioner Abbuhl, seconded by Commissioner Ress to amend the Agenda to remove the BEFORE/AFTER EXPENDITURE due to not needing one.

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

RESOLUTION (226-2024) APPROVE MINUTES

It was moved by Commissioner Ress, seconded by Commissioner Abbuhl to approve the minutes from the March 6, 2024 meeting as written.

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

RESOLUTION (227-2024) OUT OF COUNTY TRAVEL – PROBATE MAGISTRATE

It was moved by Commissioner Abbuhl, seconded by Commissioner Ress to approve the following travel request as submitted by Sylvia Argento, Court Administrator:

DATE: April 10-12, 2024
LOCATION: Independence, OH
ATTENDEES: Karen Quinlan
USING COUNTY VEHICLE: No
EXPENSE: Mileage, meal (not included in conference fee), hotel
REASON: Magistrates Conference, needed for required CLE's

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

RESOLUTION (228-2024) OUT OF COUNTY TRAVEL – CORONER

It was moved by Commissioner Ress, seconded by Commissioner Abbuhl to approve the following travel request as submitted by Dr. Jeff Cameron, Coroner:

DATE: May 9-11, 2024
LOCATION: Cleveland, OH
ATTENDEES: Dr. Cameron, Cathy Clarke & Rachel Fetty
USING COUNTY VEHICLE: No
EXPENSE: \$1,497.00

Mileage - \$360
Meals- \$95
Hotel- \$700
Parking- \$342
Total \$1,497 (total for all 3 attendees)

REASON: OSCA Annual Education Conference

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

RESOLUTION (229-2024) APPROVE TREASURER'S INVESTMENTS (February 2024)

It was moved by Commissioner Abbuhl, seconded by Commissioner Ress to approve the Treasurer's Investments for February, 2024:

Jeffery S. Mamarella
Tuscarawas County Treasurer
P.O. Box 250
New Philadelphia, OH 44663
Phone (330) 365-3254 • Fax (330) 365-3259

March 6, 2024

Tuscarawas County Commissioners
125 East High Avenue
New Philadelphia, OH 44663

Commissioners:

As provided by Section 135.35(L)(5) of the Ohio Revised Code, please be advised of the investments made by the Tuscarawas County Treasurer's Office during the month of **February, 2024.**

February Depository and Investment income received is: \$335,776.08. This brings the cumulative interest total as of February 29th to \$701,381.88. The estimated investment income for 2024 is \$3,000,000.

Monthly Investment Total = \$131,497,508.00

Balance in Checking Acct. – JPMorgan Chase \$6,827,275.80 Huntington \$1,178,056.29

cc: Tuscarawas County Auditor, Prosecutor, Clerk of Courts, Recorder

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

RESOLUTION (230-2024) AWARD MATERIAL BIDS – ENGINEER

It was moved by Commissioner Ress, seconded by Commissioner Abbuhl to Award the following Material bids per recommendation of Douglas Bachman, Tuscarawas County Engineer.



Douglas N. Bachman, P.E., P.S. Tuscarawas County Engineer
832 Front Avenue SW, New Philadelphia, OH 44663
Phone: (330) 339-6648 Email: engineer@co.tuscarawas.oh.us

March 6, 2024

Tuscarawas County Commissioners
125 East High Avenue
New Philadelphia, OH 44663

Re: Material Bid Awards

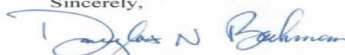
Commissioners;

We have reviewed the material bids received on March 6, 2024 and recommend awards for each as follows:

1. **Asphalt Concrete Maintenance Materials (301-402-404):**
Asphalt Concrete Maintenance Materials to all bidders. All asphalt materials purchased will be to the lowest net price as ascertained by adding a freight factor of \$5.20 per mile (based on 15 ton load at \$0.37 per ton) to each bidder's price for the selected material, from the bidder's plant to each individual project site.
2. **Gasoline and Fuel Oil:**
RJ Wright and Sons, Newcomerstown, OH.
3. **Ice Control Grits:**
Ice Control Grits to all bidders, and delivered amounts to all applicable bidders. All ice control grits purchased will be to the lowest net price as ascertained by adding a freight factor of \$5.20 per mile (based on 15 ton load at \$0.37 per ton) to each bidder's price for the selected material, from the bidder's plant to each individual Outpost location. In addition, we will evaluate delivered prices bid and we may also have grits delivered.
4. **Limestone:**
Limestone to all bidders, FOB Plant and delivered prices. All limestone materials purchased will be to the lowest net price as ascertained by adding a freight factor of \$5.20 per mile (based on 15 ton load at \$0.37 per ton) to each bidder's price for the selected material, from the bidder's plant to each individual project site. Also included are all prices for delivery of all material types to New Philadelphia or northern project locations and Port Washington or southern project locations in the county.

5. **Ready Mix Concrete:**
Ready Mix Concrete to all bidders. Purchases will be made from the low bidder for the selected mix per quadrant. In the event low bidder cannot supply the mix; the secondary bidder will be used.
6. **Sand and Gravel (Sand, #8, #57, #304 & #617):**
Sand and Gravel to all bidders. All sand and gravel materials purchased will be to the lowest net price as ascertained by adding a freight factor of \$5.20 per mile (based on 15 ton load at \$0.37 per ton) to each bidder's price for the selected material, from the bidder's plant to each individual project site
7. **Bituminous Asphalt Materials:**
Primary Awards: FOB Tusc. Co / FOB Plant
CRS-2: Asphalt Materials - Tusc. Co. / Asphalt Materials – Plant
HFRS-2: Asphalt Materials - Tusc. Co. / Asphalt Materials – Plant
HFRS-2P: Asphalt Materials - Tusc. Co. / Asphalt Materials – Plant
Permacoat 250: Asphalt Materials - Tusc. Co. / Asphalt Materials – Plant
Secondary Awards: FOB Tusc. Co. / FOB Plant
CRS-2: Russell Standard - Tusc. Co. / Asphalt Materials – Plant
HFRS-2: Russell Standard - Tusc. Co. / Asphalt Materials – Plant
HFRS-2P: Russell Standard - Tusc. Co. / Asphalt Materials – Plant

Should you have any questions, please advise.

