

**COMMISSIONERS JOURNAL NO. 79 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD DECEMBER 11, 2023**

THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY MET IN REGULAR SESSION ON THIS DATE WITH THE FOLLOWING MEMBERS PRESENT:

Present:
Jeff Benton, President
Gary Merrell, Vice President
Barb Lewis, Commissioner

10:00 A.M. Public Hearing For Consideration Of The McAllister #574 Drainage Maintenance Petition

**1
RESOLUTION NO. 23-1052**

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD DECEMBER 4, 2023:

It was moved by Mr. Merrell, seconded by Mrs. Lewis to approve the following:

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on December 4, 2023; and

WHEREAS, the Clerk of the Board has certified, pursuant to section 305.11 of the Ohio Revised Code, that the entire record of the proceedings at that meeting is completely and accurately captured in the electronic record of those proceedings;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the electronic record of proceedings at the previous meeting.

Vote on Motion Mrs. Lewis Aye Mr. Merrell Aye Mr. Benton Aye

**2
PUBLIC COMMENT**

**3
RESOLUTION NO. 23-1053**

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR 1208:

It was moved by Mrs. Lewis, seconded by Mr. Merrell to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR 1208 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO' Increase			
(P2301496) Ohio Health	Emergency Medical Services	10011303-5301	\$9,208.00
(P2301641) SAFEbuilt, LLC	Code Compliance	10011301-5301	\$6,870.33
(P2302781) Commissioners	CSEA	23711630-5380	\$2,482.04
(P2302781) Commissioners	CSEA	23711630-5335	\$3,727.00
(P2301540) Bound Tree	Emergency Medical Services	10011303-5244	\$7,500.00
(P2300707) Consolidated	Land and Buildings	10011105-5338	\$10,938.00

<u>PR Number</u>	<u>Vendor Name</u>	<u>Line Description</u>	<u>Line Account</u>	<u>Amount</u>
R2305432	Sourcepoint	Healthy Aging Grant Subrecipient Agreement	30711343-5601	\$295,392.00
R2305434	Terracon Consultants, Inc.	Channing St. Fuel Tank Removals	40111402-5410	\$49,750.00
R2305453	VASU Communications	Apparatus-State Term Contract	21411306-5260	\$58,606.24

Vote on Motion Mr. Merrell Aye Mrs. Lewis Aye Mr. Benton Aye

**4
RESOLUTION NO. 23-1054**

IN THE MATTER OF ACKNOWLEDGING RECEIPT OF THE 2023 ANNUAL DELINQUENT TAX AND ASSESSMENT COLLECTION FUND REPORT:

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It was moved by Mr. Merrell, seconded by Mrs. Lewis to acknowledge receipt of the 2023 Annual Delinquent Tax and Assessment Collection Fund Report.

(Copy available for review at the Commissioners' Office until no longer of administrative value.)

Vote on Motion Mr. Benton Aye Mr. Merrell Aye Mrs. Lewis Aye

5
PRESENTATION AMCG
AIRPORT STUDY CONSULTANT
DAVID BENNER, MANAGING CONSULTANT
JOSEPH WALKER, ASSOCIATE CONSULTANT

6
RESOLUTION NO. 23-1055

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS AND A TRANSFER OF APPROPRIATIONS:

It was moved by Mrs. Lewis, seconded by Mr. Merrell to approve the following:

