

FEBRUARY 9, 2012

The Gallia County Board of Commissioners met on this date for the purpose of approving the minutes of the previous meeting and current transfers, appropriations and bills. At 9:00 a.m. the meeting was called to order by President Harold G. Montgomery. Roll Call: Harold G. Montgomery, present; Vice President Mr. Howard J. "Joe" Foster, present; Commissioner Lois M. Snyder, present.

President Montgomery entertained a motion for approval of the February 2, 2012 minutes. Joe Foster made and Lois Snyder seconded the motion; Roll call: Mr. Montgomery, yea; Mr. Foster, yea; Ms. Snyder, yea.

TRAVEL REQUESTS				
DEPARTMENT	NAME	DATE	TO	RE:
Auditor	Larry Betz	2/10/12	Zanesville	CAAO Dist Meeting
EMA	Sherry Daines	2/15/12	Ironton	Regional Citizen Corp Group
	Tim Miller	2/21/12	Athens	SEO-EMA

President Montgomery entertained a motion to approve travel requests as submitted. Joe Foster made and Lois Snyder seconded the motion; Roll call: Mr. Montgomery, yea; Mr. Foster, yea; Ms. Snyder, yea.

Animal Shelter Canine Weekly Report										
Week Ending	IN	Adopted	Reclaimed	Euthanized	Died (Natural Causes)	Rescued	Destroyed (in field)	Out	In Foster Care	Remaining at Shelter
1/30	20	2	0	0	0	23	0	25	19	58
2/6	38	2	1	0	1	15	0	19	11	66

LEAVE DONATION APPLICATION

Commissioners received the following leave donation application:

Department	Donating Employee	Receiving Employee	Hours Donated	Pay Period
Engineer	Gregory L. Lane	Mark Beaver	24	2/24/12
	Steve Calvert		24	2/24/12

The President entertained a motion to approve the leave donation application as requested. Lois Snyder made and Joe Foster seconded the motion; Roll call: Mr. Montgomery, yea; Mr. Foster, yea; Ms. Snyder, yea.

HOTEL LODGING TAX DISTRIBUTION

Commissioners received the distribution of the 4th quarter 2011 hotel lodging tax from the County Auditor reporting \$35,819.53 being paid to the Ohio Valley Visitor's Center. The report is on file in the Commissioner's office.

JANUARY 2012 FINANCIAL REPORT REVIEW

The County Administrator presented the Commission with the January 2012 Financial Reports for comparison with the January 2011 Financial Reports; noting the following:

- 1/1/2011 beginning cash balance was \$589,342.87
- 1/1/2012 beginning cash balance was \$259,796.89 (It was noted that \$160,000 of this balance is for Davis Hall Lot Purchase Bond, which means the true cash balance was \$99,769.98)
- Difference of \$329,545.98
- 1/31/2011 ending cash balance was (-\$91,668.84)
- 1/31/2012 ending cash balance was (-\$517,640.73)
- Difference of \$425,971.89 (It was noted that \$160,000 of the expenditures during January 2012 were for Davis Hall lot purchase)
- General Fund change in cash balance in comparison with the 1/1/2011 review is \$96,425.91
- Reviewed Final 4th Amended Certificate of Estimated Resources

OEPA SEWER VIOLATION LETTERS

The County Administrator presented the Commission with OEPA sewer violation letters for Meadowlook Subdivision WWTP and Rodney Village 2 WWTP, along with response letters from County Sewer Operator Kenny Soles noting the cause as follows: The plant has some infiltration due to all the wet weather, it is hard work trying to keep the sand filters clean from all of the wash outs.

**HOUSING SEMI-ANNUAL PROGRAM INCOME REPORT
FY 2011 CDBG CHIP/HOME GRANTS (B-C-11-1AY-1 & B-C-11-1AY-2)**

The County Administrator presented the Commission with the Housing Semi-Annual Program Income Report for the period June 30, 2011 thru December 31, 2011 for the County's CHIP/HOME Grants Program Income, which must be submitted to the Ohio Department of Development. The President entertained a motion to approve and sign the Program Income Report as presented. Lois Snyder made and Joe Foster seconded the motion; roll call votes: Harold Montgomery, yea; Joe Foster, yea; Lois Snyder, yea. The form is on file in the County's CDBG grant files.

**SEMI-ANNUAL REPORT
CDBG ED REVOLVING LOAN FUND**

The County Administrator presented the Commission with the Semi-Annual Report for the CDBG ED Revolving Loan Fund for the period of June 30, 2011 thru December 31, 2011. The President entertained a motion to approve and sign the report as presented. Joe Foster moved and Lois Snyder seconded the motion; roll call votes: Harold Montgomery, yea; Joe Foster, yea; Lois Snyder, yea. The form is on file in the County's CDBG grant files.