Sincerely,

Douglas N. Bachman, PE, PS
Tuscarawas County Engineer

Cc: Tuscarawas County Sheriff
Tuscarawas County Water and Sewer

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

RESOLUTION (231-2024) APPROVE CONTRACT – TUS-VAR-GR PHASE 7 – PDK CONSTRUCTION INC

It was moved by Commissioner Ress, and seconded by Commissioner Abbuhl, to approve the attached contract for PDK Construction, Inc. to proceed with the TUS-VAR-GR Phase 7 for a total amount of \$313,218.00. The contract has been approved to form by Kristine Beard, Assistant Prosecuting Attorney.

TUSCARAWAS COUNTY PROJECT #1-2024

CONTRACT

For TUS-VAR-GR Phase 7

THIS CONTRACT, made and entered into at New Philadelphia, OHIO, this 11 day of March, 2024, by and between the Board of Tuscarawas County Commissioners, hereinafter called the COUNTY, and a corporation, partnership, individual or known as PDK Construction Inc., with an office located at Pomeroy, Ohio hereinafter called the CONTRACTOR.

WITNESSETH: That the CONTRACTOR has agreed and by these presents does agree that the COUNTY, for the consideration hereinbefore mentioned and contained in the proposal, and under penalty expressed in a bond bearing even date with these presents, and herein contained or hereunto annexed to furnish at his own cost and expense, all the necessary materials, labor, superintendence, tools and equipment, and shall execute, construct, finish and test in an expeditious, substantial and workman-like manner, said improvements shown on the contract drawings described in the included specifications or required by the COUNTY, with all equipment and appurtenances, commencing work within ten (10) days from the date of notice from the COUNTY to commence work and executing the same within the time and manner specified and in conformity with the requirements set forth in the specifications herein contained and hereunto attached in accordance with the contract drawings of said work on file in the office of the County Engineer and all to the acceptance of said COUNTY.

THE CONTRACTOR shall proceed with the said work in a prompt and diligent manner and shall do the several parts thereof at such times and in such order as the County Engineer or his duly authorized agent may direct. Further, he shall complete the whole of said work in accordance with the specifications and contract drawings to the satisfaction of the Tuscarawas County Engineer.

IF THE CONTRACTOR shall fail to comply with any of the terms, conditions, provisions or stipulations of this contract according to the true intent and meaning thereof, then the COUNTY may avail itself of any or all remedies provided in that behalf in the contract, and shall have the right and power to proceed in accordance with the provisions thereof. It is hereby agreed by the parties to this Contract that the provisions contained in the "Advertisement for Bids", in "Information and Instruction to Bidders" in the "Proposal and Bid Form", in the "Insurance Specification", in the "Performance Bond", as well as the plans and specifications for the improvement, shall constitute integral parts of the agreement and collectively that they shall comprise and be known as the Contract.

IT IS HEREBY mutually agreed that the COUNTY is to pay and the CONTRACTOR is to receive, as full compensation for furnishing all materials and labor in building, constructing, and in all respects completing the herein described work and appurtenances in the manner and under the conditions herein specified, the prices stipulated in the proposal herein contained or hereto annexed.

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DURING THE performance of this contract, the CONTRACTOR agrees as follows:

- (E) The CONTRACTOR will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The CONTRACTOR will take affirmative action to ensure that applicants are employed and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation, and selection for training, including apprenticeship. The CONTRACTOR agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this non-discrimination clause. The CONTRACTOR will comply with Section 107.20 of the 2016 ODOT CMS.
(2) The CONTRACTOR will, in all solicitations or advertisements for employees placed by or on behalf of the CONTRACTOR, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.
(3) The CONTRACTOR and the COUNTY mutually agree that the relationship formed by this agreement is intended to be that of the customer and independent CONTRACTOR and is not an employment relationship. The CONTRACTOR hereby represents that it is not an entity over which the National Labor Relations Board has ever declined jurisdiction. The CONTRACTOR further agrees and covenants that, should a safety issue or complaint arise from, or involving, an employee, agent or representative of the CONTRACTOR; the CONTRACTOR will indemnify and hold the COUNTY, its employees, directors, officers and commissioners harmless and will assume all legal and financial responsibility for said issue or complaint including, but not limited to, all fines, fees, costs, corrective action, provision of equipment, training and administration. The CONTRACTOR further agrees and covenants that, should a safety related issue suit or complaint be filed against the COUNTY, its employees, directors, officers and commissioners by an employee, agent or representative of the CONTRACTOR, the CONTRACTOR will pay all associated expenses of the COUNTY, its employees, directors, officers and commissioners, as the COUNTY deems necessary, in order to defend, correct or resolve said issue or complaint. CONTRACTOR agrees to reimburse COUNTY for such expenses, attorney's fees or costs within thirty (30) day after receiving written notice from the COUNTY of the incurring of such expenses, costs or obligations.

