

# November 23, 2022

## Agenda

*Lord's Prayer*  
*Pledge of Allegiance*

Suspend Minutes 11-21-22

Approve Before/After Expenditures

Approve Supplemental Appropriation (3)

Approve Transfer of Funds (1)

Declare Obsolete – Office Equipment - Clerk of Courts

Set 2023 Health Insurance Rates – Tuscarawas County

Enter Annexation onto Journal – Township of Sugarcreek into the Village of Sugarcreek

Award Contract – Sandyville Pump Station #3 – Stanley Miller Construction Co

Pay Bills

Other Business

Adjourn

THE BOARD OF COMMISSIONERS OF TUSCARAWAS COUNTY MET IN REGULAR SESSION  
WEDNESDAY, THE 23rd DAY OF NOVEMBER, 2022 WITH THE FOLLOWING MEMBERS  
PRESENT:

Chris Abbuhl  
Kerry Metzger  
Al Landis

Commissioner Chris Abbuhl presiding.

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

### RESOLUTION (1033-2022) SUSPEND THE READING OF THE MINUTES

It was moved by Commissioner Metzger, seconded by Commissioner Landis, to suspend the reading of the minutes of the November 21, 2022 meeting.

**VOTE:** Chris Abbuhl, yes;  
Kerry Metzger, yes;  
Al Landis, yes;

### RESOLUTION (1034-2022) BEFORE/AFTER EXPENDITURES

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

VENDOR	OFFICE	AMOUNT
Mayle Homes	JFS	\$278,408.80

**VOTE:** Chris Abbuhl, yes;  
Kerry Metzger, yes;  
Al Landis, yes;

### RESOLUTION (1035-2022) SUPPLEMENTAL APPROPRIATIONS

It was moved by Commissioner Metzger, seconded by Commissioner Landis, to approve the following supplemental appropriations:

DEPARTMENT	FROM	TO	AMOUNT	REASON
U49	E-1986-U04-U99	E-1986-U049-U20	\$10,000.00	Cover Confidential Funds to be reimbursed by grant
U49	E-1986-U049-U99	E-1986-U04-U22	\$2,000.00	Purchase 6 ballistic helmets to be reimbursed by grant
Water & Sewer Department	E-1310-P000-P34	E-1310-P000-P33	\$16,912.00	Cover upcoming notes principal costs (OWDA, OPWC, Krizman, Office bldg./garage)
Water & Sewer Department	E-1310-P000-P34	E-1310-P000-P18	\$2,700.00	Cover material/supplies (including master meter at Wainwright Booster Station)

**VOTE:** Chris Abbuhl, yes;  
 Kerry Metzger, yes;  
 Al Landis, yes;

**RESOLUTION (1036-2022) TRANSFER OF FUNDS**

It was moved by Commissioner Landis, seconded by Commissioner Metzger, to approve the following transfer of funds:

DEPARTMENT	FROM	TO	AMOUNT	REASON
Common Pleas Court	E-0120-A002-B03	E-0120-A002-B17	\$2,000.00	Needed to supplement this line re: anticipated interpretation fees for remainder of year

**VOTE:** Chris Abbuhl, yes;  
 Kerry Metzger, yes;  
 Al Landis, yes;

**RESOLUTION (1037-2022) OBSOLETE PROPERTY – OFFICE EQUIPMENT - CLERK OF COURTS**

It was moved by Commissioner Metzger, seconded by Commissioner Landis, to declare, as obsolete for the use for which it was acquired in accordance to Ohio Revised Code 307.12 (B).

Laminator	Broken	Recycle
Keyboard & Mouse	Obsolete	Recycle
Scanner Wand	Obsolete	Recycle

The items will be disposed of in accordance to ORC.

**VOTE:** Chris Abbuhl, yes;  
 Kerry Metzger, yes;  
 Al Landis, yes;

**Discussion:** *Kris Lowdermilk, HR Manager, stated this is the standard resolution to set the insurance rates for 2023. The rates will be increasing by approximately 12.8 – 12.9%. After talking with the Healthcare Consortium, some of the increase is due to COVID. Before COVID, rate increases have been on target. Hopefully during the next budget year, the County can get back on target with rates.*

*Commissioner Landis thanked Mr. Lowdermilk for his leadership and diligence on working so hard for the County to do what is best for the employees and for the County itself. The working relationship between Mr. Lowdermilk and the Healthcare Consortium really pays dividends because you have stayed close with them all year and built a repour with them.*

**RESOLUTION (1038-2022) SET 2023 HEALTH INSURANCE RATES - TUSCARAWAS COUNTY**

It was moved by Commissioner Landis, seconded by Commissioner Metzger, to set the Tuscarawas County Health Insurance rates for CY2023 as follows:

**Tuscarawas County- 2023 Insurance Rates**

**Rates reflected are monthly rates**

<u>Medical - 250/500 Deductible PPO</u>	<u>Employee Rate</u>	<u>Dept. Rate</u>	
Single	102.32	750.37	
EC	181.38	1330.15	
ES	205.55	1507.40	
Family	318.01	2332.04	
<hr/>			
<u>Medical - 200/400 Deductible PPO</u>	<u>Employee Rate</u>	<u>Dept. Rate</u>	
Single	49.05	651.73	
EC	99.28	1318.99	
ES	112.60	1495.96	
Family	174.19	2314.28	
<hr/>			
<u>Medical- 750/1500 Deductible PPO</u>	<u>Employee Rate</u>	<u>Dept. Rate</u>	
Single	44.95	597.15	
EC	83.18	1105.16	
ES	94.33	1253.21	
Family	145.92	1938.60	
<hr/>			
<u>Medical - 1400 /2800 H.S.A.</u>	<u>Employee Rate</u>	<u>Dept. Rate w/HSA Contribution</u>	
Single	25.13	603.16	50.00 /653.16
EC	47.94	1150.61	100.00/1250.61
ES	54.37	1304.77	100.00/ 1404.77
Family	84.10	2018.38	100.00/2118.38

**VOTE:** Chris Abbuhl, yes;  
 Kerry Metzger, yes;  
 Al Landis, yes;

**Discussion:** *Commissioner Metzger asked Mr. Lowdermilk if these healthcare costs will be sent out to all departments so they can revise their budgets? Mr. Lowdermilk stated the Auditor will be sending out a document to implement this resolution.*

**RESOLUTION (1039-2022) ENTER ANNEXATION ONTO JOURNAL – VILLAGE OF SUGARCREEK**

It was moved by Commissioner Metzger, seconded by Commissioner Landis, to enter the following annexation, as petitioned by Douglas D. Frautschy, Agent, PO Box 462, Sugarcreek, OH 44681. Parcel #56-00300-013, #56-00300-004, #56-00300-005, #56-00300-003, #56-00300-002, #56-00300-011, #56-00300-012, #56-00300-014, #56-00196,001, #56-00197-002 and #56-00197-011 onto the Commissioners Journal in accordance with O.R.C. 709.021 and O.R.C. 709.023, and send it to the Prosecutor and Engineer for legalities. This action is taken upon the recommendation of Ryan Styer, County Prosecutor.

**ANNEXATION CHECKLIST (must be fully completed prior to filing annexation petition)**

SUGARCREEK ANNEXATION 83.466 ACRES

<b>Annexation Petition Checklist</b>	YES	NO	N/A	Comments	Signature of Official
<b>GIS Approval</b>	YES	NO	N/A	Comments	Signature of Official
Certifying that all pre-approval items have been met (attach completed GIS form)	✓			It will be reverified on final preapproval	[Signature] 10/12/22
<b>Regional Planning Approval</b>	YES	NO	N/A	Comments	Signature of Official
Petition, Map & Plat have met any requirements necessary in accordance with Regional Planning and Flood Plain (if not, please specify what actions are necessary)	✓			Regional Planning only Not in Floodplain	[Signature] 10/12/22
<b>County Engineer Approval</b>	YES	NO	N/A	Comments	Signature of Official
No street or highway will be divided or segmented by the boundary line between a township and the municipal corporation as to create a road maintenance problem, or, if a street or highway will be so divided or segmented, the municipal corporation has agreed, as a condition of the annexation, that it will assume the maintenance of that street or highway. For the purposes of this division, "street" or "highway" has the same meaning as in section 4511.01 of the Revised Code. ORC 709.033(6)	✓			Commitment to maintain roadway is in Sugarcreek Resolution	[Signature]
<b>Annexation Requirements</b>					
Type of Annexation Petition:					
Regular 709.03 709.31 709.032 709.033					
Expedited Type 1 ORC 709.022					
Annexation Agreement or CEDA Included?					
Expedited Type 2 ORC 709.023					
Expedited Type 3 ORC 709.024					
Annexations of Municipal, County or State-owned Land (submitted by Municipality) ORC 709.16					
Director of Dept. of Administrative Services has filed written consent if state-owned land (ORC 709.16(D))					
Petition includes Full & Accurate Legal Description of Perimeter (verified by GIS/Map Office) ORC 709.02(C)(2)	✓				[Signature] 10/12/22
Petition includes accurate plat and map (verified by GIS/Map Office) ORC 709.02(C)(2)	✓				[Signature] 10/12/22

Real estate is contiguous to municipality to which annexation is proposed (verified by GIS/Map Office) ORC 709.02 (a)	✓				[Signature] 10/12/22
Territory to be annexed is not unreasonably large (verified by GIS/Map Office) ORC 709.033(4)	✓				[Signature] 10/12/22
Does Territory have a common boundary of 5% perimeter? (verified by GIS/Map Office)	✓				[Signature] 10/12/22
No Island is created (verified by GIS/Map Office)	✓				[Signature] 10/12/22
If land is located in more than one county, majority of acreage in territory is within county of filing (verified by GIS/Map Office) ORC 709.11			✓		[Signature] 10/12/22
Petition includes Signatures of at least 51% of property owners in the area proposed to be annexed Who verifies? (ORC 709.02 (c)(1))					
All signatures are of "owners" as defined in ORC 709.02 (E). Owners must be authorized to sign the petition and have title to property on date petition was filed Who verifies? (ORC 709.02(E))					
Each Signature includes a date it was obtained, and no signature was obtained more than 180 days before petition was filed. Who verifies? (ORC 709.02 (C)(1))					
Petition includes name and address of agent for petitioners. Who verifies? (ORC 709.02(C)(3))					
List of parcels in area to be annexed and adjacent territory that includes name of owner, mailing address of owner, and permanent parcel number was submitted with petition. Who verifies? (ORC 709.02(D))					

RECEIVED

TUSCARAWAS COUNTY, OHIO - DEED CONVEYANCE REQUIREMENTS FORM

NO ORIGINALS FOR PREAPPROVAL - Pre-Approvals Require A Minimum of 7 Days to process Please Plan Accordingly... Title Office/Attorney: Frautschy Drop Off Date: 10/5/22

Table with columns: YES, NO, N/A, Comments. Rows include: General Requirements, Recorded Lots, Existing Survey Metes and Bounds, New Survey Metes and Bounds, Railroads, etc.

