

Minutes of Regular Meeting: May 5, 2008

7:30 Meeting called to order by Gary Britten

Pledge of Allegiance

Roll Call: Mr. Britten, Mr. Mack, Mr. Hrosko, Chief Stribrny, Chief Dimick, Kraig Gottfried, Grant Garn and Robert Warnimont. Mr. LaHote and Deputy Chief Brice were absent

Mack made a motion (seconded by Britten) to approve the minutes of the April 21, 2008 Regular Meeting and the taped minutes of that meeting.
All Yes Motion Approved

Mack made a motion (seconded by Britten) to approve the minutes of the April 28, 2008 Administrative Meeting and the taped minutes of that meeting.
All Yes Motion Approved

Mack made a motion (seconded by Britten) to approve the minutes of the April 23, 2008 Special Bid Opening (for the new fire station) Meeting and the taped minutes of that meeting. All Yes Motion Approved

Mack made a motion (seconded by Britten) to approve the amended agenda.
All Yes Motion Approved

7:35 Road Improvement Bid Opening; Hrosko opened and read the road bids and the results were;

	Bowers	Gerkens	Crestline	Bergman	Shelly	Geddis
Twinlake	27,385.00	25,235.60	25,780.00	27,494.70	31,592.75	26,929.39
Millcroft	47,818.00	41,612.15	41,310.50	43,829.00	43,998.50	47,503.98
4 th	47,218.58	55,714.75	50,058.00	49,912.75	50,980.00	53,535.64
Oakmeadows west	28,221.00	26,324.95	24,494.50	27,825.45	32,300.90	30,221.91
Eckel Jct.	64,497.00	72,899.75	67,318.00	66,555.75	69,077.00	73,079.17
Helen Dr.	31,161.00	23,490.25	25,679.20	25,157.62	30,746.00	27,345.00

Mack made a motion (seconded by Britten) to accept the bids as read.
All Yes Motion passed

7:45; Zoning Change ZC2008-01 hearing This hearing is for the re-zoning of the Henry Farm. Grant Garn read the Zoning Change hearing letter (copy in file). George Orvatz a consulting engineer representing The Timberstone Group / Bostleman Joint venture for this property spoke. He explained where the area of the project is located and that it was zoned R-3 and now they would like to have it re-zoned R-4. This will square off this piece of property. Britten asked that because LaHote was absent and given Mack's day job if this issue could be tabled to the next Regular meeting (May 19th)? Mr. Orvatz replied that they are going to

the BZA on the 20th so that would be ok. Mack **made a motion (seconded by Britten) to continue this hearing until May 19, 2008 @ 7:45.**

All Yes Motion passed

8:00 Bid Award for the Fire/EMS building; Jeff Buerer – senior designer for the Vetter Group representing the Perrysburg Township Trustees said they have reviewed the bids and bid tabulations for the Public Safety Building (Fire/EMS) and was ready to make those recommendations public. Mr. Buerer gave the Trustees a copy of the recommendations (copy in file). Mack and Britten had a quick sidebar discussion with Attorney Donahue. Mack told Mr. Buerer he had some reluctance to spend 5 million dollars without the approval of all the Trustees. Mack went on to say he thought what they should do is hear the recommendations for the record tonight and then convey the recommendations to LaHote via Hrosko. That way all the Trustees would have time to form educated opinions on the bids. Mack asked Mr. Buerer if he could be available later in the week, when all the Trustees would be available for a special meeting to award the bids and Mr. Buerer replied he would be available. Britten and Mr. Donahue both said they thought it important to have a full board review the recommendations and award the bids. Mr. Buerer read their recommendations for the lowest and best bids as follows;

General Trades Contract – Project Coordinator; ACI Const. Co. Inc.	= \$3,769,000.00
Plumbing Contract; LaRoy Plumbing & Heating, Inc.	= \$ 337,000.00
HVAC Contract; Marlin White & Sons, Inc.	= \$ 385,000.00
Electrical Contract; Romanoff Electrical Company LLC	= \$ 530,350.00
Fire Protection Contract; Premier Fire Protection, Inc	= <u>\$ 63,642.00</u>
Bid Total	\$5,084,992.00

*On the combined Plumbing and HVAC Contract, the Plumbing Contract and the HVAC contract the lowest bids were by Warner Mechanical who requested their bids be withdrawn due to a clerical error.