SUBJECT TO the applicable provisions of law, this Contract shall be in full force and effect as a contract from and after the date when a fully executed and approved counterpart hereof is delivered to the CONTRACTOR.

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IN WITNESS WHEREOF, the parties hereunto affixed their signatures, the day and year first above mentioned.

CONTRACTOR

Witness: Shirley M. Connerman

By: Darin J. Roush
Darin J. Roush
President

Date: 2-29-2024

Title: _____



(If the CONTRACTOR is a corporation, the corporate seal must be affixed hereon)

BOARD OF TUSCARAWAS COUNTY COMMISSIONERS

Attest: Rhonda Jordan

By: Justin Zemis
(Chairman)

Date: 3/11/2024

Greg Ross
Chris Whittell

Approved as to form and legal sufficiency

Kurtis W. Beard
Tuscarawas County Prosecuting Attorney

Date: 3/15/2024

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BID GUARANTY AND CONTRACT BOND
(Section 153.571 Ohio Revised Code)

KNOW ALL MEN BY THESE PRESENT, that we, the undersigned

PDK Construction, Inc., 34070 Crew Road, Pomeroy, OH 45769

(Name and Address)

as Principal and Ohio Farmers Insurance Company

(Name of Surety)

as Surety, are hereby held and firmly bound unto the Ohio Department of Transportation (ODOT) and the Board of Commissioners, Tuscarawas County, Ohio, hereinafter called the Obligees in the penal sum of the dollar amount of the bid submitted by the Principal to the Obligees on January 31st, 2024, to undertake the project.

The penal sum referred to herein shall be the dollar amount of the Principal's bid to the Obligees, incorporating any additive or deductive alternate proposals made by the Principal on the date referred to above to the Obligees, which are accepted by the Obligees. In no case shall the penal sum exceed the amount of: Three Hundred Thirteen Thousand Two Hundred Eighty One and 00/100 Dollars (\$ 313,281.00). (If the above line is left blank, the penal sum will be the full amount of the Principal's bid, including alternates. Alternatively, if completed, the amount stated must not be less than the full amount of the bid, including alternates, in dollars and cents. A percentage is not acceptable.) For the payment of the penal sum, well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors and assigns.

THE CONDITIONS OF THE ABOVE OBLIGATION (SUCH) that whereas the above named Principal has submitted a bid on the above referenced project;

NOW, THEREFORE, if the Obligees accepts the bid of the Principal and the Principal fails to enter into a proper contract in accordance with the bid, plans, details, specifications, and bills of material; and in the event the Principal pays to the Obligees the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid and such larger amount for which the Obligees may in good faith contract with the next lowest bidder to perform the work covered by the bid; or in the event the Obligees does not award the contract to the next lowest bidder and resubmits the project for bidding, the Principal pays to the Obligees the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid, or the costs, in connection with the resubmission, of printing new contract documents, required advertising, and printing and mailing notices to prospective bidders, whichever is less, then this obligation shall be null and void, otherwise to remain in full force and effect. If the Obligees accepts the bid of the Principal and the Principal within ten days after awarding of the contract, enters into a proper contract in accordance with the bid, plans, details, specifications, the bills of material, which said contract is made a part of this bond the same as though set forth herein; and

IF THE SAID Principal shall well and faithfully perform each and every condition of such contract; and indemnify the Obligees against all damage suffered by failure to perform such contract according to the provisions thereof and in accordance with the plans, details, specifications, and bills of material therefore; and shall pay all lawful claims of subcontractors, material men and laborers, for labor performed and materials furnished in the carrying forward, performing or completing of said contract; we agreeing and assenting that this undertaking shall be for the benefit of any material man or laborer having a just claim, as well as for the Obligees herein; then this obligation shall be void; otherwise the same shall remain in full force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall in no event exceed the penal amount of this obligation as herein stated.

THE SAID Surety hereby stipulates and agrees that no modifications, omissions or additions, in or to the terms of the said contract or in or to the plans or specifications therefore shall in any wise affect the obligations of said Surety on this bond, and it does hereby waive notice of any such modifications, omissions or additions to the terms of the contract or to the work or to the specifications.

SIGNED AND SEALED this 31st day of January, 2024.

PRINCIPAL: PDK Construction, Inc.
 Signature: [Signature]
 By: Darin J. Roush
 Title: President



SURETY: Ohio Farmers Insurance Company
 By: [Signature]
 Attorney-in-Fact
 Kimberly L. Miles



SURETY COMPANY ADDRESS:

One Park Circle Drive
 Street
 Westfield Center OH 44251
 City State Zip

SURETY AGENT'S ADDRESS:

USI Insurance Services LLC
 Agency Name
 300 Kanawha Blvd E, Suite 300
 Street
 Charleston WV 25301
 City State Zip

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

RESOLUTION (232-2024)