Approved By: Map Office: Date: Approved By: Auditor's Office: Date:

FORM rev-06/2015

RECEIVED NOV 14 2023 Tuscarawas County Commissioners Office

IN THE MATTER OF ANNEXATION OF PROPERTY INTO THE VILLAGE OF SUGARCREEK, OHIO To: Tuscarawas County Commissioners

100% OWNER'S PETITION FOR ANNEXATION (O.R.C. 709.023)

WHEREAS, the undersigned Petitioners hereby request the annexation of their properties in Sugarcreek Township into the Village of Sugarcreek in accordance with Ohio Revised Code Section 709.02 - 709.11, and specifically following the procedures of Section 709.023; and WHEREAS, there is attached to and made a part of this Petition, a legal description of the perimeter of the territory to be annexed, and plat of the same, which is contiguous with the Village of Sugarcreek, Ohio, labeled "Exhibit A"; and WHEREAS, Douglas D. Frautschy, 206 E. Main St., P. O. Box 462, Sugarcreek, Ohio 44681, is the agent for the Petitioners; and WHEREAS, all persons signing this Petition have read the following warning: WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE. WHEREAS, the petitioners, by their authorized representatives, have signed their names on the dates set out below:

DUTCHMAN HOSPITALITY GROUP, INC

date: 10/20/2022 By: Mil Palmer

date: 10-7-22

Perry W. Chupp  
Perry W. Chupp

date: 10-7-22

Mary J. Chupp  
Mary J. Chupp

WILLIAM W. DEETZ FAMILY FARM, LTD

date: 10-14-22

Bill W. Deetz  
By:

BVI REALTY, LTD

date: 10-14-22

Robert W. Habeser  
By: ROBERT W. HABESER

SUGARCREEK DEWATERING, LLC

date: 10-5-22

Seth Miller  
By: Seth Miller

**SUGARCREEK ANNEXATION**  
**TRACTS TO BE ANNEXED**

Dutchman Hospitality Group, Inc  
PO Box 158  
Walnut Creek, OH 44687

#56-00300-013  
#56-00300-004  
#56-00300-005  
#56-00300-003  
#56-00300-002  
#56-00300-011

Perry W. Chupp & Mary J. Chupp  
PO Box 257  
Berlin, OH 44610

#56-00300-012  
#56-00300-014

William W. Deetz Family Farm, LTD  
8115 Roy Andrew Rd. NW  
Sugar creek, OH 44681

#56-00196-001

BVI Realty, LTD  
6505 CR 625  
Millersburg, OH 44654

#56-00197-002

Sugarcreek Dewatering, LLC  
PO Box 328  
Berlin, OH 44610

#56-00197-011

**CONTIGUOUS LAND OWNERS**

Dutchman Hospitality Group, Inc PO Box 158 Walnut Creek, OH 44687	#58-01415-002
The Dutch Corp 1411 Old Route 39 Sugarcreek, OH 44681	#58-01411-000
James M. Lorenz & Robert Troyer, Trustees 7840 Union Hill Rd. NW Sugarcreek, OH 44681	#56-00009-000 #56-00006-000
Miriam Nortker 7474 Old Route 39 NW Sugarcreek, OH 44681	#56-00300-006
Perry W. Chupp & Mary J. Chupp PO Box 257 Berlin, OH 44610	#56-00300-000 #56-00300-015
William W. Deetz Family Farm, LTD 8115 Roy Andrew Rd. NW Sugarcreek, OH 44681	#56-00196-000
Daniel Widder & Elaine Widder 7607 Old Route 39 NW Sugarcreek, OH 44681	#56-00552-000
Terry L. Donaldson & Sandra Sue Donaldson 7107 Old Route 39 NW Sugarcreek, OH 44681	#56-00114-000
Hillside Propane Leasing, LLC 2113 Dutch Valley Drive NW Sugarcreek, OH 44681	#56-00197-008 #56-00197-006
State of Ohio 705 Oakwood Ravenna, OH 44266	#56-00197-001 #56-00300-001 #58-01433-000

**DESCRIPTION OF A 83.466 ACRE PARCEL FOR ANNEXATION**

Situated in the Township of Sugarcreek, County of Tuscarawas and State of Ohio and being part of Section 5 in Township 8, Range 3 of the United States Military District and being the same parcel conveyed to Dutchman Hospitality Group, Inc. (P.N. 56-00300.002, 56-00300.003, 56-00300.004 & 56-00300.005) and recorded in O.R. Volume 1516, Page 268 of the Tuscarawas County Official Records, the same parcel conveyed to Dutchman Hospitality Group, Inc. (P.N. 56-00300.011) and recorded in O.R. Volume 1268, Page 1108 of the Tuscarawas County Official Records, the same parcel conveyed to Dutchman Hospitality Group, Inc. (P.N. 56-00300.013) and recorded in O.R. Volume 1636, Page 3252 of the Tuscarawas County Official Records, the same parcel conveyed to BVI Realty, Ltd. (P.N. 56-00197.002) and recorded in O.R. Volume 1610, Page 1407 of the Tuscarawas County Official Records, the same parcel conveyed to Perry W. Chupp and Mary Jane Chupp (P.N. 56-00300.012 & 56-00300.014) and recorded in O.R. Volume 1636, Page 5549 of the Tuscarawas County Official Records, the same parcel conveyed to William W. Deetz Family Farm, Ltd. (P.N. 56-00196.001) and recorded in O.R. Volume 1636, Page 5556 of the Tuscarawas County Official Records and the same parcel conveyed to Sugarcreek Dewatering LLC (P.N. 56-00197.011) and recorded in O.R. Volume 1636, Page 5840 of the Tuscarawas County Official Records, and more fully bounded and described as follows:

**Beginning** at a point at the northwest corner of the Southeast Quarter of the Northwest Quarter of Section 5, Thence S 01°10'09" W, a distance of 763.67 feet to a point, said point being the **True Place of Beginning** for the parcel of land herein described;

Course No. 1: Thence along the southerly limited access right of way line of State Route No. 39 (TUS-39-2.78) Variable R/W the following eight (8) courses: N 72°09'20" E, a distance of 0.72 feet to a point witnessed by a 5/8" iron pin found and bent bears S 75°51'21" E, a distance of 0.77 feet;

Course No. 2: Thence N 81°40'11" E, passing a 5/8" iron pin found at 432.69 feet, a total distance of 453.85 feet to a 5/8" iron pin found;

Course No. 3: Thence N 81°01'25" E, a distance of 195.43 feet to a capped iron pin found;

Course No. 4: Thence N 88°00'27" E, passing a 5/8" iron pin found at 265.09 feet, a total distance of 398.66 feet to a capped iron pin found;

Course No. 5: Thence S 81°11'44" E, a distance of 190.50 feet to a 5/8" iron pin found;

Course No. 6: Thence N 88°41'17" E, a distance of 179.99 feet to a 5/8" iron pin found;

Course No. 7: Thence S 79°25'41" E, a distance of 195.51 feet to a 5/8" iron pin found;

Course No. 8: Thence S 69°16'26" E, a distance of 781.43 feet to a 5/8" iron pin found;

Course No. 9: Thence S 08°30'22" W, along the westerly line of a parcel conveyed to Landmas, Ltd. (P.N. 56-00197.006) recorded in O.R. Volume 1047, Page 1478 of the Tuscarawas County Official Records, a distance of 174.08 feet to an "EMLER" capped iron pin found;

Course No. 10: Thence S 10°37'53" W, along the westerly line of a parcel conveyed to Hillside Propane Leasing, LLC (P.N. 56-00197.008) recorded in O.R. Volume 1633, Page 2208 of the Tuscarawas County Official Records, a distance of 556.11 feet to a point;

Course No. 11: Thence N 76°21'40" E, along the southerly line of said parcel conveyed to Hillside Propane Leasing, LLC and in the center of Old Route 39, NW (CR-139) 60' R/W, a distance of 503.46 feet to a point;

Course No. 12: Thence S 01°12'33" W, along the westerly line of a parcel conveyed to Daniel and Elaine Widder (P.N. 56-00552.000) recorded in O.R. Volume 1431, Page 1128 of the Tuscarawas County Official Records, a distance of 306.17 feet to a point;

Thence along the northerly line of a parcel conveyed to William W. Deetz Family Farm, Ltd. (P.N. 56-00196.000) as recorded in O.R. Volume 1636, Page 5556 of the Tuscarawas County Official Records the following eleven (11) courses:

Course No. 13: S 88°44'01" W, a distance of 165.79 feet to a point;

Course No. 14: Thence S 77°10'01" W, a distance of 157.19 feet to a point;

Course No. 15: Thence S 79°57'47" W, a distance of 150.93 feet to a point;

Course No. 16: Thence S 80°45'17" W, a distance of 102.95 feet to a point;

Course No. 17: Thence N 84°27'27" W, a distance of 126.43 feet to a point;

Course No. 18: Thence S 71°38'07" W, a distance of 109.96 feet to a point;

Course No. 19: Thence S 85°59'39" W, a distance of 186.33 feet to a point;

Course No. 20: Thence S 75°31'50" W, a distance of 143.06 feet to a point;

Course No. 21: Thence S 55°15'32" W, a distance of 54.81 feet to a point;

Course No. 22: Thence N 82°06'37" W, a distance of 132.78 feet to a point;

Course No. 23: Thence S 84°30'08" W, a distance of 7.90 feet to a point;

Thence along the northerly line of a parcel conveyed to Perry W. Chupp and Mary Jane Chupp (P.N. 56-00300.000) as recorded in O.R. Volume 1636, Page 5549 of the Tuscarawas County Official Records the followings three (3) courses:

Course No. 24: S 84°30'08" W, a distance of 269.32 feet to a point;

Course No. 25: Thence S 86°28'43" W, a distance of 266.51 feet to a point;

Course No. 26: Thence N 88°50'56" W, a distance of 31.06 feet to a point;

Course No. 27: Thence N 88°50'56" W, along the northerly line of a parcel conveyed to Perry W. Chupp and Mary Jane Chupp (P.N. 56-00300.015) as recorded in O.R. Volume 1636, Page 5549 of the Tuscarawas County Official Records, a distance of 220.49 feet to a point;

Course No. 28: Thence N 00°10'36" E, along the easterly line of a parcel conveyed to Miriam Nortker (P.N. 56-00300.006) recorded in O.R. Volume 1246, Page 1666 of the Tuscarawas County Official Records, passing a "PYLE" capped iron pin found at 260.78 feet, a total distance of 292.89 feet to a point;