ENVIRONMENTAL REVIEW RECORD - B-C-11-1AY-1 & B-C-11-1AY-2
CERTIFICATION OF CATEGORICALLY EXCLUDED PROJECTS

The County Administrator presented the Commission with the paperwork for approval of the Environmental Review Record for the following categorically excluded projects under the B-C-11-1AY-1 & B-C-11-1AY-2 grants (CHIP & HOME): #1- Home/Building Repair, #2- Private Rehabilitation and #3-Down Payment Assistance/Rehabilitation. The President entertained a motion to approve the forms contingent on no negative public comments being received thru the close of business 2/10/12 (which the end of the local comment period as advertised). Joe Foster made and Lois Snyder seconded that motion; roll call votes: Harold Montgomery, yea; Joe Foster, yea; Lois Snyder, yea. All forms were signed by Mr. Montgomery, President of the Commission. This information is kept in the County's CDBG files.

CDBG - FY 2008 WATER/SEWER GRANT EXTENSION AGREEMENT APPROVAL
B-W-08-1AY-1

CDBG Coordinator Karen Sprague presented the Commission with Ohio Department of Development grant agreement extension forms for the FY 2008 Water/Sewer grant for the County's Kanauga/Addison Sewer Project. The President entertained a motion to approve and sign the grant agreement extension forms as presented for a 3rd grant extension as follows:

- Project Completion: February 28, 2013
- Payment Requests: March 31, 2013
- Final Performance Report: April 30, 2013

Joe Foster moved and Lois Snyder seconded this motion; roll call votes were as follows: Harold Montgomery, yea; Joe Foster, yea; and Lois Snyder, yea.

*Ohio Department of Development
 Office of Housing & Community Partnerships
 ATTN: Michael Hiler, Office Chief
 P. O. Box 1001
 Columbus, Ohio 43216-1001*

RE: Request for extension for B-W-08-1AY-1

Dear Mr. Hiler:

The Board of Gallia County Commissioners respectfully requests an extension be granted for B-W-08-1AY-1. The Kanauga-Addison Sewer Project is 85% complete; however due to the contractor's inability to complete the project on a timely basis, we sent Trimat a termination notice on 1/20/12 pursuant to non-compliance with a letter we sent them on 1/12/2012 (both letters are attached). Thus, Gallia County will not be able to meet the construction completion deadline of 2/28/2012.

Gallia County has sent letters out to all property owners within the sewer project area to determine the extent of restoration left to complete (attached) and will be working to compile a list of what is yet to be complete for the bonding company. Gallia County has been advised the bonding company will be meeting with Trimat on 1/31/2012 and that the bonding company will be scheduling a meeting with the County sometime after they meet with Trimat. County Administrator Karen Sprague has been keeping ODOD field rep. Tim Leasure abreast of the project situation through emails and will continue to do so.

As we are sure you are aware, the loss of this funding would jeopardize the completion of the Kanauga/Addison Sewer Project. Therefore, we respectfully request that Gallia County be granted a 12 month extension for the B-W-08-1AY-1 grant as follows:

*Project Completion: February 28, 2013
 Payment Requests: March 31, 2013
 Final Performance Report: April 30, 2013*

Thank you in advance for your approval of our request in this regard.

*Respectfully submitted,
 Board of Gallia County Commissioners
 s/ Harold G. Montgomery, Pres.
 s/ Howard Joe Foster, Vice-Pres.
 s/ Lois M. Snyder*

EMS – AGENCY UPDATE

EMS Director Larry Boyer advised he had signed a contract with Bob Evans Farms for the Farm Festival coverage. He also gave an update on vehicle maintenance; and reported he had met with a school board member regarding this issue and both were in agreement to get this topic on the school board's agenda for discussion.

Boyer also discussed a rate increase proposal; Commissioners will take this under advisement.

EXECUTIVE SESSION

At 11:14 a.m. the Commissioners entered into executive session to discuss a personnel issue. Joe Foster made and Lois Snyder seconded the motion; Roll call: Mr. Montgomery, yea; Mr. Foster, yea; Ms. Snyder, yea. Returned to regular session at 11:44 a.m.; no action taken.

ROAD HEARING – PORTION OF PATRIOT VILLAGE ALLEYS - PERRY TWP

At 11:45 AM, the President opened the road hearing for a portion of Patriot Village Alleys in Perry Township with the following attendees: Henry Myers, Mike Shelton & Kathy Shelton.

Commissioners received the following report from the County Engineer:

The proposed road vacation consists of vacating an unnamed alley's in the Village of Patriot. The first alley being between Lots 26 & 27 and the second alley being between Lots 22 & 23 being as described on public road petition dated December 16, 2011. As Gallia County Engineer, I recommend the vacation of alley 1 and alley 2.