PAY BILLS

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

911			
Language Line Services	Services	\$86.65	
			\$86.65
American Rescue Plan Act			
United Way of Tuscarawas County	Tuff Bags Proj #203/Disb #14	\$4,293.66	
United Way of Tuscarawas County	Tuff Bags Proj #203/Disb #15	\$9,435.48	
			\$13,729.14
Auditor			
CCAO Service Corp/Worker's Comp	Group Contribution	\$1,395.00	
CCAO Service Corp/Worker's Comp	Group Contribution	\$969.32	
Tusc County Treasurer	Gas - Feb '24	\$66.08	
			\$2,430.40
Child Support			
ComDoc Inc	Copier Lease	\$166.95	
Dominion Energy Ohio	Gas Utility	\$453.54	
First-Citizens Bank & Trust Co	Copier Lease	\$359.88	
Frontier	Service	\$55.12	
Go Shred Secure Doc Dest	Services	\$50.53	
Sherrel Rieger	Services	\$60.00	
Tusc Co Clerk of Courts	IV-D Contract	\$900.06	
Tusc Co Clerk of Courts	IV-D Contract	\$2,030.79	
Tusc Co Clerk of Courts	IV-D Contract	\$1,487.50	
			\$5,564.37
Clerk of Courts			
Crystal Springs	Supplies	\$33.00	
First Federal	Fees	\$77.25	
OACA	Dues	\$150.00	
Software Computer Group Inc	Service	\$65.99	
Tronetech Western	Supplies	\$560.00	
Twin City Chamber	Lease	\$175.00	
			\$326.24
Commissioners			
City of NP Water Office	Services	\$348.79	
City of NP Water Office	Services	\$65.40	
City of NP Water Office	Services	\$393.20	
City of NP Water Office	Services	\$213.45	
College of Food Agr & Envr Sciences	1st Qtr Grant Distribution	\$69,367.50	
ComDoc	Copier Contract	\$74.58	
Dominion Energy	Gas Utility	\$266.29	
Lowes Business Acct/SYNCB	Supplies	\$188.09	
OMEGA	Registration	\$60.00	
Tusc Co Treasurer	2024 Victim Assistance Grant	\$150,663.00	
Tusc Co Treasurer	Fuel/Engineer	\$65.39	
			\$221,705.69
Community Corrections			
Tusc Co Sheriff's Office	Gasoline	\$23.67	
Tusc Co Sheriff's Office	Gasoline	\$67.69	
			\$91.36

Coroner

Axis Forensic Toxicology	Services	\$415.00	
Axis Forensic Toxicology	Services	\$2,075.00	
Cuyahoga Co Medical Examiner	Services	\$2,000.00	
Dominion Energy Ohio	Gas Utility	\$84.16	
Dr Jeff Cameron	Travel Reimb - Feb '24	\$7.20	
Geib Funeral Home	Services	\$830.00	
Summit IT Solutions dba Forensic Filer	Annual Fee 5/1/24-4/30/25	\$1,975.00	
			\$7,386.36

Dog & Kennel

NP Water Dept	Services	\$92.80	
Tusc Co Sheriff's Office	Fuel	\$474.09	
			\$566.89

EMA

Ziegler Tire	Equipment	\$1.33	
Ziegler Tire	Maintenance	\$3,960.00	
			\$3,961.33

Engineer

Bob Sumerel Tire Co Inc	Tires	\$300.73	
Columbia Gas of Ohio	Gas Utility	\$214.00	
Doug Bachman	Travel Reimbursement	\$350.85	
Fastenal Company	Supplies	\$1,905.00	
Gemstone Gas & Welding Supplies	Supplies	\$255.85	
Holmes Wayne Electric Coop	Electric Utility	\$26.00	
Independence Business Supply	Supplies	\$23.51	
Kimble Clay & Limestone	Material	\$333.12	
Kimble Recycling & Disposal	Service	\$98.90	
Koorsen Fire & Security	Inspection	\$123.99	
Lightle Enterprises of Ohio LLC	Signs	\$17,407.30	
Nate Bosler	Supplies	\$140.00	
NP Water Dept	Services	\$481.69	
RJ Wright & Sons	Supplies	\$21,685.69	
Starlight Enterprises	Services	\$424.00	
Stocker Concrete	Material	\$8,216.00	
Stony Point Supply	Supplies	\$1,022.15	
Triple R Trailer Sales	Parts	\$674.82	
			\$53,683.60

Human Resources

Krugliak Wilkins Griffiths & Dougherty	Legal Services	\$537.96	
Martin's Mobile Glass	Repair/TCSO Car	\$350.00	
			\$887.96

Information Technology

Horizon	Services	\$445.00	
PDQ.com	Yrly Fee 3/7/24-3/7/25	\$6,805.31	
			\$7,250.31

JFS - S00

Amazon Capital Services	Ohio Start	\$643.17	
Dept of Health	Birth Certificate	\$25.00	
Goodwill Ind of Greater Cleveland	FACES	\$1,656.00	
Interpreters XP LLP	Services	\$535.00	
Kayla Kirkpatrick	Individual Living Incentive	\$100.00	
Lighthouse Family Center Ltd	FACES	\$2,710.00	
Madison Garlinger	Individual Living Incentive	\$135.00	
Nathan Garlinger	Individual Living Incentive	\$35.00	
Olivia Rimer	Individual Living Incentive	\$135.00	
Robert & Emma Troyer	FP Reimb - Transportation	\$27.48	
The Village Network	Services	\$2,000.00	