Supplemental Appropriation		
10011107-5101	Zoning/Health Insurance	100.00
10011303-5001	EMS/Compensation	100,000.00
10012301-5101	Victims Assistance/Health Insurance	2,000.00
10030301-5101	Coroner/Health Insurance	500.00
20411305-5101	Dog and Kennel/Health Insurance	2,000.00
22411601-5004	JFS Income Maintenance/Overtime	10,000.00
25087023-5001	Guardianship Service Board/Compensation	5,000.00
61311923-5101	Self Insured Workers Comp/Health Insurance	500.00
61311923-5450	Self Insured Workers Comp/Machinery & Equip (>\$5,000)	24,927.00
Transfer of Appropriation		
From:	To:	
10011105-5101	10011105-5001	5,000.00
Land and Buildings/Health Insurance	Land and Buildings/Compensation	
10020201-5313	10020201-5201	5,000.00
Clerk of Courts/Printing and Related Services	Clerk of Courts/General Supplies & Equip <1,000	
10040421-5325	10040421-5420	474,000.00
Road & Bridge Projects/Maint Contracts & Agreements	Road & Bridge Projects/Road Construction	
10023201-5301	10023201-5201	20,000.00
Domestic Relations/Contracted Prof Services	Domestic Relations/General Supplies & Equip <1,000	
23512102-5401	23512102-5301	400.00
Delinquent Tax Prosecutor/Land Purchase	Delinquent Tax Prosecutor/Contracted Prof. Svcs.	
40111402-5410	40111402-5201	47,493.22
Permanent Improvement Admin/Building & Improve >25,000	Permanent Improvement Admin/General Supplies & Equip <1,000	
40111402-5410	40111402-5260	41,427.68
Permanent Improvement Admin/Building & Improve >25,000	Permanent Improvement Admin /Inv Tool, Equip, Furn 1000-4999	

Vote on Motion Mrs. Lewis Aye Mr. Benton Aye Mr. Merrell Aye

7
RESOLUTION NO. 23-1056

IN THE MATTER OF RE-APPOINTING A MEMBER AND APPOINTING A NEW MEMBER TO THE BERKSHIRE LANDING NEW COMMUNITY AUTHORITY BOARD OF TRUSTEES:

It was moved by Mr. Merrell, seconded by Mrs. Lewis to approve the following:

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WHEREAS, on February 5, 2015, the Delaware County Board of Commissioners (the “Board of Commissioners”) adopted Resolution No. 15-147, establishing the Berkshire Landing New Community Authority, pursuant to Chapter 349 of the Revised Code; and

WHEREAS, as the organizational board of commissioners, the Board of Commissioners shall make appointments to the Berkshire Landing New Community Authority Board of Trustees, pursuant to Resolution No. 15-147 and section 349.04 of the Revised Code; and

WHEREAS, on June 20, 2013, the Board of Commissioners adopted Resolution No. 13-645, adopting a policy for the appointment of members to boards and commissions (the “Policy”), which requires posting of all available positions for at least fourteen (14) days and permits the Board of Commissioners to conduct interviews of any applicants; and

WHEREAS, the Board of Commissioners desires to approve an exception to the Policy in order to reappoint a current member and to appoint a new member of the board of trustees of the Berkshire Landing New Community Authority.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Delaware County, State of Ohio:

Section 1. The Board hereby approves an exception to the Policy for the appointments made herein by choosing to waive the requirement for posting the positions and to proceed directly to appointment.

Section 2. The Board of Commissioners hereby approves the appointment of the following members to the Berkshire Landing New Community Authority Board of Trustees for the terms specified herein:

Position	Appointee	Term Ends
Citizen Member	Seiji Kille	February 4, 2026
Citizen Member	Justin Nahvi	February 4, 2026

Section 3. The re-appointment and appointment approved in this Resolution shall take effect on February 5, 2024.

Section 4. The Clerk of the Board of Commissioners is hereby directed to certify a copy of this Resolution to Berkshire Crossing Development, LLC, as the statutory developer for the Berkshire Landing New Community Authority.

Vote on Motion Mr. Benton Aye Mrs. Lewis Aye Mr. Merrell Aye

**8
RESOLUTION NO. 23-1057**

IN THE MATTER OF APPOINTING A MEMBER TO THE DELAWARE COUNTY LAW LIBRARY RESOURCES BOARD:

It was moved by Mrs. Lewis, seconded by Mr. Merrell to approve the following:

WHEREAS, the Delaware County Law Library Resources Board was established on July 1, 2009, pursuant to section 307.51, *et seq.*, of the Revised Code; and

WHEREAS, the Delaware County Board of Commissioners (the “Board of Commissioners”) is responsible for the appointment of two members of the Delaware County Law Library Resources Board, pursuant to section 307.511 of the Revised Code; and

WHEREAS, the term of William Curley expires on December 31, 2023, and Andrew Wecker has applied for appointment to the succeeding term;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Delaware County, State of Ohio:

Section 1. The Board of Commissioners hereby approves the appointment of Andrew Wecker to the Delaware County Law Library Resources Board for a term commencing on January 1, 2024, and ending on December 31, 2028.