Course No. 28: Thence N 89°36'32" W, along the northerly line of said parcel conveyed to Miriam Nortker and in the center of said Old Route 39, NW, a distance of 30.03 feet to a point;

Course No. 29: Thence S 00°11'22" W, along the westerly line of said parcel conveyed to Miriam Nortker, passing a "PYLE" capped iron pin found at 26.95 feet, a total distance of 779.45 feet to a "PYLE" capped iron pin found;

Course No. 30: Thence S 10°47'06" E, along the westerly line of said parcel conveyed to Miriam Nortker, a distance of 85.81 feet to a 5/8" iron pin found;

DEI-7546 DESCRIPTION 83.466 AC 2022-09-12.docx

Course No. 31: Thence S 00°06'03" W, along the westerly line of said parcel conveyed to Perry W. Chupp and Mary Jane Chupp (P.N. 56-00300.000), a distance of 262.28 feet to a point;

Course No. 32: Thence N 88°23'57" W, along the northerly line of a parcel conveyed to Jean M. Lorenz, Trustee of the Jean M. Lorenz Revocable Living Trust under date of November 25, 2008 (P.N. 56-00006.000) recorded in O.R. Volume 1322, Page 269 of the Tuscarawas County Official Records, a distance of 620.70 feet to a "EMLER" capped iron pin found;

Course No. 33: Thence N 01°08'59" E, along the easterly line of a parcel conveyed to Jean M. Lorenz, Trustee of the Jean M. Lorenz Revocable Living Trust under date of November 25, 2008 (P.N. 56-00009.000) recorded in O.R. Volume 1322, Page 269 of the Tuscarawas County Official Records, passing a capped iron pin found at 1197.93 feet, a total distance of 1229.69 feet to a point;

Course No. 34: Thence N 01°10'09" E, along the easterly line of a parcel conveyed to Dutchman Hospitality Group, Inc. (P.N. 58-01411.000 & 58-01415.002) recorded in O.R. Volume 1388, Page 281 of the Tuscarawas County Official Records, passing a capped iron pin found at 29.67 feet, a total distance of 923.07 feet to the True Place of Beginning and containing 83.466 acres of land of which all of 7.541 acres is P.N. 56-00196.001, all of 14.999 acres is P.N. 56-00197.002, all of 4.315 acres is P.N. 56-00197.011, all of 3.705 acres is P.N. 56-00300.014, all of 12.418 acres is P.N. 56-00300.002, all of 1.093 acres is P.N. 56-00300.003, all of 8.089 acres is P.N. 56-00300.004, all of 13.059 acres is P.N. 56-00300.005, all of 16.079 acres is P.N. 56-00300.011, all of 1.495 acres is P.N. 56-00300.012 and all of 0.673 acres is P.N. 56-00300.013, more or less, as surveyed by David J. Kroger, P.S., Ohio Registration No. S-8329 in September 2022, but subject to all legal roads, highways, rights of way, easements and leases of record.

The Basis of Bearing is Ohio State Plane Coordinates, North Zone, NAD 1983.

David J. Kroger, P.S. Professional Surveyor No. S-8329 Date 9/28/2022



DEI-7546 DESCRIPTION 83.466 AC 2022-09-12.docx



Inverse With Area Mon Sep 12 09:55:54 2022

PntNo	Bearing	Distance	Northing	Easting	Description
PP			308810.79	2223037.24	
PP	N 72°09'20" E	0.72			
PP	N 81°40'11" E	453.85	308811.01	2223037.92	
PP	N 81°01'25" E	195.43	308876.76	2223486.99	
PP	N 88°00'27" E	398.66	308907.25	2223680.02	
PP	S 81°11'44" E	190.50	308921.11	2224078.44	
PP	N 88°41'17" E	179.99	308891.95	2224266.70	
PP	S 79°25'41" E	195.51	308896.08	2224446.64	
PP	S 69°16'26" E	781.43	308860.21	2224638.83	
PP	S 08°30'22" W	174.08	308583.66	2225369.69	
PP	S 10°37'53" W	556.11	308411.49	2225343.94	
PP	N 76°21'40" E	503.46	307864.93	2225241.34	
PP	S 01°12'33" W	306.17	307983.64	2225730.61	
PP	S 88°44'01" W	165.79	307677.54	2225724.14	
PP	S 77°10'01" W	157.19	307673.88	2225558.40	
PP	S 79°57'47" W	150.93	307638.96	2225405.13	
PP	S 80°45'17" W	102.95	307612.66	2225256.51	
PP	N 84°27'27" W	126.43	307596.12	2225154.90	
PP	S 71°38'07" W	109.96	307608.33	2225029.06	
PP	S 85°59'39" W	186.33	307573.69	2224924.70	
PP	S 75°31'50" W	143.06	307560.67	2224738.83	
PP	S 55°15'32" W	54.81	307524.92	2224600.30	
PP	N 82°06'37" W	132.78	307493.69	2224555.26	
PP	S 84°30'08" W	7.90	307511.92	2224423.74	
PP			307511.16	2224415.88	

PP	S 84°30'08" W	269.32	307485.36	2224147.80	
PP	S 86°28'43" W	266.51	307468.99	2223881.79	
PP	N 88°50'56" W	31.06	307469.61	2223850.74	
PP	N 88°50'56" W	220.49	307474.04	2223630.29	
PP	N 00°10'36" E	292.89	307766.93	2223631.19	
PP	N 89°36'32" W	30.03	307767.13	2223601.16	
PP	S 00°11'22" W	779.45	306987.69	2223598.59	
PP	S 10°47'06" E	85.81	306903.39	2223614.64	
PP	S 00°06'03" W	262.28	306641.11	2223614.18	
PP	N 88°23'57" W	620.70	306658.45	2222993.72	
PP	N 01°08'59" E	1229.69	307887.90	2223018.40	
PP	N 01°10'09" E	923.07	308810.78	2223037.23	

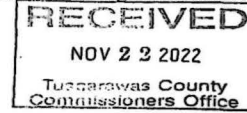
Closure Error Distance> 0.0123 Error Bearing> S 27°10'19" W  
 Closure Precision> 1 in 836362.7 Total Distance Inversed> 10285.34

Area: 83.466 Acres, 3635786 S.F.

Frautschy Law Office, LLC  
Douglas D. Frautschy, Attorney  
Sonia M. Koshmider, Attorney

206 E. Main St., PO Box 462, Sugarcreek, Ohio 44681  
Phone: 330.852.2513 Fax: 330.852.4873  
Email: doug@sugarcreeklaw.com  
Email: sonia@sugarcreeklaw.com

**AFFIDAVIT**



STATE OF OHIO )  
(SS:  
COUNTY OF TUSCARAWAS )

**DOUGLAS D. FRAUTSCHY**, of 206 E. Main St., Sugarcreek, OH 44681, being duly sworn, deposes and says the following:

- That I am the agent for petitioners DUTCHMAN HOSPITALITY GROUP, INC; PERRY W. CHUPP & MARY J. CHUPP; WILLIAM W. DEETZ FAMILY FARM, LTD; BVI REALTY, LTD; & SUGARCREEK DEWATERING, LLC, in the annexation of their properties in Sugarcreek Township into the Village of Sugarcreek in accordance with Ohio Revised Code Section 709.02 - 709.11, and specifically following the procedures of Section 709.023; and
- 2) That on November 14, 2022, I served in person Connie Bowen, Fiscal Officer of the Village of Sugarcreek, Ohio, 410 S. Broadway, Sugarcreek, OH 44681; On November 15, 2022, notice was served in person to Andrew Miller, Fiscal Officer of Sugarcreek Township; and;
- 3) That on November 15, 2022, I mailed notice of the annexation by first class US mail to the following contiguous landowners:

- Dutchman Hospitality Group, Inc  
PO Box 158  
Walnut Creek, OH 44687
- The Dutch Corp  
1411 Old Route 39  
Sugarcreek, OH 44681
- James M. Lorenz & Robert Troyer, Trustees  
7840 Union Hill Rd. NW  
Sugarcreek, OH 44681
- Miriam Nortker  
7474 Old Route 39 NW  
Sugarcreek, OH 44681

- Perry W. Chupp & Mary J. Chupp  
PO Box 257  
Berlin, OH 44610
- William W. Deetz Family Farm, LTD  
8115 Roy Andrew Rd. NW  
Sugarcreek, OH 44681
- Daniel Widder & Elaine Widder  
7607 Old Route 39 NW  
Sugarcreek, OH 44681
- Terry L. Donaldson & Sandra Sue Donaldson  
7107 Old Route 39 NW  
Sugarcreek, OH 44681
- Hillside Propane Leasing, LLC  
2113 Dutch Valley Drive NW  
Sugarcreek, OH 44681
- State of Ohio  
705 Oakwood  
Ravenna, OH 44266

Further, Affiant sayeth naught.

\_\_\_\_\_  
Douglas D. Frautschy

Sworn to and subscribed in my presence this 21 day of November 2022.



**JULIE A. RABER**  
Notary Public, State of Ohio  
My Commission Expires  
July 10, 2024

\_\_\_\_\_  
Notary Public

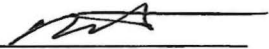
IN THE MATTER OF THE ANNEXATION )  
 )  
 OF TERRITORY TO THE VILLAGE OF ) NOTICE OF FILING  
 )  
 SUGARCREEK, OHIO ) ANNEXATION PETITION

To the Clerk or Fiscal Officer of The Village of Sugarcreek, Ohio:

You will hereby take notice that DUTCHMAN HOSPITALITY GROUP, INC; PERRY W. CHUPP & MARY J. CHUPP; WILLIAM W. DEETZ FAMILY FARM, LTD; BVI REALTY, LTD; & SUGARCREEK DEWATERING, LLC, as petitioners seeking the annexation to the Village of Sugarcreek, Ohio, of certain territory located in the Township of Sugarcreek, County of Tuscarawas and State of Ohio, filed a petition for the annexation of such territory in the office of the Board of County Commissioners of Tuscarawas County, Ohio, on the 14th day of November, 2022.

A copy of the petition containing a full description of the territory sought to be annexed is attached.

This notice is given by the undersigned agent of such petitioner pursuant to Section 709.023, Ohio Revised Code.

  
 \_\_\_\_\_  
 Douglas D. Frautschy,  
 Agent for Petitioners

Received by Connie Bowen, Fiscal Officer, on the 14 day of November, 2022.