			\$8,001.65
Juvenile/Probate			
Uline	Supplies	\$73.65	
Verizon	Service	\$143.99	
			\$217.64
Park			
Kimble Company	Material	\$694.59	
ProCore Power Equipment LLC	Supplies	\$49.99	
Tusc Co Sheriff's Office	Fuel	\$199.05	
United Rentals (North America) Inc	Rental	\$105.00	
US Bank Equipment Finance	Copier Contract	\$158.64	
			\$1,207.27
Prosecutor			
Matrix Pointe Software LLC	Mthly Subscription Fee	\$3,000.00	
Staley Technologies Inc	Lifesize Technology	\$1,198.00	
Treasurer ST of OH-OH St Hghwy Patrol	LEADS	\$3,240.00	
Wells Fargo Vendor Financial Serv LLC	Copier Lease	\$563.67	
			\$8,001.67
Sheriff			
American Locker	Repairs	\$60.00	
Gordon Food Service Inc	Supplies	\$8,363.15	
Gracie Global LLC	Training	\$1,500.00	
Helblings	Supplies	\$157.00	
Less Lethal	Supplies	\$292.46	
New Phila Water Department	Services	\$2,565.09	
NP Fire Department	QRT - Jan '24	\$1,514.40	
NP Fire Department	QRT - Dec '23	\$1,514.40	
Ohio Guidestone	QRT - Jan '24	\$785.28	
Ohio Guidestone	QRT - Dec '23	\$322.64	
Polytech	Services	\$730.00	
Polytech	Services	\$730.00	
Springvale Health Centers	QRT - Dec '23	\$532.96	
Springvale Health Centers	QRT - Jan '24	\$266.48	
Staples	Supplies	\$77.58	
Troy Beckley	Postage - Reimbursement	\$13.95	
VEIT	Copier Leases	\$1,173.01	
Wadsworth Service	Repairs	\$1,468.33	
			\$22,066.73
Treasurer			
VEIT	Yrly Contract	\$1,979.64	
			\$1,979.64
Water & Sewer			
AEP	Electric Utility	\$76.04	
AEP	Electric Utility	\$794.59	
Columbia Gas	Gas Utility	\$1,604.98	
Enterprise Fleet Management	Lease	\$1,358.83	
Enterprise Fleet Management	Lease	\$848.15	
Enterprise Fleet Management	Lease	\$2,783.78	
Holmes-Wayne Electric Coop Inc	Electric Utility	\$1,272.00	
Treasurer State of Ohio	Permit Renewal	\$200.00	
Utility Data Systems of Texas LLC	Yrly License 4/1/24-3/31/25	\$1,033.00	
Utility Data Systems of Texas LLC	Yrly License 4/1/24-3/31/25	\$1,033.00	
			\$11,004.37
		GRAND TOTAL	\$370,149.27

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

DISCUSSION: MULTIPLE SCLEROSIS PROCLAMATION – Edward Hale from Carroll County was diagnosed with Multiple Sclerosis (MS) in 2006 and has been traveling to different counties to have make March Multiple Sclerosis Awareness Month. Ohio was the first state to pass legislation making March Multiple Sclerosis Awareness Month. There is no known cure for MS, but there are several medications to help slow the progression.

The Clerk read the Proclamation onto the record.

RESOLUTION (233-2024) PROCLAMATION – MULTIPLE SCLEROSIS AWARENESS MONTH – MARCH 2024

It was moved by Commissioner Ress, seconded by Commissioner Abbuhl to approve the following resolution proclaiming March as Multiple Sclerosis Awareness Month.



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

RESOLUTION (234-2024) RECESS

It was moved by Commissioner Abbuhl, seconded by Commissioner Ress to recess at 1:17 p.m., for the purpose of the Public Hearing for Mill Township to Vacate an unnamed portion of Tracy Road.

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

Commissioner Zemis called the meeting out of recess at 1:30 p.m. and back into Regular Session for the purpose of the Public Hearing for Mill Township to Vacate an unnamed portion of Tracy Road.

PUBLIC HEARING

IN THE MATTER OF THE VACATION OF MILL TOWNSHIP, PORTIONS OF AN UNNAMED RIGHT-OF-WAY ON TRACY ROAD, TUSCARAWAS COUNTY, OHIO

The public hearing began at 9:30 a.m. in the Willem E. Winters Board Room, 125 East High Ave, New Philadelphia, OH 44663. Kristin Zemis, President of the Board of Commissioners opened the meeting by stating we received a request from Mill township to vacation a portion of an unnamed right-of-way on Tracy Road. The Commissioners, Engineers and Mill township Trustees visited this site at 9:30 a.m. on March 11, 2024. This hearing was advertised in the Times Reporter on February 18 and 26, 2024, stating the time and place of the viewing and the public hearing.

Commissioner Zemis turned the hearing over to Rob Lint with the Engineers Office. Rob stated this portion of Tracy road was abandoned in 1963 when the strip mining was completed and the new portion of Tracy Road was built as it is today. There was a deed of easement completed for the new road, but the old Tracy Road was never vacated as it should have been in 1963. Due to this land being used to build a house, the right-of-way needs to be vacated.

Commissioner Zemis asked if anyone wanted to speak in favor of the right-of-way being vacated. John Edwards, Mill Township Trustee stated this occurred in the 60's and was never finished. This needs to be taken care of now.

Commissioner Zemis asked if anyone in the hearing wanted to speak against the road vacation. NO ONE OPPOSED THE VACATION.

The Clerk read the Resolution onto the record.

**RESOLUTION (235-2024)
TUSCARAWAS COUNTY BOARD OF COMMISSIONERS**

**IN THE MATTER OF THE VACATION OF MILL TOWNSHIP, PORTIONS OF AN UNNAMED
RIGHT-OF-WAY ON TRACY ROAD
TUSCARAWAS COUNTY, OHIO
PUBLIC HEARING**

The Board of Tuscarawas County Commissioners met in session on the 11th day of March, 2024, with the following members present: Chris Abbuhl, Kristin Zemis, and Greg Ress.

Commissioner Abbuhl, moved the adoption of the following:

Resolution

Whereas, a petition signed by the Mill Township Board of Trustees passed on January 16, 2024, has been presented to the Board of Commissioners requesting the Board to vacate a portion of an unnamed right-of-way on Tracy Road . The right-of-way has been abandoned and not used for a period of 21 years.

Whereas, the Tuscarawas County Board of commissioners visited the Tracy Road right-of-way in Mill Township on March 11, 2024.