Section 2. The appointment approved herein shall take effect on January 1, 2024.

Vote on Motion Mr. Merrell Aye Mr. Benton Aye Mrs. Lewis Aye

**9
RESOLUTION NO. 23-1058**

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IN THE MATTER OF APPOINTING A MEMBER TO THE DELAWARE-MORROW MENTAL HEALTH & RECOVERY SERVICES BOARD:

It was moved by Mr. Merrell, seconded by Mrs. Lewis to approve the following:

WHEREAS, the Delaware-Morrow Mental Health and Recovery Services Board is the body established, pursuant to Chapter 340.02 of the Revised Code, to govern the joint alcohol, drug addiction, and mental health service district of Delaware and Morrow Counties; and

WHEREAS, the Delaware County Board of Commissioners (the "Board") appoints members to the Delaware-Morrow Mental Health and Recovery Services Board for both expired and unexpired terms; and

WHEREAS, a vacancy exists for a term that will expire June 30, 2025; and

WHEREAS, William Holzapfel has applied for appointment and meets all the residency requirements stipulated by section 340.02(A) of the Revised Code;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Delaware County, State of Ohio, as follows:

Section 1. The Board hereby appoints William Holzapfel as a member of the Delaware-Morrow Mental Health & Recovery Services Board to the vacant term expiring June 30, 2025.

Section 2. The appointment of William Holzapfel shall take effect immediately upon the adoption of this Resolution.

Vote on Motion Mrs. Lewis Aye Mr. Merrell Aye Mr. Benton Aye

**10
RESOLUTION NO. 23-1059**

IN THE MATTER OF DONATING COUNTY PERSONAL PROPERTY NOT NEEDED FOR PUBLIC USE TO ERIE COUNTY, OHIO:

It was moved by Mr. Merrell, seconded by Mrs. Lewis to approve the following:

WHEREAS, the Delaware County Records Center has certain personal property, specifically twelve (12) bottles of Clayton Cleaner (the "Property") used for maintenance of a film processor, that is no longer needed for use by Delaware County; and

WHEREAS, pursuant to section 307.12(D) of the Revised Code, the Board of County Commissioners (the "Board") may sell or donate county personal property to any political subdivision of the state without advertisement or public notification, regardless of the property's value; and

WHEREAS, the Erie County Records Center has expressed a need for and can utilize the Property;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Delaware County, State of Ohio, that:

Section 1. The Board hereby approves the donation of the Property to Erie County, Ohio.

Section 2. Pursuant to section 307.12(D) of the Revised Code, the Board makes no determination of the value of the Property, and the Property shall be donated upon the condition that the Property is accepted "as is" and without any obligation to Delaware County in regard to the Property or its suitability for use.

Vote on Motion Mr. Merrell Aye Mrs. Lewis Aye Mr. Benton Aye

**11
RESOLUTION NO. 23-1060**

IN THE MATTER OF AWARDING A BID TO AND APPROVING A CONTRACT WITH PETERSON CONSTRUCTION COMPANY FOR THE PACKAGE PLANT UPGRADES PROJECT FOR THE DELAWARE COUNTY REGIONAL SEWER DISTRICT:

It was moved by Mrs. Lewis, seconded by Mr. Merrell to approve the following:

WHEREAS, sealed bids for the Package Plant Upgrades Project, Contract 4-2023, were received at www.bidexpress.com at 2:00 p.m. Tuesday, November 14, 2023; and

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WHEREAS, one (1) bid was received, with Peterson Construction Company submitting the apparent lowest and best bid; and

WHEREAS, the Sanitary Engineer recommends awarding a contract to Peterson Construction Company;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners hereby awards the bid for the Package Plant Upgrades Project, Contract 4-2023, to Peterson Construction Company, directs the Sanitary Engineer to prepare the necessary Notice of Award and contract documents, and approves the following agreement with Peterson Construction Company:

**AGREEMENT BETWEEN DELAWARE COUNTY BOARD OF COMMISSIONERS AND
CONTRACTOR
FOR DCES CONTRACT 4-2023: PACKAGE PLANT UPGRADES PROJECT**

This AGREEMENT is by and between Delaware County Board of Commissioners, Delaware, Ohio

(Owner) and Peterson Construction Company, 18817 SR 501 North, Wapakoneta, OH 45895

(Contractor).