Connie Bowen  
 Connie Bowen

IN THE MATTER OF THE ANNEXATION )  
 )  
 OF TERRITORY TO THE VILLAGE OF ) NOTICE OF FILING  
 )  
 SUGARCREEK, OHIO ) ANNEXATION PETITION


To the Clerk or Fiscal Officer of Sugarcreek Township, Ohio:

You will hereby take notice that DUTCHMAN HOSPITALITY GROUP, INC; PERRY W. CHUPP & MARY J. CHUPP; WILLIAM W. DEETZ FAMILY FARM, LTD; BVI REALTY, LTD; & SUGARCREEK DEWATERING, LLC, as petitioners seeking the annexation to the Village of Sugarcreek, Ohio, of certain territory located in the Township of Sugarcreek, County of Tuscarawas and State of Ohio, filed a petition for the annexation of such territory in the office of the Board of County Commissioners of Tuscarawas County, Ohio, on the 14th day of November, 2022.

A copy of the petition containing a full description of the territory sought to be annexed is attached.

This notice is given by the undersigned agent of such petitioner pursuant to Section 709.023, Ohio Revised Code.

  
 \_\_\_\_\_  
 Douglas D. Frautschy,  
 Agent for Petitioners

Received by  on the 15<sup>th</sup> day of November, 2022.

Andrew Miller

RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO Form 6220

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Ordinance No. 22-2349 Passed 11/21 22

**RECEIVED**  
 NOV 22 2022  
 Tuscarawas County  
 Commissioners Office

**RESOLUTION ADOPTING A STATEMENT OF SERVICES TO BE PROVIDED TO THE TERRITORY PROPOSED FOR ANNEXATION TO THE VILLAGE OF SUGARCREEK IN THE PETITION OF DUTCHMAN HOSPITALITY GROUP, INC; PERRY W. CHUPP & MARY J. CHUPP; WILLIAM W. DEETZ FAMILY FARM, LTD; BVI REALTY, LTD; & SUGARCREEK DEWATERING, LLC; FILED WITH THE BOARD OF COUNTY COMMISSIONERS OF TUSCARAWAS COUNTY, OHIO.**

**WHEREAS**, the Fiscal Officer of the Village of Sugarcreek, Ohio, received notice from the agent for the petitioners that Dutchman Hospitality Group, Inc; Perry W. Chupp & Mary J. Chupp; William W. Deetz Family Farm, LTD; BVI Realty, LTD; & Sugarcreek Dewatering, LLC; have filed a Petition for Annexation under R.C. 709.023 for the annexation of 83.466 acres, more or less, to the Village of Sugarcreek, Ohio; and

**WHEREAS**, Section 709.023 of the Revised Code of Ohio requires the legislative authority following the receipt of notice of a proposed annexation to adopt a statement indicating what services it will provide to the territory proposed to be annexed;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF SUGARCREEK, OHIO, AS FOLLOWS:**

**SECTION 1.** The following municipal services will be provided to the territory proposed to be annexed by Dutchman Hospitality Group, Inc; Perry W. Chupp & Mary J. Chupp; William W. Deetz Family Farm, LTD; BVI Realty, LTD; & Sugarcreek Dewatering, LLC:

- A. Water and sewer services in accordance with the established policies now in effect with the existing corporation limits, as soon as petitioners comply with Village requirements for these services;
- B. Fire protection, as soon as the annexation takes effect.
- C. Police protection, as soon as the annexation takes effect.
- D. The territory to be annexed borders both sides of Old State Route 39 and no other maintained county or township road. The Village will maintain both sides of Old State Route 39 bordering the territory to be annexed in the same manner as it maintains other portions of Old State Route 39 within the Village.
- E. Zoning protection, upon completion of the procedure to assign a zoning designation to the territory. The territory to be annexed is not currently zoned by the township or county.
- F. All other municipal services, if any, presently provided to the citizens, inhabitants and firms within the Village as may be appropriate in the area proposed for annexation.

**SECTION 2.** This resolution shall take effect and be in force at the earliest period allowed by law.


RECORD OF ORDINANCES

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO Form 6220

---

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_

Passed: 11/21/22

  
Mayor

ATTEST: Connie Bowen  
Fiscal Officer

**VOTE:** Chris Abbuhl, yes;  
 Kerry Metzger, yes;  
 Al Landis, yes;

**RESOLUTION (1040-2022) – AWARD AND AUTHORIZE THE EXECUTION OF THE NOTICE OF AWARD - SANDYVILLE PUMP STATION #3 REHABILITATION PROJECT (PROJECT ID #SV-21-01) - STANLEY MILLER CONSTRUCTION CO.**

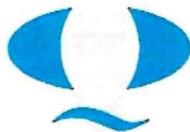
It was moved by Commissioner Landis, seconded by Commissioner Metzger, that based upon the attached letter of recommendation prepared by W.E. Quicksall & Associates, Inc., to award the Sandyville Pump Station #3 Rehabilitation Project (Project ID #SV-21-01) to Stanley Miller Construction Co. and to authorize the President of the Board of Commissioners, Tuscarawas County, Ohio to execute the attached Notice of Award.

NOW THEREFORE, BE IT RESOLVED by the Board:

Section 1: The Board hereby awards the Sandyville Pump Station #3 Rehabilitation Project (Project ID #SV-21-01) to Stanley Miller Construction and authorizes the President of the Board of Commissioners to execute all documents to effectuate this intent.

Section 2: It is found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were passed in an open meeting of this Board and that all deliberations of this Board that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

*This Resolution and any referenced attachments have been reviewed and found in proper order by Steven A. Anderson, Special Counsel.*



**W. E. Quicksall and Associates, Inc.**

Main Office  
554 West High Avenue  
PO Box 646  
New Philadelphia, Ohio 44663

Branch Office  
4800 Market Street  
Suite A  
Boardman, Ohio 44512

Civil Engineers

November 16, 2022

Mr. Michael Jones, P.E.  
Tuscarawas County Metropolitan Sewer District  
9944 Wilkshire Boulevard NE  
Bolivar, Ohio 44612

**Re: Sandyville Pump Station #3 Renovation Project**

Dear Mr. Jones:

At your request, the bid documents for the low bidder were analyzed for compliance with the contract requirements and all appear to be in compliance. The low bidders' references were contacted for comments and to check their qualifications. Based on the qualification phone interviews performed; W.E. Quicksall and Associates, Inc. recommends that the contract be awarded to:

**Stanley Miller Construction Co. in the amount of \$296,005.00**

All figures were checked for each bidder and no mathematical errors were found; the standing of the bids remain the same.

As this project was funded in part by the Ohio Public Works Commission, a check was made with the US Treasury's Excluded Parties Listing and the bidders were not listed.

Ohio Revised Code Section 9.24 prohibits a political subdivision from awarding a contract to any person against whom a finding for recovery has been issued by the Auditor of State. We have searched the State Auditor's database and the recommended contractor does not have any unresolved finding.

I have enclosed the apparent low bidder's qualification interviews conducted from the respective references provided in the bid package for your review and considerations. Also enclosed with this letter are three copies of the Bid Tabulation and Notice of Award. Upon acceptance of this recommendation, please sign all copies of the Notice of Award and return two (2) copies to our office for further processing.

We are prepared at this time to proceed with the necessary negotiations with the contractor for the contract execution at your request.

Respectfully,

**W. E. QUICKSALL AND ASSOCIATES, INC.**

A. Matthew Miller  
Construction Coordinator

AMM/jab  
File: 2035; Reading  
Enclosures

**W.E. Quicksall and Associates, Inc.  
Bid Tabulations**

Comm. Number: 2035

Description: Sandyville Pump Station #3 Renovation

Owner: Tuscarawas County Commissioners

Bid Date: 11/2/2022

	Company Name	Bid Amount
1	Stanley Miller Construction	\$298,005.00
2	S.E.T. Inc.	\$324,210.00
3	W.E. Quicksall & Assoc.	\$332,350.00

Item	Item Description	Unit	Qty	Bidder	Unit Price	Total
1	Mobilization/Bonds	EACH	1.00	Stanley Miller Construction	\$25,667.00	\$25,667.00
				S.E.T. Inc.	\$18,000.00	\$18,000.00
				W.E. Quicksall & Assoc.	\$10,000.00	\$10,000.00
2	Audio-Video Recording	LUMP	1.00	Stanley Miller Construction	\$389.00	\$389.00
				S.E.T. Inc.	\$1,000.00	\$1,000.00
				W.E. Quicksall & Assoc.	\$2,500.00	\$2,500.00
3	ECOBA Permit	LUMP	1.00	Stanley Miller Construction	\$0.00	\$0.00
				S.E.T. Inc.	\$2,600.00	\$2,600.00
				W.E. Quicksall & Assoc.	\$3,000.00	\$3,000.00
4	Bypass Pumping / Maintenance of Flow	LUMP	1.00	Stanley Miller Construction	\$5,715.00	\$5,715.00
				S.E.T. Inc.	\$6,200.00	\$6,200.00
				W.E. Quicksall & Assoc.	\$15,000.00	\$15,000.00
5	Decommission Existing Pump Station	LUMP	1.00	Stanley Miller Construction	\$25,667.00	\$25,667.00
				S.E.T. Inc.	\$14,000.00	\$14,000.00
				W.E. Quicksall & Assoc.	\$60,000.00	\$60,000.00
6	Duplex Pump Station	LUMP	1.00	Stanley Miller Construction	\$155,482.00	\$155,482.00
				S.E.T. Inc.	\$177,000.00	\$177,000.00
				W.E. Quicksall & Assoc.	\$80,000.00	\$80,000.00
7	Elevated Platform for Controls	LUMP	1.00	Stanley Miller Construction	\$19,405.00	\$19,405.00
				S.E.T. Inc.	\$28,000.00	\$28,000.00
				W.E. Quicksall & Assoc.	\$68,000.00	\$68,000.00
8	Electrical	LUMP	1.00	Stanley Miller Construction	\$46,128.00	\$46,128.00
				S.E.T. Inc.	\$54,000.00	\$54,000.00
				W.E. Quicksall & Assoc.	\$70,000.00	\$70,000.00
9	Fencing & Gates	LUMP	1.00	Stanley Miller Construction	\$10,784.00	\$10,784.00
				S.E.T. Inc.	\$14,700.00	\$14,700.00
				W.E. Quicksall & Assoc.	\$8,000.00	\$8,000.00