*Respectfully,
 s/ Brett A. Boothe, P.E., P.S.*

Following a complete explanation of the petition and reading of the Engineer's report, the Commissioners heard the concerns of the Shelton's regarding property access. Having heard their matter, the President entertained a motion to table this decision for further investigation. Lois Snyder made and Joe Foster seconded the motion; Roll call: Mr. Montgomery, yea; Mr. Foster, yea; Ms. Snyder, yea.

MUTUAL RELEASE

This MUTUAL RELEASE executed by the undersigned Gallia County Commissioners and the undersigned Trimat Construction Company on the dates next to their respective signature lines below, WITNESSETH:

WHEREAS on January 18, 2010 Trimat Construction Company (Trimat) entered into a contract with the Gallia County Commissioners (GCC) by terms of which Trimat agreed to perform labor and furnish material for the performance of the Mercerville Sanitary Sewer Project (the Contract) and complete such work by August 1, 2010.

WHEREAS substantial completion of the work was not completed until July 5, 2011 and as per the Contract the GCC have the authority to charge \$300.00 per day in liquidated damages. There were additional clean up items that were not completed until November 10, 2011.

WHEREAS the actual Contract coverage was 338 days at \$300.00 per day the total allowed liquidated damages allowed by the Contract total \$101,400.00

WHEREAS Trimat made claims that there was a loss of time due to weather, electrical issues and rock encountered and submitted a claim for \$70,000.00 for this claim.

WHEREAS the Contract drawings clearly state that the excavation is unclassified and provisions within the Contract require that Trimat as part submitting the bid certify that they have made thorough investigation to ensure their bid covers anything that may be encountered.

WHEREAS as a sign of good faith and in an effort to close the project out, on May 16, 2011 the GCC had their consultant send a letter to Trimat stating that they are willing to reduce the liquidated damages to \$25,400.00 if Trimat completed the project by June 6, 2011. Due to extenuating circumstances beyond the control of all parties the GCC are willing to adhere to this offer even though actual work was not completed until July 5, 2011.

WHEREAS Trimat submitted a Payment Request No. 16 for \$52,732.79 for actual work completed of which the GCC approved for \$27,352.79 to cover the agreed upon liquidated damages as shown in the May 16, 2011 letter referenced above.

WHEREAS GCC and Trimat have determined that it is in their best mutual interests to settle and resolve any and all claims.

NOW THEREFORE, for and inconsideration of Twenty Seven Thousand Three Hundred Fifty Two and 79/100 dollars (\$27,352.79) paid by GCC to Trimat, and in consideration of the mutual promises and covenants contained herein, the receipt of which is hereby acknowledged by GCC and Trimat, GCC and Trimat agree as follows:

1. Trimat hereby releases and forever discharges GCC from and against any claims, demands, losses, costs, damages, expenses, actions or causes of action of whatever nature, except those expressly applied as part of the original Contract.
2. GCC hereby releases and forever discharges Trimat from and against any claims, demands, losses, costs, damages, expenses, actions or causes of action of whatever nature, except those expressly applied as part of the original Contract. The Contract Bond has been fully performed and will be fully released and discharged as of January 19, 2012.
3. GCC and Trimat agree that this MUTUAL RELEASE may be executed in counterparts and that each counterpart shall constitute an original of the document.

Executed by the undersigned on the day and date appearing to the left of the signature of each of the parties and effective as of the latest date on which either of the parties executes this document.

Dated 2/9/12 Gallia County Commissioners
 By:
s/ Harold G. Montgomery
s/ Howard J. Foster
s/ Lois M. Snyder

Approved as to Form and Content
s/ Jeff Adkins
 Gallia County Prosecutor

Dated: 2/9/12 Trimat Construction Company
 By *Mat Toler*, President

Joe Foster made and Lois Snyder seconded the motion; Roll call: Mr. Montgomery, yea; Mr. Foster, yea; Ms. Snyder, yea.

ADJOURN

At 5:30 p.m. President Montgomery entertained a motion for adjournment. Lois Snyder made and Joe Foster seconded the motion; Roll call: Mr. Montgomery, yea; Mr. Foster, yea; Ms. Snyder, yea.



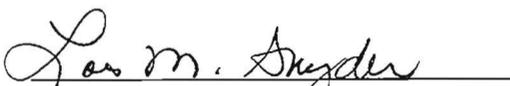
 Harold G. Montgomery, President



 Karen Sprague, County Administrator
 Minutes recorded by Terry Hemby, Clerk



 Howard J. Foster, Vice President



 Lois M. Snyder, Commissioner