Owner and Contractor, in consideration of the mutual covenants set forth herein, agree as follows:

ARTICLE 1 - WORK

1.01 Contractor shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as follows:

Improvements to existing wastewater treatment plants, which are the Tartan Fields Water Reclamation Facility and Lower Scioto Water Reclamation Facility. Demolition of the existing Scioto Reserve Water Reclamation Facility. Upgrades to the O'Shaughnessy Pump Station. Construction of the Scioto Reserve Pump Station.

ARTICLE 2 - THE PROJECT

2.01 The Project for which the Work under the Contract Documents may be the whole or only a part is generally described as follows:

PACKAGE PLANT UPGRADES PROJECT

ARTICLE 3 - ENGINEER

3.01 The Project is designated to the Delaware County Sanitary Engineer (Engineer), who is to act as Owner's representative, assume all duties and responsibilities, and have the rights and authority assigned to Engineer in the Contract Documents in connection with the completion of the Work in accordance with the Contract Documents. All inquiries and correspondence shall be directed to MS Consultants, Inc. At katfisher@msconsultants.com The Design Engineer is MS Consultants, Inc.

Within the State of Ohio, Department of Transportation, Construction and Material Specification, wherever the word "State" occurs, it is to mean OWNER. Wherever the word "Department" occurs, it is to mean OWNER. Wherever the words "Director", "Deputy Director" or "Engineer" occur or any other reference to a State of Ohio employee, it is to mean DELAWARE COUNTY SANITARY ENGINEER. Within the City of Columbus, Construction and Material Specification, wherever the word "City" occurs, it is to mean OWNER. Wherever the words "Department" or "Division" occur, it is to mean OWNER. Wherever the words "Director" or "Engineer" occur or any other reference to a City of Columbus employee, it is to mean DELAWARE COUNTY SANITARY ENGINEER.

ARTICLE 4 - CONTRACT TIMES

4.01 Time of the Essence - All time limits for Milestones, if any, Substantial Completion, and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

4.02 Dates for Milestones, Substantial Completion, and Final Payment:

- Twenty (20) months from Notice to Proceed – Lower Scioto Water Reclamation Facility Substantial Completion
- Twenty-Three (23) months from Notice to Proceed – O'Shaughnessy Pump Station Substantial Completion
- Twenty-Six (26) months from Notice to Proceed – Scioto Reserve Pump Station and Scioto Reserve Water Reclamation Facility Substantial Completion
- Twenty-Nine (29) months from Notice to Proceed – Substantial Completion for full project, including Tartan Fields Water Reclamation Facility
- Thirty (30) months from Notice to Proceed – Final Completion

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4.03 Liquidated Damages-\$1,000/day

ARTICLE 5 - CONTRACT PRICE

5.01 Owner shall pay Contractor for completion of the Work in accordance with the Contract Documents an amount in current funds equal to the sum of the amounts determined pursuant to Paragraph 5.01.A below:

- A. For all Work, at the prices stated in Contractor's Bid, attached hereto as an exhibit.

ARTICLE 6 - PAYMENT PROCEDURES

6.01 Submittal and Processing of Payments

- A. Contractor shall submit Applications for Payment in accordance with Article 15 of the General Conditions. Applications for Payment will be processed by Engineer as provided in the General Conditions.

6.02 Progress Payments; Retainage

- A. Owner shall make progress payments on account of the Contract Price on the basis of Contractor's Applications for Payment on or about the 30th day of each month during performance of the Work as provided in Paragraphs 6.02.A.1 and 6.02.A.2 below. All such payments will be measured by the schedule of values established as provided in Paragraph 2.07.A of the General Conditions (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no schedule of values, as provided in the General Requirements:

1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below but, in each case, less the aggregate of payments previously made and less such amounts as Engineer may determine or Owner may withhold, including but not limited to liquidated damages, in accordance with Paragraph 15.02 of the General Conditions:

- a. 92 percent of Work completed (with the balance being retainage). If the Work has been 50 percent completed as determined by Engineer, and if the character and progress of the Work have been satisfactory to Owner and Engineer, Owner, on recommendation of Engineer, may determine that as long as the character and progress of the Work remain satisfactory to them, there will be no additional retainage; and
- b. 98 percent of cost of materials and equipment not incorporated in the Work (with the balance being retainage).