Page 1 of 2

Item	Item Description	Unit	Qty	Bidder	Unit Price	Total
10	Gravel Surface 4" Depth	S.Y.	90.00	Stanley Miller Construction	\$31.00	\$2,790.00
				S.E.T. Inc.	\$19.00	\$1,710.00
				W.E. Quicksall & Assoc.	\$26.11	\$2,349.90
11	Restoration	LUMP	1.00	Stanley Miller Construction	\$3,778.00	\$3,778.00
				S.E.T. Inc.	\$5,000.00	\$5,000.00
				W.E. Quicksall & Assoc.	\$8,000.00	\$8,000.00
12	As-Built Drawings	LUMP	1.00	Stanley Miller Construction	\$100.00	\$100.00
				S.E.T. Inc.	\$1,000.00	\$1,000.00
				W.E. Quicksall & Assoc.	\$2,500.00	\$2,500.00
13	Closeout Documentation	LUMP	1.00	Stanley Miller Construction	\$100.00	\$100.00
				S.E.T. Inc.	\$1,000.00	\$1,000.00
				W.E. Quicksall & Assoc.	\$3,000.10	\$3,000.10

Page 2 of 2



W.E. Quicksall and Associates, Inc  
Civil Engineers

Lowest Bidder's Qualifications Tuscarawas County Metropolitan Sewer District Sandyville Pump Station #3 Renovations Commission Number: 2035		
Contractor	Questions	Answers
Stanley Miller Construction		
1-Poor	The Contractor frequently performed in a manner less than prescribed.	
3-Satisfactory	The Contractor usually performed in the manner prescribed but some deficiencies or weaknesses were noted.	
5-Excellent	The Contractor almost always performed in the manner prescribed.	
	<b>No. 01</b>	
	Reference:	Clark Cain
	Company:	Hammond Const.
	Position:	Site Super
	Cost of Project:	Unsure at this time
	Name of Project:	Tusky Valley School WWTP
	Did They Meet the Schedule	Yes
	When Was The Project Complete	2022 - recently
	Were There Any Prevailing Wage Issues	Not PW job
	Positives of Contractor's Performance:	Communicated Well, Terri was PM, Completed on time
	Negative of Contractor's Performance	No, did great job
	Maintenance of Schedule (1-5)	5
	Coordination of Project (1-5)	5
	Quality of Work (1-5)	5
	Timely Correction of Defective or Non-Conforming Work (1-5)	
	Pricing of Change Orders (1-5)	5
	Timely Completion of Punch list (1-5)	5 - One Items
	Overall Rating (1-5)	5
	Would You Recommend This Contractor for Future Work?	Yes

Comments Came in late evenings to meet schedule due to unexpected weather conditions. Safe while on site, no issues.



W.E. Quicksall and Associates, Inc  
Civil Engineers

Lowest Bidder's Qualifications Tuscarawas County Metropolitan Sewer District Sandyville Pump Station #3 Renovations Commission Number: 2035		
Contractor	Questions	Answers
Stanley Miller Construction		
1-Poor	The Contractor frequently performed in a manner less than prescribed.	
3-Satisfactory	The Contractor usually performed in the manner prescribed but some deficiencies or weaknesses were noted.	
5-Excellent	The Contractor almost always performed in the manner prescribed.	
	<b>No. 02</b>	
	Reference:	Bob Schreiner
	Company:	Burgess and Niples
	Position:	Project Manager
	Cost of Project:	\$5,000,000
	Name of Project:	Salem WWTP
	Did They Meet the Schedule	Yes
	When Was The Project Complete	2021
	Were There Any Prevailing Wage Issues	None aware of
	Positives of Contractor's Performance:	Do what supposed to, not cut corners
	Negative of Contractor's Performance	None is Salem
	Maintenance of Schedule (1-5)	3
	Coordination of Project (1-5)	5
	Quality of Work (1-5)	4
	Timely Correction of Defective or Non-Conforming Work (1-5)	na
	Pricing of Change Orders (1-5)	Fair - 4
	Timely Completion of Punch list (1-5)	4
	Overall Rating (1-5)	4
	Would You Recommend This Contractor for Future Work?	Yes

Comments Jerry Wolfe, great superintendent  
Terri Krupar, PM

Tuscarawas County Metro Sewer District  
Sandyville Pump Station  
Bid Opening: 11/2/2022

Commission No.  
2035

Bid Analysis

Submitted by:	Stanley Miller Const.	S.E.T Inc.	No Bid
Address:	2250 Howenstone Dr SE East Sparta Ohio 44626	235 E Water Street Lowellville, Ohio 44436	
Phone	330-484-2229	330-536-6724	
Fax			
email	<a href="mailto:terri.krupar@smillerconst.com">terri.krupar@smillerconst.com</a>	<a href="mailto:bitding@setinc.biz">bitding@setinc.biz</a>	
Acknowledgement Addendum #1	N/A	N/A	
Total Bid Price	\$ 296,006.00	\$ 324,210.00	
Bid Form	Yes	Yes	
Unit Price Schedule	Yes	Yes	
Manufacturer of Materials	Yes	Yes	
Bid Guaranty & Contract Bond	Yes	Yes	
Substitution Request Form	Yes	Yes	
Proposed Sub Contractors	Yes	Yes	
Bidder's Qualifications	Yes	Yes	
Non-Collusion Affidavit	Yes	No	
Certificate of Personal Prop Tax	Yes	Yes	
Corporate Resolution	Yes	Yes	
Ohio Division of Homeland Sec.	Yes	Yes	
Completed by: A. Matthew Miller			



**NOTICE OF AWARD**

Date of Issuance: November 16, 2022  
 Owner: Tuscarawas County Commissioners Owner's Project No.: \_\_\_\_\_  
 Engineer: W.E. Quicksall and Associates, Inc. Engineer's Project No.: 2035  
 Project: Sandyville Pump Station #3 Renovations  
 Contract Name: General  
 Bidder: Stanley Miller Construction Co.  
 Bidder's Address: 2250 Howenstone Drive SE, East Sparta, Ohio 44626

You are notified that Owner has accepted your Bid dated November 2, 2022 for the above Contract, and that you are the Successful Bidder and are awarded a Contract for:

**Sandyville Pump Station #3 Renovations**

The Contract Price of the awarded Contract is **\$296,005.00**. Contract Price is subject to adjustment based on the provisions of the Contract, including but not limited to those governing changes, Unit Price Work, and Work performed on a cost-plus-fee basis, as applicable.

Three (3) unexecuted counterparts of the Agreement accompany this Notice of Award, and one copy of the Contract Documents accompanies this Notice of Award, or has been transmitted or made available to Bidder electronically.

Drawings will be delivered separately from the other Contract Documents.

You must comply with the following conditions precedent within 15 days of the date of receipt of this Notice of Award:

1. Deliver to Owner three (3) counterparts of the Agreement, signed by as Contractor.
2. Deliver with the signed Agreement(s) the Contract security (such as required performance and payment bonds) and insurance documentation, as specified in the Instructions to Bidders and in the General Conditions, Articles 2 and 6.
3. Other conditions precedent: **Preliminary Construction Schedule.**

Failure to comply with these conditions within the time specified will entitle Owner to consider you in default, annul this Notice of Award, and declare your Bid security forfeited.

Within 14 days after you comply with the above conditions, Owner will return to you one fully signed counterpart of the Agreement, together with any additional copies of the Contract Documents as indicated in Paragraph 2.02 of the General Conditions.

Owner: Tuscarawas County Commissioners  
 By (signature):   
 Name: Chris Abbuhl  
 Title: Commissioner  
 Copy: Engineer



**VOTE:** Chris Abbuhl, yes;  
 Kerry Metzger, yes;  
 Al Landis, yes;

**RESOLUTION (1041-2022) PAY BILLS**

It was moved by Commissioner Metzger, seconded by Commissioner Landis, to approve payment for the following bills:

**Meeting Date - November 23, 2022**

**American Rescue Plan Act**

Tusc Co Treasurer	Kinsey Excavating Port Main	\$10,120.00	
	ADR & Assoc-Engnrng-		
Tusc Co Treasurer	ARPA	\$15,600.00	\$25,720.00

**Auditor**

Sedgwick Claims Mgmt Services	TPA Admin Services	\$12,523.00	
TASC Client Invoices	Flex System Admin Fees	\$1,787.62	
			\$14,310.62

**Child Support**

AEP	Electric Utility	\$1,074.45	
First Communications, LLC	Fax Service	\$14.08	
Language Line Services	Interpretation Services	\$28.75	
Verizon Wireless	Service	\$80.22	
			\$1,197.50

**Clerk of Courts**

OCCA c/o Ann Dunbar	Membership Dues	\$1,579.52	
OCCA c/o Ann Dunbar	Membership Dues	\$1,053.00	
Xerox	Service	\$59.28	
			\$2,691.80

**Commissioners**

AEP	Service	\$1,413.37	
AEP	Service	\$298.96	
BA Widder Architects	Arch. Serv/Maint Facility	\$733.55	
BA Widder Architects	Arch. Serv/Maint Facility	\$2,246.47	
Bakersville Garage	Equipment	\$3,813.00	
G&L Supply	Supplies	\$271.60	
MNJ Technologies	Comp Equip/Prosecutor	\$56.00	
Montrose Ford	Equipment for 5 Cruisers	\$1,125.00	
Tuscora Electric Supply	Supplies	\$467.36	
			\$10,425.31

**Common Pleas**

Interpreters XP LLC	Interpreter Services	\$850.00	
MNJ Technologies Direct	Equipment	\$3,700.00	
Ohio Judicial Conference	Registration	\$375.00	
Ohio State Bar Association	2023 Annual Dues	\$725.00	
			\$5,650.00

**Community & Economic Dev.**

Mount Corrick Construction	Contract Payment	\$23,925.00	
Mount Corrick Construction	Contract Payment	\$2,100.00	
Mount Corrick Construction	Contract Payment	\$3,825.00	
Nicholas Construction & Remodeling	Contract Payment	\$350.00	
Nicholas Construction & Remodeling	Contract Payment	\$3,100.00	
ORDC	Contract Payment	\$750.00	
ORDC	Contract Payment	\$7,879.00	
			\$41,929.00

**Coroner**

Axis Forensic Toxicology, Inc	Service	\$2,380.00	
Smith Livery Service	Service	\$1,800.00	
			\$4,180.00

**Dog & Kennel**

Office Depot/ODP	Supplies	\$17.99	
Walton's Auto Parts	Repair	\$69.95	
			\$87.94

**EMA**

Alex McCarthy	Travel Reimbursement	\$90.89	
Alex McCarthy	Travel Reimbursement	\$98.40	
Strobes-N-More	HazMat Lights for Truck	\$3,504.76	
Tuscarawas County Treasurer	Annual Audit Fees	\$66.10	
			\$3,760.15

**Engineer**

National Lime & Stone	Material	\$2,989.52	
			\$2,989.52

**Human Resources**

Gardiner	Chiller Event	\$2,697.00	
Gardiner	Chiller Event	\$9,502.00	
Gardiner	Chiller Event	\$37,303.00	
Kris Lowdermilk	Mileage Reimbursement	\$48.00	
			\$49,550.00