Be It Resolved, that March 11, 2024, at 1:30 p.m., shall be fixed as the date and time for the final hearing for the Mill Township Vacation of the right-of-way on Tracy Road;

Be It Further Resolved, that notice of the public viewing and this hearing was advertised in the Times Reporter on February 18 and 26, 2024.

Commissioner Ress seconded the Resolution and the roll call being called upon its adoption, the vote resulted as follows:

- Chris Abbuhl – yes
- Kristin Zemis – yes
- Greg Ress – yes

Rhonda Jordan
Rhonda Jordan, Clerk of the Board

Approved as to form:

Kristine Beard

Kristine Beard
Assistant Prosecuting Attorney
Tuscarawas County, Ohio

**TUSCARAWAS COUNTY
COMMISSIONERS**
Chris Abbuhl – Greg Ress – Kristin Zemis

**COMMISSIONER'S JOURNAL 88
FEBRUARY 5, 2024**

**RESOLUTION (127-2024)
TUSCARAWAS COUNTY BOARD OF COMMISSIONERS**

IN THE MATTER OF THE VACATION OF MILL TOWNSHIP, PORTIONS OF AN UNNAMED
RIGHT-OF-WAY ON TRACY ROAD
TUSCARAWAS COUNTY, OHIO
FIXING TIME AND PLACE OF VIEW AND FINAL HEARING
AND NOTICE ON PUBLIC ROAD VACATION

The Board of Tuscarawas County Commissioners met in regular session on the 5th day of February, 2024, with the following members present: Kristin Zemis, Greg Ress and Chris Abbuhl.

Commissioner Ress moved the adoption of the following:

Resolution

Whereas, a petition signed by the Mill Township Board of Trustees passed on January 16, 2024 (Township Resolution #2024-01) has been presented to the Board of Commissioners requesting the Board to vacate a portion of an unnamed right-of-way on Tracy Road be vacated. This right-of-way has been abandoned and not used for a period of 21 years.

Be It Resolved, that March 11, 2024, at 9:30a.m., shall be the fixed as the date and time for the Board of Commissioners to view the proposed vacation, on which date the Board will meet at the site to review the requested vacation:

Be It Further Resolved, that March 11, 2024, at 1:30 p.m., shall be fixed as the date of the final hearing at the offices of the Tuscarawas County Commissioners.

Be It Further Resolved, that the Clerk of this Board is directed to give notice of the time and place for both the viewing and the hearing, by publication, once a week for two consecutive weeks in *The Times Reporter*, a newspaper published and having a general circulation in Tuscarawas County, and to the Mill Township Board of Trustees, 508 Fuhr St, Dennison, OH 44621 by certified mail return receipt requested.

Commissioner Abbuhl seconded the Resolution and the roll call being called upon its adoption, the vote resulted as follows:

- Kristin Zemis - yes
- Greg Ress - yes
- Chris Abbuhl - yes

Rhonda Jordan

Rhonda Jordan, Clerk of the Board

Approved as to form:

Kristine Beard

Kristine Beard
Assistant Prosecuting Attorney
Tuscarawas County, Ohio

125 East High Avenue, Room 205, New Philadelphia, Ohio 44663
(330) 365-3240 commissioners@co.tuscarawas.oh.us

**Notice of Time and Place of Viewing and Final Hearing for
Public Roadway Vacation**
(R.C. 5553.042 et seq.)

Notice is given that the Mill Township Trustees, Tuscarawas County, Ohio, have filed a petition to vacate a portion of an unnamed right-of-way on Tracy Road - TR 167, asserting that this right-of-way has been abandoned and not used for a period of 21 years. The petition further asserts that the right-of-way in Mill Township, Tuscarawas County, Ohio, as set forth in Deed Vol. 436, Page 324 of the Tuscarawas County Plat Records which was never vacated by the developer or Township Trustees, requesting that the abandoned right-of-way portions should properly be vacated pursuant to R.C. 5553.045 and R.C. 5553.042, since the same constitute abandoned township roads.

The Board of County Commissioners has set March 11, 2024 at 9:30 a.m., as the date and time when the Board will review the proposed vacation and has also set March 11, 2024 @ 1:30 p.m., as the date, time and place for the final hearing on the proposed vacation.

By Order of the County Commissioners, Tuscarawas County, Ohio.

Rhonda Jordan, Clerk of the Board

To appear in the *Times Reporter* on February 18, 2024 and February 26, 2024



MILL TOWNSHIP RESOLUTION #2024-01
PETITION BY TOWNSHIP TRUSTEES FOR ROAD VACATION;
PORTIONS OF AN UNNAMED RIGHT-OF-WAY ON TRACY ROAD, MILL TOWNSHIP,
TUSCARAWAS COUNTY, OHIO

The Board of Trustees of Mill Township, Tuscarawas County, Ohio met in regular session on January 16, 2024 with the following members present: John Edwards, Jerry Piccin and Corey Henry.

Trustee Jerry Piccin moved for the adoption of the following resolution:

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

WHEREAS, R.C. 5553.045 requires the township fiscal officer to file a copy of a resolution with the Board of Commissioners and to certify another copy to the County Engineer for the issuance of a written report under R.C. 5553.06; and

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

WHEREAS, Mill Township Trustees have requested and received from Ward & Emler Surveying, Inc. a "Vacation Plat" for a right of way vacation, dated 12/20/2023, together with accompanying real estate descriptions of the portions to be vacated (Description of the centerline of an abandoned portion of Tracy Rd. - T.R. 167 (60' RW)) which are attached and adopted within this resolution/petition by reference; and

WHEREAS, the Trustees, upon viewing the subject right of way depicted in the Plat, have determined that, in accordance with R.C. 5553.042, the subject portions of the right of way have been abandoned, in that they have not been developed and/or used for a period in excess of 21 years. Specifically, the easement reflecting Tracy Road situated in Mill Township, Tuscarawas County, Ohio, as recorded in Deed Vol. 436, page 324, of the Tuscarawas County Plat Records, includes a right of way which was never vacated by the developer or the Township Trustees.