2. Upon Substantial Completion, Owner shall pay an amount sufficient to increase total payments to Contractor to 95 percent of the Work completed, less such amounts as Engineer shall determine in accordance with Paragraph 15.02.B.5 of the General Conditions and less 100 percent of Engineer's estimate of the value of Work to be completed or corrected as shown on the tentative list of items to be completed or corrected attached to the certificate of Substantial Completion.

6.03 Final Payment

- A. Upon final completion and acceptance of the Work in accordance with Paragraph 15.07 of the General Conditions, Owner shall pay the remainder of the Contract Price as recommended by Engineer as provided in said Paragraph 15.07.

ARTICLE 7 - INTEREST

7.01 All moneys not paid when due as provided in Article 6 of this contract shall bear interest at the rate of one percent (1.0%) per annum.

ARTICLE 8 – CONTRACTOR'S REPRESENTATIONS

8.01 In order to induce Owner to enter into this Agreement Contractor makes the following representations:

- A. Contractor has examined and carefully studied the Contract Documents and the other related data identified in the Bidding Documents.
- B. Contractor has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.
- C. Contractor is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, and performance of the Work.
- D. Contractor has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the Site (except Underground Facilities) which have been

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identified in the Supplementary Conditions as provided in Paragraph 5.02 of the General Conditions and (2) reports and drawings of a Hazardous Environmental Condition, if any, at the Site which has been identified in the Supplementary Conditions as provided in Paragraph 5.06 of the General Conditions.

- E. Contractor has obtained and carefully studied (or assumes responsibility for doing so) all examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the Site which may affect cost, progress, or performance of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by Contractor, including any specific means, methods, techniques, sequences, and procedures of construction expressly required by the Bidding Documents, and safety precautions and programs incident thereto.
- F. Contractor does not consider that any further examinations, investigations, explorations, tests, studies, or data are necessary for the performance of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents.
- G. Contractor is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Contract Documents.
- H. Contractor has correlated the information known to Contractor, information and observations obtained from visits to the Site, reports and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.
- I. Contractor has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Contractor has discovered in the Contract Documents, and the written resolution thereof by Engineer is acceptable to Contractor.
- J. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

ARTICLE 9 - CONTRACT DOCUMENTS

9.01 Contents

- A. The Contract Documents consist of the following:
 - 1. This Agreement (00 52 00, inclusive).
 - 2. Exhibits to this Agreement (enumerated as follows):
 - a. Contractor's Bid (00 41 00, inclusive).
 - b. Documentation submitted by Contractor prior to Notice of Award (Bidding Forms, inclusive).
 - 3. Contract bond (00 43 00, inclusive).
 - 4. Legal and Fiscal Officers (00 54 01, inclusive).
 - 5. Certificate of Insurance (00 62 16 inclusive).
 - 6. Addenda (numbers 1 to 6, inclusive).
 - 7. Construction Drawings bearing the following general title:
PACKAGE PLANT UPGRADE PROJECT
 - 8. Specifications and Standard Drawings as listed in the table of contents of the
PACKAGE PLANT UPGRADES PROJECT
 - 9. Supplementary Conditions (00 73 00, inclusive).
 - 10. General Conditions (00 72 00, inclusive).
 - 11. The following documents, which may be delivered or issued on or after the Effective Date of the Agreement and are not attached hereto:
 - a. Notice of Award
 - b. Notice to Proceed
 - c. Work Change Directive(s).
 - d. Change Order(s).

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- B. The documents listed in Paragraph 9.01.A are attached to this Agreement (except as expressly noted otherwise above).
- C. There are no Contract Documents other than those listed above in this Article 9.
- D. The Contract Documents may only be amended, modified, or supplemented by change order, as provided in Paragraph 3.04 of the General Conditions.
- E. This Agreement, along with the Contract Documents, shall constitute the entire understanding and agreement between the Owner and the Contractor, shall supersede all prior understandings and agreements relating to the subject matter hereof, and may only be amended as provided in this Agreement.
- F. In the event of a conflict between the Contract Documents, the documents shall have precedence according to the order listed in Paragraph 9.01.A of this Agreement, document number one having precedence, and so on.