**Information Technology**

Horizon	Internet Service	\$608.00	
MNJ Technologies	Subscription Renewals	\$8,904.00	
			\$9,512.00

**JFS**

The Village Network Et/Al	Boarding Home Payroll	\$88,677.94	
			\$88,677.94

**Juvenile - Probate**

Copley Ohio Newspapers	Legal Advertising	\$712.20	
Interpreters XP LLC	Interpreter Services	\$671.56	
Interpreters XP LLC	Interpreter Services	\$497.19	
Johnson Printing	Supplies	\$390.00	
Johnson Printing	Supplies	\$154.50	
Johnson Printing	Supplies	\$625.50	
K&M Coffee Service	Supplies	\$38.11	
Ohio State Bar Association	Membership Dues	\$247.00	
Shannon Davis	Typed Transcript	\$420.50	
Shannon Davis	Typed Transcript	\$104.50	
Staley Technologies	Services	\$555.00	
Verizon	Service	\$195.28	
Ziegler Tire & Supply Co	Service	\$91.42	
Ziegler Tire & Supply Co	Service	\$172.41	
			\$4,875.17

**Park**

Bakersville Garage	Equipment	\$3,200.00	
Bakersville Garage	Equipment	\$2,537.00	
Bakersville Garage	Equipment	\$300.00	
Piedmont Gas Co	Gas Utility	\$61.08	
United Rentals (N.American)	Portable Restroom	\$90.00	
			\$6,188.08

**Prosecutor**

Krista Nutter	Mileage Reimbursement	\$93.60	
R. Scott Deedrick	Mileage Reimbursement	\$45.78	
Treasurer, State of Ohio	SVAA De-obligation Grant	\$801.37	
			\$940.75

**Sheriff**

AEP	Services	\$10,331.07	
AEP	Services	\$47.42	
Kimble Company	Services	\$124.10	
Union Hospital	Services	\$52.85	
Union Hospital	Services	\$74.25	
			\$10,629.69

**Southern District**

AEP	Service	\$470.16	
Croniser's	Repair	\$78.20	
			\$548.36

**Treasurer**

Alban Title	Services	\$50.00	
			\$50.00

**Veteran's Office**

CenTec Cast Metal Products	Supplies	\$54,620.02	
			\$54,620.02

**Water & Sewer**

ADR & Assoc, LTD	Engineering	\$15,600.00	
Flynn's Tire & Auto Service	Tires/Install	\$773.68	
Hajoca Corp Rex Pipe & Supply	Materials	\$12.59	
JA's Auto Service	Tire/Install	\$334.18	
Kinsey Excavating	Contract Payment	\$10,120.00	
Mission Communications, LLC	1-Yr Serv Package Renewal	\$1,186.80	
Smart Bill	Service	\$2,259.12	
Smart Bill	Service	\$345.60	
Staley Technologies	Equipment	\$80.25	
T & T First Aid	Supplies	\$131.38	
Trail Plumbing, Ltd	Service	\$1,200.00	
Treasurer, State of Oho	OEPA License	\$5,013.12	
Tuscarawas Utilities	Sewage Disposal	\$2,254.67	
Tuscarawas Utilities	Water for resale	\$507.59	
Tuscarawas Utilities	Water for resale	\$2,280.43	
			\$42,099.41

**GRAND  
TOTAL \$380,633.26**

**VOTE:** Chris Abbuhl, yes;  
Kerry Metzger, yes;  
Al Landis, yes;

**OTHER BUSINESS:** Sheriff, Orvis Campbell was present to request signatures for a Capital Improvement Grant through the Ohio Department of Rehabilitation and Corrections for jail projects. Sheriff Campbell stated several years ago, in person visitation was suspended at the jail. Visitation is done through a monitor now. The unused visitation space is large enough to use as a classroom and small storage area. There is a multi-purpose room that is being used for inmate services from GED, AA, NA, Counseling, Group Therapy and Church. This multi-purpose room is used all day long for these services and the new classroom would be able to house these services and many more while the multi-purpose room could be used for attorney/client interviews, etc.

**RESOLUTION (1042-2022) APPROVE APPLICATION – CAPITAL IMPROVEMENT – JAIL PROJECT**

It was moved by Commissioner Landis, and seconded by Commissioner Metzger, to approve the attached Application for Funding Capital Improvement for Local Jail Projects for the Ohio Department of Rehabilitation & Correction:



August 12, 2022

Re: House Bill 687 Funding / Application process

Good Afternoon Sheriffs and Commissioners,

As many of you know, House Bill 687 was recently passed by the 134<sup>th</sup> General Assembly and signed by Governor DeWine. The bill provides \$50,575,000 in new capital funding for the construction and renovation of county jails in Ohio through two different paths: designated jails and the general funding pool.

For designated jails, there is a total of \$575,000 available. The process for obtaining this funding will be the same as previously used by the Ohio Department of Rehabilitation and Correction (ODRC) for distributing funds provided by House Bill 529 and Senate Bill 310. A funding guide will be sent to the recipients identified in the legislation. Recipients will be asked to complete the guide and send the information to ODRC for review. If the intended project is an "Allowable Capital Expenditure" pursuant to the guidance from the Office of Budget and Management, the award will be provided by ODRC to the recipient on a reimbursement basis.

The remaining \$50,000,000 in the general funding pool will be awarded through an application process administered by the ODRC that is substantially similar to the process ODRC recently used for distributing the funds from Senate Bill 310. The counties will apply to ODRC identifying their project and provide reasoning and justification for the requested jail project. ODRC will review the applications, assess the basis/needs for the projects using a scoring matrix, determine if the funding awards will be granted, and determine the amount of the awards.

**Please note that there has been a slight change made to the scoring process. The question regarding the cost per bed was removed as a scored question. Even though it is not a scored question, the cost per bed will still be used as a factor in the selection process for those jails who submit projects that expand their housing capacity. This change will ensure the selected projects are cost efficient.**

On August 12, 2022, the application for the \$50,000,000 general funding pool money was sent to the Sheriffs as well as the Buckeye State Sheriff's Association and the County Commissioners Association. Additionally, the application will be posted at: <https://grants.ohio.gov>. If your county has a project that meets the Office of Budget and Management's "Guidelines for Allowable Capital Expenditures", and you are seeking funding through this pool of money, please submit a completed application to the Bureau of Adult Detention. **Please note that the deadline for submission of applications is November 30, 2022.**

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Please feel free to contact me with any questions or concerns.

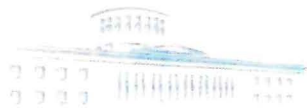
Sincerely,

John F. Adams, Chief  
Bureau of Adult Detention

cc: Robert Cornwell, BSSA Director  
Kyle Petty, CCAO

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**Application for Funding**  
**CAPITAL IMPROVEMENT**  
**Local Jails Projects**

**H.B. 687**

Section 229.20

Administered by:

**Ohio** | Department of  
Rehabilitation & Correction  
Mike DeWine, Governor  
Annette Chambers-Smith, Director

**Requirements:**

1. All sections of the application must be completed.
2. The application must be signed.
3. Application must be submitted to the person/address indicated below. (Digital submissions are preferred.)
4. If physical copies are provided, please do not use staples, 3-ring binders or folders. Please fasten with a removable binder clip.
5. Applicants should retain a copy of the application for their files.
6. Any incomplete and/or ineligible applications will be returned with an explanation of why it cannot be accepted.

**APPLICATION DEADLINE: November 30<sup>th</sup>, 2022**

Completed project applications must be electronically submitted prior to the submission deadline. In the case of submissions via the United States Postal Service, the submission must be postmarked on, or prior to, the submission deadline. Physical copies must be delivered to:

**Ohio Department of Rehabilitation and Correction  
Bureau of Adult Detention  
4545 Fisher Rd., Suite D  
Columbus, OH 43228**

**Attn: John F. Adams, Chief**

Electronic copies must be emailed to:

[John.Adams@odrc.state.oh.us](mailto:John.Adams@odrc.state.oh.us)

and

[Christopher.Darlington@odrc.state.oh.us](mailto:Christopher.Darlington@odrc.state.oh.us)

COUNTY JAIL FUNDING APPLICATION

Project Number \_\_\_\_\_ (Leave Blank)

Agency Name Tuscarawas County Sheriff's Office

Project Title Re-Entry Classroom

Circle one:  Single County Application  Multicounty Correctional Center Application

Contact Information: (For multicounty correctional center applications list the information for the county designated to act on the behalf of the corrections commission.)

County Commissioner Name and Contact Information

Name: Chris Abbuhl  
Address: 125 East High Avenue  
New Philadelphia, OH 44663

Phone: 330-365-3240  
Email: commissioners@co.tuscarawas.oh.us

County Sheriff Name and Contact Information

Name: Orvis L. Campbell  
Address: 2295 Reiser Avenue SE  
New Philadelphia, OH 44663

Phone: 330-339-2000  
Email: OCampbell@co.tuscarawas.oh.us

County Auditor Name and Contact Information

Name: Larry Lindberg  
Address: 125 East High Avenue  
New Philadelphia, OH 44663

Phone: 330-365-3220  
Email: Auditor@co.tuscarawas.oh.us

County Project Manager Name and Contact Information

Name: Sgt. Scott Goss  
Address: 2295 Reiser Avenue SE  
New Philadelphia, OH 44663

Phone: 330-339-7783  
Email: GossS@co.tuscarawas.oh.us

Applicant Tax I.D. Number 34-6002853

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Approval Signatures:

County Commissioners  
Chris Abbuhl 11/23/2022  
President Date

County Sheriff  
Orvis L. Campbell 11/23/2022  
Signature Date

Kenny Metzger 11/23/2022  
Commissioner Date

County Project Manager

Al Landis 11/23/2022  
Commissioner Date

Signature Date



**Capital Budget**

**Important:** Use only *Reimbursable Capital Costs* as explained in the Guidelines for Allowable Capital Expenditures.

Cost Category	Jail Areas	Non-Jail Areas*	Total Project
Professional Services	7,000.00		7,000.00
Site Prep			
New Construction			
Alteration	77,350.00		77,350.00
Equipment	8,000.00		8,000.00
Contingency			
<b>Total Cost</b>	<b>92,350.00</b>		<b>92,350.00</b>
<b>Total Funding Being Requested</b>	<b>77,350.00</b>		<b>77,350.00</b>

\* If the project includes non-jail areas, such as a law enforcement or court areas, those costs should be shown in this column. If the facility includes shared space, such as joint, public entrances or jail offices, those costs should be split according to usage and shown in the appropriate column.  
 For example, if you are building a programming area / training room in the jail that is expected to be used 85% of the time by corrections division and inmates, and 15% of the time by the law enforcement division of the Sheriff's Office, you should take the total cost of the area being constructed, multiply it 85% (.85), and enter the resulting number in New Construction for Jail Areas section of the table.