WHEREAS, the Plat and accompanying tract descriptions contain a specific description of the general route and termini of the right of way portions to be vacated.

WHEREAS, the Board has determined that the subject abandoned right of way portions should properly be vacated pursuant to R.C. 5553.045 and R.C. 5553.042, since the same constitute abandoned township roads.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Township Trustees of Mill Township, Tuscarawas County, Ohio petitions the Tuscarawas County Board of Commissioners, under R.C. 5553.045(8), to vacate the above described right of way portions by virtue of this resolution. The Township shall file a copy of this resolution, together with the attached Plat and accompanying legal description with the Board of Commissioners and shall certify another copy to the County Engineer, requesting the County Engineer, within 30 days of receipt of this resolution, to issue the Board of County Commissioners a written report similar in content to the report required under R.C. 5553.06.


Further, under this resolution/petition the Mill Township Trustees request the Board of Tuscarawas County Commissioners to set a date for a public hearing on the requested vacation, not more than 45 days after the date of the resolution is filed with the Board. The Trustees further request the clerk of the Board of Commissioners to notify, by regular mail, the landowners abutting the right of way portions proposed to be vacated. The notice shall be sent at least 20 days before the Board's public hearing and shall state that the Board of Township Trustees have filed this resolution/petition requesting the vacation of the subject right of way and informing the landowners of the time and place of the public hearing. The notice shall be mailed to the addresses of the abutting owners as they appear on the County Auditor's current tax list or the County Treasurer's mailing list. The Trustees represent that the abutting landowners are as follows:

- Daniel L. & Donna F. Armstrong, 7862 Tracy Rd. SE, Uhrichsville, OH 44663 - Parcel No. 39-02143.001
- Daniel L. Armstrong, 7842 Tracy Rd. SE, Uhrichsville, OH 44683 - Parcel No.'s 39-00997.000 & 39-01833.001
- Tyler J. Soriano, 7842 Tracy Rd. SE, Uhrichsville, OH 44683 - Parcel No. 39-00997.001
- Reuben I. & Amanda A. Mast, 4680 TR 367, Millersburg, OH 44654 - Parcel No. 39-02115.000
- George E. Armstrong, 7882 Tracy Rd. SE, Uhrichsville, OH 44683 - Parcel No.'s 39-02142.000 & 39-00998.000

Trustee John Edwards seconded the motion to adopt the resolution. On the roll call being called, the vote was as follows:

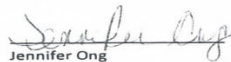
 Yes
John Edwards

 Yes
Jerry Piccin

 Yes
Corey Henry

Resolution 2024-01 adopted January 16, 2024

Fiscal Officer's certification:


Jennifer Ong



Joseph S. Bachman, P.E., P.S.
Tuscarawas County Engineer
832 Front Avenue SW, New Philadelphia, OH 44663
Phone: (330) 339-6648 Email: engineer@co.tuscarawas.oh.us

January 29, 2024

Engineer's Report - Vacation of abandoned right of way (Mill Township Road 167)

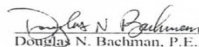
Tuscarawas County Commissioners.

The Mill Township Trustees desire to vacate the above referenced abandoned right of way. A portion of Tracy Road (Mill Twp. Rd. 167) was relocated and dedicated in 1964 and the old right of way was not properly vacated. Attached is a Resolution dated January 12, 2023 serving as their petition to vacate, the legal description and plat of right of way to be vacated. The property owners affected by the proposed vacation are listed on the Mill Township Resolution.

Next up is the legal notice with the public viewing and hearing dates, property owner notification and the Commissioners approval/disapproval of the proposed vacation.

If you require additional details, please let me know.

Respectfully,


Douglas N. Bachman, P.E., P.S.
Tuscarawas County Engineer

Samuel C. Ward, P.S.
Randall A. Emler, P.S.

WARD & EMLER SURVEYING, INC.
Professional Land Surveyors
113 Third Street SE
New Philadelphia OH 44663-2512
(330) 364-5866 (voice)
(330) 364-1107 (fax)
Email: wesurvey@frontier.com
Website: www.surveyorsohio.com

R. Aaron Wells, P.S.
James R. Fouts, P.S.

December 18, 2023

**Description of the centerline of an abandoned portion of Tracy Road - T.R. 167
(60' R/W) to be vacated**

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

Being located in the Southwest Quarter of Section 27 and the Southeast Quarter of Section 33 in Township 13, Range 7 of the Old Seven Ranges and being a 60 foot right-of-way to be vacated, the centerline of which is more fully described as follows:

Commencing at a 5/8" iron pin capped "Emler 7760" found at the northwest corner of the Southwest Quarter of Section 27:

Thence with the north line of the Southwest Quarter of Section 27 South 88 deg. 52 min. 27 sec. East, 1681.79 feet to the northeast corner of 5.200 acres heretofore conveyed to Tyler J. Soriano (O.R. 1645, Pg. 2165) and in the centerline of Tracy Road - T.R. 167 relocated by Deed Volume 436 - Page 324, passing on line 5/8" iron pins capped "Fouts 8528" found at 674.27 feet and 1624.14 feet:

Thence with a southeasterly line of said 5.200 acres and with the centerline of said Tracy Road (D.V. 436, Pg. 324) with a curve to the right having an arc length of 45.38 feet, a radius of 458.40 feet, and central angle of 5 deg. 40 min. 19 sec. and a chord which bears South 47 deg. 39 min. 26 sec. West, 45.36 feet to a point at the intersection of said relocated centerline with the centerline of the abandoned portion of Tracy Road, said point being the **TRUE PLACE OF BEGINNING** of the centerline of the right-of-way to be vacated:

Thence through the bounds of said 5.200 acres and following the centerline of the abandoned portion of Tracy Road the following two courses:
1) South 71 deg. 57 min. 49 sec. West, 271.40 feet;
2) South 79 deg. 02 min. 48 sec. West, 732.71 feet to a point on the west line of said 5.200 acres, said point being located South 00 deg. 45 min. 36 sec. West, 273.63 feet

from a 5/8" iron pin capped "Fouts 8528" found at the northeast corner of said 5.200 acres:

Thence continuing with the centerline of said abandoned Road and through the lands heretofore conveyed to Daniel L. Armstong (O.R. 1621, Pg. 5037) the following four courses:

- 1) South 79 deg. 02 min. 48 sec. West, 92.26 feet;
- 2) North 83 deg. 52 min. 22 sec. West, 263.01 feet;
- 3) North 87 deg. 56 min. 24 sec. West, 213.71 feet;
- 4) North 74 deg. 52 min. 24 sec. West, 111.91 feet to a point on the line between Sections 27 & 33, said point being located South 00 deg. 45 min. 36 sec. West, 239.44 feet from a 5/8" iron pin capped "Emler 7760" found at the northwest corner of the southwest quarter of Section 27;

Thence with the centerline of said abandoned road, also with the south line of 19.855 acres heretofore conveyed to Reuben I. Mast and Amanda A. Mast (O.R. 1613, Pg. 637), the north line of 12.432 acres heretofore conveyed to George E. Armstrong (O.R. 1565, Pg. 1876) and later with the north lines of 18.734 acres heretofore conveyed to George E. Armstrong (O.R. 1037, Pg. 2085) and 2.359 acres heretofore conveyed to Daniel L. Armstrong & Donna F. Armstrong (O.R. 1061, Pg. 1957) North 74 deg. 52 min. 24 sec. West, 296.68 feet to a point in the centerline of the aforesaid relocated Tracy Road and there **TERMINATE**, and passing on line a railroad spike found at 0.78 feet, but subject to all legal highways, rights-of-way, easements, leases, claims of adverse possession, restrictions and flood zone regulations of record or otherwise legally established.

Bearings hereon are oriented to the Ohio State Plane Coordinate System, North Zone, N.A.D. 83.

Survey and description by James R. Fouts, Professional Surveyor #8528 in December of 2023.


James R. Fouts
Professional Surveyor #8528

**Notice of Time and Place of Viewing and Final Hearing for
Public Roadway Vacation**
(R.C. 5553.042 *et seq.*)

Notice is given that the Mill Township Trustees, Tuscarawas County, Ohio, have filed a petition for a public roadway vacation for the unnamed right-of-way Tracy Road to be vacated. This right-of-way has been abandoned and not used for a period of 21 years. The petition further asserts that the right-of-way in Mill Township, Tuscarawas County, Ohio, as set forth in Deed Vol. 436, page 324, of the Plat Records of Tuscarawas County which were never constructed or opened by the developer or Township Trustees, requesting that the right-of-way be vacated.

The Board of County Commissioners has set March 11, 2024 at 9:30 a.m., as the date and time when the Board will review the proposed vacation and has also set March 11, 2024 @ 1:30 p.m., as the date, time and place for the final hearing on the proposed vacation.

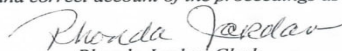
By Order of the County Commissioners, Tuscarawas County, Ohio.

Rhonda Jordan, Clerk of the Board

The Times Reporter on February 18, 2024 and February 26, 2024
<https://www.co.tuscarawas.oh.us/commissioners>

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

I hereby certify the above and foregoing to be a true and correct account of the proceedings as had by and before the Board on the day and year first written above.


Rhonda Jordan, Clerk

SIGN -IN SHEET
 TRACY ROAD RIGHT-OF-WAY VACATION
 PUBLIC HEARING

Monday, March 11, 2024 @ 1:30 p.m.

NAME:	COMMUNITY OR ORGANIZATION REPRESENTING:
Daniel Armstrong	TUSCALOOSA
JOHN EDWARDS	MILL TWP. TRUSTEE
Robert Lint Garden Parkside	TUSCALOOSA Co. Eng.
Steve Browns	Eng MAP OFFICE (Engineering)

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

DISCUSSION: **Commissioner Abbuhl** stated he was a Mill township Trustee over twenty years ago and this is not uncommon for these types of things to happen. There are probably more roads like this around the county. This is clean-up to make sure there are no issues in the future. This is righting what should have been corrected years ago.

Commissioner Zemis closed the public hearing at 1:35 p.m.

RESOLUTION (236-2024) ADJOURN

It was moved by Commissioner Abbuhl, seconded by Commissioner Ress to adjourn at 1:36 p.m. to meet in Regular session Wednesday, the 13th day of March , 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.


 Kristin Zemis


 Greg Ress


 Chris Abbuhl


 Attest: Rhonda Jordan, Clerk