ARTICLE 10 – INSURANCE

10.1 Insurance Coverage

Contractor shall maintain insurance as described in the General Conditions and Supplementary Conditions.

10.2 Additional Insureds

The County, its elected officials and employees, shall be named as additional insureds with respect to all activities under this Agreement in the policies required by Subsection 10.1. Contractor shall require all of its subcontractors to provide like endorsements.

10.3 Proof of Insurance

Prior to the commencement of any work under this Agreement, Contractor, and all of its subcontractors, shall furnish the County with properly executed certificates of insurance for all insurance required by this Agreement and properly executed endorsements listing the additional insured as required in Subsection 10.2. Certificates of insurance shall provide that such insurance shall not be cancelled without thirty (30) days prior written notice to the County. Contractor will replace certificates for any insurance expiring prior to completion of work under this Agreement.

ARTICLE 11 – INDEMNIFICATION

A. To the fullest extent permitted by Laws and Regulations, Contractor shall indemnify and hold harmless Owner and Engineer, and the officers, directors, partners, employees, agents, consultants and subcontractors of each and any of them from and against all claims, costs, losses, and damages (including but not limited to all fees and charges of engineers, architects, attorneys, and other professionals and all court or arbitration or other dispute resolution costs) arising out of or relating to the performance of the Work, provided that any such claim, cost, loss, or damage is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property (other than the Work itself), including the loss of use resulting therefrom but only to the extent caused by any negligent act or omission of Contractor, any Subcontractor, any Supplier, or any individual or entity directly or indirectly employed by any of them to perform any of the Work or anyone for whose acts any of them may be liable .

B. In any and all claims against Owner or Engineer or any of their respective consultants, agents, officers, directors, partners, or employees by any employee (or the survivor or personal representative of such employee) of Contractor, any Subcontractor, any Supplier, or any individual or entity directly or indirectly employed by any of them to perform any of the Work, or anyone for whose acts any of them may be liable, the indemnification obligation under Paragraph 6.20.A shall not be limited in any way by any limitation on the amount or type of damages, compensation, or benefits payable by or for Contractor or any such Subcontractor, Supplier, or other individual or entity under workers' compensation acts, disability benefit acts, or other employee benefit acts.

C. The indemnification obligations of Contractor under Paragraph. A shall not extend to the liability of Engineer and Engineer's officers, directors, partners, employees, agents, consultants and subcontractors arising out of:

1. the preparation or approval of, or the failure to prepare or approve, maps, Drawings, opinions, reports, surveys, Change Orders, designs, or Specifications; or
2. Giving directions or instructions, or failing to give them, if that is the primary cause of the injury or damage.

ARTICLE 12 - MISCELLANEOUS

12.01 Terms

A. Terms used in this Agreement will have the meanings stated in the General Conditions and the Supplementary Conditions

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12.02 Assignment of Contract

A. No assignment by a party hereto of any rights under or interests in the Contract will be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

12.03 Successors and Assigns

A. Owner and Contractor each binds itself, its partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in the Contract Documents.

12.04 Severability

A. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon Owner and Contractor, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

Other Provisions

12.05 Findings for Recovery

A. Contractor certifies that it has no outstanding findings for recovery pending or issued against it by the State of Ohio.

12.06 Contractor agrees to the following:

A. That, in the hiring of employees for the performance of work under the contract or any subcontract, Contractor, any subcontractor, or any person acting on Contractor’s or subcontractor’s behalf, by reason of race, creed, sex, disability as defined in section 4112.01 of the Revised Code, or color, shall not discriminate against any citizen of the state in the employment of labor or workers who is qualified and available to perform the work to which the employment relates;

B. That Contractor, any subcontractor, or any person on Contractor’s or subcontractor’s behalf, shall not, in any manner, discriminate against or intimidate any employee hired for the performance of work under the contract on account of race, creed, sex, disability as defined in section 4112.01 of the Revised Code, or color.

C. That there shall be deducted from the amount payable to the Contractor by the Owner, under this contract, a forfeiture of twenty-five dollars for each person who is discriminated against or intimidated in violation of this contract;

D. That the contract shall be canceled or terminated by the Owner, and all money to become due hereunder may be forfeited, for a second or subsequent violation of the terms of this section of the contract.