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**Specific Demonstration of Need:**

1. Does your county currently have a full-service jail? Please explain, if necessary:

Yes.

2. Is your county named to receive a specific capital funding award in H.B. 687? If yes, what was the total amount of the award?

No.

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**Specific Demonstration of Need:**

3. Did your county receive a capital funding award from H.B. 529 or S.B 310? If yes, what was the total amount received?

Yes. \$200,000.00.

4. Is this project designed to address life-safety issues previously identified by the Bureau of Adult Detention or other enforcement/regulatory agencies? If yes, please explain:

No.

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**Specific Demonstration of Need:**

5. During the 2021 annual inspection, was the jail found to be non-compliant with standards related to the physical plant? If yes, please identify the specific standards and the areas of the jail in non-compliance.

No.

6. Is this project designed to address physical plant issues identified as being non-compliant during previous annual inspections? If yes, please explain:

No.

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**Specific Demonstration of Need:**

- 7. Is this project designed to benefit a currently under-served female population? If yes, please explain:

Yes, this project is designed to benefit a currently under-served female population. The state is seeing an increase in percentage of female overcrowding in jails, and the Tuscarawas County Jail is no exception. The overcrowding of female inmates at the jail, in connection to increased substance abuse by females in the community leading to crime, also has lead to more demand for female programming. Historically, most programming has been geared toward the male inmate population, due to their higher rates of incarceration compared to females. However, the current room utilized for female programming does not meet the increasing need of space for the growing female inmate population. To explain, the Female Vestibule, where female inmate programming is held, is suitable to fit about 6 inmates in addition to the volunteers of each program. Yet, over the last few months, we have seen an increase in female inmate participation in programming, where more than 6 female inmates are signing up for programming, and the Female Vestibule is over-crowded. With this project, the requested funding would allow for the female programs to be suitable in size for the increase of female inmates attending programming.

- 8. Does this project add/increase substance abuse/mental health programming space?

Yes, this project would add substance abuse and mental health programming space and in return, increase the ability to create more programs and provide ability to better maintain current programming. The current designated, and only available, space for inmate substance abuse and mental health programming is the Multi-Purpose Room. The Multi-Purpose Room is also designated for video court hearings, inmate interviews, and rule violation hearings. Due to the nature and urgency of court hearings, interviews, and rule violation hearings, as well as the limited space currently available at the jail, periodically programming must be cancelled if one of these other jail activities are scheduled or requested via the courts to take place at the same time as a scheduled program. With this limited space and other jail activities, we cannot currently accommodate all of the community partnership requests that we receive as well as accommodate additional programs that would be beneficial to the re-entry of inmates with behavioral health disorders, including substance abuse and mental health. The funding in which we request would be utilized to re-purpose the existing visitation block of the jail into a dedicated inmate programming room within the secure perimeter of the jail. The existing visitation block of the jail is no longer in use, due to the removal of in-person visitation and change to video visitation where inmate visits take place in the housing PODS. This inmate programming room would be free of the tele-conferencing system that is in the Multi-Purpose Room and used by the various courts and other entities to interview inmates. With this funding, the Tuscarawas County Jail would be better equipped to provide the current inmate substance abuse and mental health programs with a designated space to ensure scheduled programs continue without disruption or cancellation due to other jail activities. In addition, this funding would allow the expansion of additional programs, including but not limited to, enhancing the GED program, curriculum and evidence-based group treatment, employment classes where inmates learn to create resumes as well as cover letters and workshop interview and job search skills, parenting classes (i.e. InsideOut Dads), among others. Specifically, these programs would support the motivation of change, medication management, and skills building for inmates struggling with substance use disorders and/or mental health disorders. As a result of the programs that this funding would allow to continue and allow to grow, this funding would expand the Re-Entry program at the Tuscarawas County Jail, which ultimately would aid in a lower rate of recidivism in the county and a higher chance for inmates' successful re-entry back into the community.

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**Specific Demonstration of Need:**

- 9. For the past 30 days, what is the percentage by which the jail's population exceeded the Bureau Recommended Capacity for the facility? Please provide the population numbers below:

For the past thirty days, the Tuscarawas County Jail did not exceed the Bureau's recommended capacity.

- 10. For the past 30 days, what is the average daily number of sentenced offenders on the waiting list for jail bed space as compared to the Bureau Recommended Capacity? Please provide the numbers below:

For the past thirty days, the Tuscarawas County Jail did not have a waiting list for jail bed space.

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**Specific Demonstration of Need:**

11. For the past 30 days what is the average daily number of inmates currently housed in other jails compared to the Bureau Recommended Capacity for the jail? Please provide the numbers below:

For the past thirty days, the Tuscarawas County Jail did not have any inmates housed at other Correctional facilities.

12. Is this project designed to benefit multiple counties? If yes, please indicate how, and specify the counties below:

Yes, this project is designed to benefit multiple counties. The Tuscarawas County Jail has held inmates for other jail facilities that are full. With this being said, this project would benefit inmates of other counties jails who are being held at the Tuscarawas County Jail on other county's charges and who attend programming during their stay at the Tuscarawas County Jail.

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**Specific Demonstration of Need:**

13. What is the age of your facility?

Thirty (30) years.

14. Is the jail under court order, consent decree, or presently negotiating a consent decree or operating under an emergency release mechanism? If yes, please indicate below:

No.

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**Financial / Cost Criteria:**

15. Does your county have the immediate financial ability to support the renovation / construction project? If yes, please describe below:

Yes, Tuscarawas County has the immediate financial ability to support the renovation/construction project. To explain, Tuscarawas County is ready to provide the finishing of the project, including but not limited to the room's supplies, furniture (i.e. tables, chairs, computers, etc), however the Tuscarawas County Jail is in need of funding the construction aspect of the project.

16. Will matching funds be provided by the County? If yes, please describe the source below:

Yes, matching funds can be provided by the county. The various sources of these matching funds include: the ADAMHS Board, Commissary Funds, and Commissioner funds.

17. Are the matching funds immediately available?

Yes, the county is ready to proceed with the project immediately.

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**Readiness to Proceed:**

18. Is the county ready to proceed with the project immediately?

Yes.

<b>Projected Annual Operating Budget:</b>	\$48,500.00
<b>Staff:</b>	\$28,250.00
<b>Benefits:</b>	\$12,250.00
<b>Training:</b>	
<b>Supplies:</b>	\$ 2,000.00
<b>Equipment:</b>	\$ 6,000.00
<b>Other:(explain)</b>	

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**Project Status:**

19. What is your county's progress in the formal planning process?

Indicate the current project status:

- Have not yet begun a formal planning process.
- Formal Planning Started
- Completed Phase I of the Planning Approval Process.
- Completed Phase III of the Planning Approval Process.
- Started Construction or alteration

Comments:

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Provide a timetable for future project activities. Include all major project and financing milestones.

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**Other:**

Please include any other pertinent information related to your request/project that you feel should be considered:

**Application Checklist:**

- Signatures (page 3).
- Supporting Documentation, ie., inspection reports, court documents, crime statistics and etc.
- Copy of Corrections Commission Agreement (multicounty correctional center projects only.)
- Applicable portions of the Comprehensive Community Corrections Plan.
- Documents demonstrating an ability to finance construction match and operation cost.
- A copy of the latest Comprehensive Audit and Financial Review, if available.
- Documentation indicating progress toward completing the Bureau of Adult Detention *Planning Approval Process*.



# OBM

## Allowable Capital Expenditure Guidelines

May 2018

### Introduction

State capital appropriations are funded primarily through the issuance of State bonds. State bonds must be authorized by Ohio voters via a Constitutional amendment and the interest on State bonds is generally exempt from federal and state income taxes (i.e., tax-exempt bonds). Thus, capital projects funded by State bonds must (1) fall within the authorized purposes for State bonded debt set forth in Article VIII of the Ohio Constitution and (2) meet federal tax law requirements for tax exempt bonds. These Allowable Capital Expenditure Guidelines are intended to assist State agencies in developing and implementing their capital plans and projects within these requirements.

**Ohio Constitution** -- Article VIII of the Ohio Constitution prohibits the State from incurring or assuming debt without a popular vote. To be eligible for bond funding in the State capital budget, a project must fall within the capital purposes authorized by the voters as set forth in the Ohio Constitution. Those purposes authorized in the Ohio Constitution include: highways; local government infrastructure; parks and recreation; natural resources and conservation; higher education facilities; elementary and secondary public school facilities; facilities to house branches and agencies of State government and their functions, including State office buildings and facilities; correction and juvenile detention facilities, mental health and development disabilities facilities; cultural, historical and sports facilities; and research and development (including coal research and development) and site development. Only projects that are within these purposes may be funded by State bonds.

**State Laws and Federal Tax Laws** -- As further discussed in this guidance, the Ohio Revised Code and federal tax law also contain provisions that govern the allowable uses of bond proceeds for capital projects, including the types of projects and expenditures, and the extent to which non-governmental entities (both private for-profit and not-for-profit) can benefit from the project. State agencies should carefully review these allowable capital expenditure guidelines and work with OBM to ensure their projects are allowable under State and federal laws.

Not all appropriations for capital projects/purposes are provided for via the capital bill. For instance, debt-supported appropriations for highway purposes are authorized in the biennial transportation budget. In addition, appropriations for some purposes are made only in the aggregate and thus do not specify individual projects. For example, capital funding to support local government infrastructure is appropriated to the Public Works Commission where the Ohio Revised Code governs the project selection process.

### Overview

The Ohio Revised Code and each bill containing new capital appropriations or reappropriations (the most recent being H.B 529 of the 132th General Assembly) set forth the allowable uses of capital funds. Capital appropriations for buildings or structures, including remodeling and renovations, are limited to:

- Acquisition of real property or interests in real property (i.e., the purchase of land or easements).
- Buildings and structures, which includes construction, demolition, complete heating and cooling, lighting and lighting fixtures, as well as all necessary utilities, ventilating, plumbing, sprinkling, and water/sewer systems.

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## Allowable Capital Expenditure Guidelines

May 2018

- Architectural, engineering, and professional services expenses directly related to the project (including feasibility studies).
- Machinery necessary to the operation or function of the building or structure at the time that it is acquired or constructed or placed into service.