Mr. Buerer explained that some bid packages were incomplete and therefore they recommend they be rejected by as noted in his letter (copy in file). Mr. Buerer went on to explain that some items if found missing, such as a bid bond, invalidate the bond. Mack said he didn't like the part of the bid process that actually was costing us money due to clerical errors or missing paperwork and asked Mr. Donahue to speak on that part. Mr. Donahue said "the law is pretty clear that you have very broad discretion on this area accepting or rejecting bids. Your responsibility is to determine who is the best responsive and best responsible bidder. Those are the terms used; they used to be lowest and best." Mr. Donahue went on to say in making that determination there are basically five factors taken into consideration; first; the experience of the bidder, the second; the bidders financial condition and if a bond is not submitted as required by law, that is a problem, the third; bidders conduct and performance on previous contracts, the fourth; the bidders facilities and management skills and fifth; the bidders ability to execute the contract properly. Mr. Donahue asked Mr. Buerer if in some of these cases the bids lacked certification that would affect their ability to execute the contract properly and Mr. Buerer it would. Mr. Donahue then asked if Mr. Buerer takes into consideration all of there five factors when making his recommendations to a public agency. Mr. Buerer replied all five of those factors were included in the instructions to bid and after bid opening, we require the apparent lows and in some cases I ask the apparent seconds to submit information that would validate their position. I also requested them to submit on an AIA305 form which is a

qualification statement which pretty much covers those five items. Mr. Buerer will make these forms available to the Trustees, Hrosko and Haar before the special meeting. The Trustees were asked by Bev Koenig why they hired a professional and then are questioning his recommendations. Britten said although Mr. Buerer is the professional and was hired to review the bids and recommend the best responsive and best responsible bidder, he felt all three trustees should study the recommendations and make the awards. Mr. Donahue stated “we have an obligation and are creating a record here. What we do here is being recorded so that anybody who looks at this down the line to decide if the board made the correct decision will find by looking at this record that we questioned Jeff (Mr. Buerer) about the bases of his recommendations. That he took into consideration all of the five factors that I just outlined which we could be taken into consideration by court. So there is a need to make a record especially when you are dealing with a project like this where five million dollars of public funds are involved. We have to make sure we do it right. We are not picking on Jeff (Mr. Buerer)”. Mack **made a motion (seconded by Britten) to set a special public meeting on Wednesday May 7th @ 5:00pm to award all categories of the bids for the new facility. A back-up date of Friday May 9th 5:00pm was set in the event LaHote was not available on the 7th. The meeting date will be posted on the door and anyone can call the Trustee’s office for the date.**

All Yes Motion passed

Mack and Britten apologized to anyone who came to the meeting expecting the Trustees to make a decision on this.

Maintenance: Kraig Gottfried - no report

Police: Chief Stribny asked the Trustees to approve the ARMS support and maintenance contract for the period of July 1, 2008 till June 30, 2009 at a cost of \$3,900.00. Mack **made a motion (seconded by Britten) to approve this request.**

All Yes Motion passed

Stribny asked the Trustees to approve the hiring of David Mark Molter Jr. as a police officer to replace retiring Detective Sergeant Rob Gates. If approved, Mr. Molter will join the ranks as a road patrolman with the idea that one of our current police officers will be promoted to Detective. Stribny gave Mr. Molter’s background and said he is currently a police officer for Danbury Township in the Marble Head area, previously worked for a short time for the City of Clyde’s police department, worked for a juvenile detention facility in Sandusky and worked as a loss prevention person for a local retail company. Mack **made a motion (seconded by Britten) to approve Mr. Molter’s hiring.** All Yes Motion passed

Fire: Chief Dimick told the Trustee there were 122 runs in April; 23 fire runs and 99 squad runs.

EMS: Deputy Chief Brice – absent

Recreation: Bob Warnimont told the Trustees they had the recycle round-up last Saturday and it went very well. They were very busy.

Warnimont also told the Trustees the new fence at the ball field is going to be installed this week.