In situations in which the State does not own the property on which the capital facility or improvement will be located, there are requirements that a higher education institution (with respect to Department of Higher Education capital projects) or a governmental agency (with respect to Mental Health and to Developmental Disabilities capital projects) own the property. This ownership requirement may be waived if:

- (1) The higher education institution or governmental agency has a long-term lease, or other interest (such as an easement) in the property; or
- (2) The Department of Higher Education on behalf of a higher education institution certifies to the Controlling Board that undue delay will occur if planning does not proceed while the property or property interest acquisition process continues. In this case, capital funds may be released upon approval by the Controlling Board to pay for planning through the development of schematic drawings only; or
- (3) If the capital facilities will be owned by, or be part of facilities owned by, a separate nonprofit organization or public body and made available to a higher education institution or governmental agency for its use or benefit, the nonprofit organization either owns or has a long-term lease of the real property or other capital facility to be improved, renovated, constructed or acquired, and has entered into an agreement with the state agency or higher education institution that meets applicable statutory requirements.

**Joint Use Agreements** -- The Department of Higher Education has adopted rules (see OAC 3333-1-03(E)) regarding the release of moneys for capital projects not owned by the State or a higher education institution and the joint use of such projects. The joint use agreement, among other matters, must:

- Provide that the use of the funds and the process to be followed for expenditure of the funds is consistent with the capital appropriation language, the limitations on the use of capital appropriations as set forth in the capital bill, and any applicable state law and federal tax law limitations;
- Specify the extent and nature of the higher education institution's use or benefit of the project or improvement over a term of at least 20 years, with the value of that use or benefit to be reasonably related to the amount of the State capital appropriation.
- Provide for pro rata reimbursement to the State should the arrangement for joint use be terminated prior to the expiration of the 20-year term.
- Provide for payment or reimbursement to the higher education institution (not to exceed 1.5% of the appropriation) of its administrative costs incurred as a direct result of the project. The institution should document those reimbursed amounts by component.

**Grant/Cooperative Use Agreements** -- Other State agencies that administer capital appropriations for projects owned or managed by governmental agencies or not-for profit entities must enter into an agreement with the entity receiving the State capital funding prior to release of those funds. Those agreements, among other matters, must:

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**Allowable Capital Expenditure Guidelines**

May 2018

- Provide that the use of the funds and the process to be followed for expenditure of the funds is consistent with the capital appropriation language, the limitations on the use of capital appropriations as set forth in the capital bill, and any applicable state law and federal tax law limitations;
- Specify the extent and nature of the State agency's use or benefit, or right to use, or interest in the project or improvement over a period of 10 years or the term of the underlying State bonds, whichever is longer.
- Provide for pro rata reimbursement to the State should the arrangement for the State agency's use, right to use, or interest in the project be terminated prior to expiration of the term of the agreement.

**Allowable Equipment and Furnishings**

To be financed with capital funds, expenditures for equipment or furnishings that are part of a broader capital project or facility must meet all of the following criteria:

- Essential in bringing the facility up to its intended use or is necessary for the facility to function. The equipment or furnishing must be an integral part of or directly related to the basic purpose or function of the facility.
- Have a unit cost of about \$100 or more.
- Have a useful life of at least five years.
- Used primarily in the rooms or areas covered by the financed project.

Allowable equipment and furnishings would include computers and computer peripherals, workstations, lab and research equipment, desks, chairs, tables, bookshelves, file cabinets, carpeting/flooring, blinds, and curtains, provided that they satisfy all of the above criteria. An appropriation item specifically for equipment is allowable provided the equipment meets the above unit cost and useful life provisions.

**Non-Allowable Equipment and Furnishings**

- Not integral to the broader project or the facility's intended use.
- Motor vehicles used for basic transportation (e.g., cars, trucks, boats, off-road vehicles).
- General supplies and low-cost equipment (unit cost of less than \$100).

In most cases, equipment or furnishings being purchased as part of a regular maintenance, upgrade or replacement effort is not appropriate for capital funding. Consumable supplies and low-cost equipment such as fuel, oil, adding machines, calculators, trash cans, common tools, paper stock, staplers, tape dispensers, etc. are not eligible uses of capital funds.

**Maintenance/Repairs versus Renovations**

- Maintenance and repairs, including maintenance contracts, are not eligible to be paid from capital funds and, thus, must be covered by operating funds.
- Maintenance includes a recurring activity necessary to maintain the operation, functionality, appearance, or safety of a piece of equipment, building or structure. Repairs are maintenance projects that fix a problem but do not extend the useful life of an asset.
- Maintenance and repairs generally include any project with the objective of returning or restoring an item back to its original intended use or state.

**Allowable Capital Expenditure Guidelines**

May 2018

- Examples of maintenance and repairs include: fixing a part or component of the heating or cooling system, fixing a leaky pipe, patching a wall, repainting, sealing windows or floors, mold remediation, replacing sections of flooring or ceiling tiles, glass replacement, resetting exterior walkways, replacing roofing shingles to fix a leak, and brick mortar repair/patching (tuckpointing).
- Renovations are more extensive enhancements, upgrades, or replacements of buildings or structures or systems and are an appropriate use of capital funds. Examples include replacing an essential component of the heating or cooling system such that the useful life of the system is extended, renovations of classrooms or other space into computer or research laboratories, upgrading electrical equipment or plumbing system components, replacing a roof, replacing exterior windows, new carpet, painting as part of new construction or a renovation, upgrading a building's security or automation system, replacing stairs or walkways to meet ADA standards, and total brick mortar replacement (repointing).

**Leases, Lease-Purchase, and Installment Purchases**

- Leases, including leases with an option to purchase, of vehicles or equipment are not allowable capital expenditures.
- Installment purchases while not strictly prohibited are generally not approved as allowable capital expenditures.

**INFORMATION TECHNOLOGY (IT) SYSTEM PROJECTS**

Capital funds may be used to support the application development, deployment, and integration (including project management) of information technology systems that constitute or are a part of a larger capital projects. Capital funds may not be used to support the ongoing operation and maintenance of such projects.

**ALLOWABLE**

Allowable capital IT project expenditures include systems developed for internal use that have a useful life of five or more years. Allowable costs generally include the design, configuration, and deployment, customized software and its licensing, interfaces, data conversion, and various hardware and peripherals. State agencies and higher education institutions should consider an IT project as a potential capital expenditure only when the cost of application development is at least \$1 million. For new and replacement systems, capital expenditures usually occur after the preliminary project phase is completed and when management implicitly or explicitly authorized funding of the project.

IT system upgrades may also be considered an allowable capital expenditure when they add significant functionality or are necessary to postpone obsolescence. State agencies and higher education institutions should ensure that the postponement of obsolescence is generated by the upgrade and not simply by ongoing maintenance or the maintenance component of the upgrade. For example, a system upgrade that included technical upgrades, security enhancements and significant additions of functionality would be considered an allowable capital expenditure, while an upgrade that included only routine technical and/or security improvements would be an appropriate operating expenditure.

**Allowable Capital Expenditure Guidelines**

May 2018

**Hardware**

Capital funds may be used to purchase hardware for information technology systems and its components, including but not limited to servers, network equipment, desktops/laptops, monitors, printers, scanners, etc.

**Software, Licensing, and Warranties**

- Purchases of packaged “off-the-shelf” software are allowable if they have an expected useful life of at least five years and have been tailored or customized to the IT project. The software purchase must also meet one of the following criteria:
  - ✓ Related to the initial deployment of an agency or university-wide system or other major project deployment (periodic upgrades must be purchased with operating funds); or
  - ✓ When necessary to bring a newly constructed facility or an allowable piece of equipment up to its intended use (e.g. a computer lab).
- Application development, configuration or deployment.
- Software licenses for commercial off-the-shelf products with a term of at least five years, provided the cost is paid for upfront as part of the development stage.
- Software licenses for cloud based products related to application build, provided the State agency or higher education institution has a contractual right to take possession of the software and it is feasible to run the software on its own hardware.
- Data conversions required to make the new IT system operational.
- Purchase of perpetual licenses enabling the acquisition of shared electronic resources and databases.
- Warranties purchased at the time of initial acquisition with a term of at least five years and provided that the terms and conditions are substantially the same as warranties available to other purchasers.

**NON-ALLOWABLE**

**Operation and Maintenance**

Operating, not capital, funds must be used to support the ongoing operation and maintenance of IT systems and other regular, recurring expenses.

**Replacement Hardware**

Capital funds generally may not be used to purchase end of life or replacement hardware equipment (computers, peripherals, etc.) that do not upgrade or add functionality to an IT system.

**Software and Licensing**

Capital funds generally may not be used to purchase standard off-the-shelf software (such as MS Office software, Adobe, and web browsers) or any software package with individual license costs under \$500. Additionally, capital funds may not be used to purchase: periodic software upgrades, minor upgrades and patches, minor configurations, or security enhancements. Software licenses

**Allowable Capital Expenditure Guidelines**

May 2018

for premise-based and cloud-based products post-implementation, including annual licensing and subscription-based software, should also be paid from operating funds.

**Planning and Post-Implementation**

Capital funds generally may not be used to cover costs associated with planning or post-implementation operation of an IT project, including: project-related research and planning, service management and strategic planning, post-implementation activities including project and change management, and data conversions that are not required for an IT system to be operational. Additionally, costs associated with the solicitation, review and selection of professional service providers or vendors, including contract development, should be paid from operating funds.

**Personnel Expenses**

Capital funds generally may not be used to cover expenses of State employees working on IT projects. Employees working on IT projects should continue to be funded out of operating funds. In the case of colleges and universities, capital funds may not be used to cover tuition reimbursement or graduate assistantships. (Note, although federal tax law does allow for State personnel expenses under certain circumstances, the extensive and detailed record-keeping requirements necessary to comply with IRS audits generally offset any potential benefit.)

**Training**

Expenses related to training of personnel on the new IT system or any of its components is generally not an allowable capital expenditure. Some expenses related to the initial deployment of the IT system (e.g., creating the system user manual) may be allowable.

**Follow-Up Questions Regarding Proposed Expenditures**

- Questions regarding the capital funding eligibility of proposed expenditures should be directed to the agency’s operating and capital analysts at the Office of Budget and Management.
- Institutions of higher education should consult with the capital planning Director of the Department of Higher Education.

**VOTE:** Chris Abbuhl, yes;  
 Kerry Metzger, yes;  
 Al Landis, yes;




**RESOLUTION (1043-2022) ADJOURN**


It was moved by Commissioner Metzger, seconded by Commissioner Landis, to adjourn at 9:10 a.m. to meet in Regular session Monday, the 28th day of November, 2022.

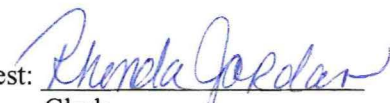
**VOTE:** Chris Abbuhl, yes;  
Kerry Metzger, yes;  
Al Landis, yes;

*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

  
Kerry Metzger

  
Al Landis

Attest:   
Clerk