Zoning: Grant Garn asked the Trustees to approve Jeffery D. Justice (aka J.D. Justice) as alternate to the BZA board for a one year term. Mack **made a motion (seconded by Britten) to approve his appointment.** All Yes Motion passed

Office: Shirley Haar- absent Hrosko asked the Trustees to sign the check report, bank report, cash pos, report and PO report. The trustees signed the reports. Hrosko then read a money transfer form from the Workers Compensation account to the Civil Defense account in the amount of \$15,000.00. This is to cover the cost of the new siren. Mack **made a motion (seconded by Britten) to approve this transfer.** All Yes Motion passed

Administrator: John Hrosko asked the Trustees to approve raising the liability / Auto insurance to \$10,000,000.00 at a cost of \$10,615.00. Mack said that in reviewing our policy the amount seemed to be inadequate for the times. The amount of the liability has not been raised in years and things are much more costly now. Britten said he thinks the \$10,000.00 is money well spent. Mr. Donahue thought it was a “no brainer”. Mack **made a motion (seconded by Britten) to increase the liability insurance to ten million dollars.** All Yes Motion passed

The next issue Hrosko addressed was the intersection of Buck Rd. / Lime City intersection. Mr. Suszor the superintendent for Penta was introduced and Hrosko turned the meeting over to the Trustees and Mr. Suszor to discuss this issue. Mr. Suszor said that 3 years ago Penta asked the Township and County for a traffic study. Manikin Smith was hired to do the study and in May of 2005 they said the intersection as designed was not adequate. They said that by increasing a turn lane from Lime City and increasing a third lane from Penta’s entrance to Lime City would be adequate. The County Engineer applied for a TMACOG grant. The study had no bearing on the grant. Originally the study in 2005 came up with a figure of about \$900,000.00 for the (copy in file). Mr. Suszor said his opinion is they go back to the originally study, and say what was wrong with that. He also said by the County hiring DLZ we are in a situation where we can’t get any of the federal funds unless we pick one of the alternative that include a round about. The alternative that has the highest rating according to DLZ is a round about at both Lime City and Buck and at Penta’s entrance at a cost of \$3,178,000.00. In 2005 when we applied for the TMACOG grant with the study Manikin Smith did we were looking at only \$900,000.00. Britten said what scares him and he had a discussion with the Chief, is round-about are no where around here. It might be something of the future but these would be stuck in an area where most of the drivers are 16 to 18 years old, who are in a hurry to start with and will not know what to do. Mr. Suszor said he was correct and would like to see us go back to the 2005 study. A light at the corner of Lime City and the extra lanes would be sufficient and that is what the grant was applied for. Mack asked what is stopping us from doing that. Mr. Suszor said now we have this study from DLZ that says the only way to do it is with a round up. Since they rated the old project with Ds and F’s, The Federal government will not approve a project with Ds or Fs and will not give us any money. In the 2005 study they were As and Bs and one C unless you went all the way out to 2029 where there were a couple of Ds. Another worry Britten said he has is how a snow plow is going to plow the round abouts. Mr. Suszor said his main reason for being at this meeting was to ask the Trustees to take a look at the original study and recommend that. Britten and Mack both said they are in agreement with Mr. Suszor and will review the original plans. Britten said there are a lot of concerns with the round-about. Britten asked if anyone in

the audience would like to respond. Jim Sherman said he has a daughter who lives in Dublin and there are a couple of round-about there and they work well. If there are concerns with snow plowing and such, maybe someone should contact the City of Dublin. Grant Garn said it is a new concept around here but once you get used to them they are easy to use.

Next Hrosko asked the Trustees to approve having a separate payroll run for the back pay for the Fire/EMS now that their contract has been approved. The run would be 16 no less than \$75.00 (up to \$100.00). Hrosko also keep in mind if we do this for them when the Police Patrol and Sergeants settle their contracts. **Mack made a motion (seconded by Britten) to have a separate pay run for the retroactive pay for the Fireman and in the event the other bargaining units should ask for it, we be consensual.** All Yes Motion passed

The last issue Hrosko brought up was the Green settlement. This is on the incident where a police officer, who was on a burglary call, lost control of his vehicle and hit the corner of a garage doing some damage to it. Attorney Donahue thought it easier to pay the \$500.00 deductible to them than to fight it. The Green's agreed to the \$500.00 and signed a release. **Mack made a motion (seconded by Britten) to settle with the Greens for \$500.00.** All Yes Motion passed

Mr. Britten asked for Public Comments; hearing none asked for a motion to adjourn.

Mack made a motion (seconded by Britten) to adjourn. All Yes Motion Approved

Shirley A Haar –Fiscal Officer

Gary Britten –Chairman