IN WITNESS WHEREOF, Owner and Contractor have signed this Agreement in duplicate. One counterpart each has been delivered to Owner and Contractor. All portions of the Contract Documents have been signed or identified by Owner and Contractor or on their behalf.

This Agreement will be effective on December 11, 2023 (which is the Effective Date of the Agreement).

Vote on Motion Mr. Benton Aye Mr. Merrell Aye Mrs. Lewis Aye

**12
RESOLUTION NO. 23-1061**

IN THE MATTER OF SETTING THE BID DATE AND TIME TO RECEIVE BIDS FOR THE DENSITY CURRENT BAFFLES SUPPLY CONTRACT FOR THE DELAWARE COUNTY REGIONAL SEWER DISTRICT:

It was moved by Mr. Merrell, seconded by Mrs. Lewis to approve the following:

WHEREAS, the Delaware County Regional Sewer District desires to purchase density current baffles to be used within the treatment process at the Alum Creek Water Reclamation Facility; and

WHEREAS, Sewer District staff has developed the contract documents and technical specifications for the needed density current baffles;

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NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, hereby approves the specifications for the Density Current Baffles Supply Contract and authorizes the Sanitary Engineer to advertise for and receive bids on behalf of the Board in accordance with the following Invitation to Bid:

**Legal Notice
Invitation to Bid**

Sealed bids will be received at the Office of the Delaware County Sanitary Engineer, 1610 State Route 521, Delaware, Ohio 43015, until **11:00 a.m. Friday, January 12, 2024**, at which time they will be opened and read aloud, for the project known as Density Current Baffles Supply Contract.

The proposals must be made on the forms provided in the Contract Documents or a copy thereof and shall contain the full name and address of the bidder. All bids shall be sealed and plainly marked "SEALED BID FOR DENSITY CURRENT BAFFLES SUPPLY CONTRACT."

This notice and the complete Invitation to Bid are posted on the internet and may be viewed on Delaware County's web page at <https://www.co.delaware.oh.us> under the heading Public Notices and Bids and on the Delaware County Regional Sewer District web page at <https://regionalsewer.co.delaware.oh.us/bids/>.

All bids shall be accompanied by a bond or certified check, cashier's check, or money order on a solvent bank or savings and loan association in the amount of \$1,000.00, conditioned that the bidder, if the bidder's bid is accepted, shall execute a contract in conformity to the invitation and the bid.

No bids shall be withdrawn for a period of sixty (60) days after the opening thereof. Awarding of the contract shall be to the Lowest and Best bidder as determined by the Delaware County Board of Commissioners in the best interest of the County. The Board reserves the right to waive irregularities and to reject any or all bids.

Questions about the project shall be directed in writing to Erik McPeck via email at emcpeek@co.delaware.oh.us.

Delaware Gazette Advertisement Date:
Wednesday December 13, 2023

Vote on Motion Mrs. Lewis Aye Mr. Benton Aye Mr. Merrell Aye

**13
RESOLUTION NO. 23-1062**

IN THE MATTER OF APPROVING TRANSFERS OF FUNDS FOR THE REGIONAL SEWER DISTRICT:

It was moved by Mrs. Lewis, seconded by Mr. Merrell to approve the following:

Transfer of Funds		
From:	To:	
66211900-5801	66611900-4601	\$8,900,000.00
SRF-Cash Transfers	URF O&M Fund/Interfund Revenues	
66211900-5801	66711900-4601	\$611,000.00
SRF-Cash Transfers	Capital/Interfund Revenues	

Vote on Motion Mr. Benton Aye Mrs. Lewis Aye Mr. Merrell Aye

**14
TIFFANY MAAG,
DIRECTOR OF ENVIRONMENTAL SERVICES AND REGIONAL SEWER DISTRICT
MONTHLY SANITARY APPROVAL UPDATE TO BOARD OF COMMISSIONERS**

**15
RESOLUTION NO. 23-1063**

IN THE MATTER OF ACCEPTING THE ROADS, APPROVING RECOMMENDED SPEED LIMITS, ESTABLISHING STOP CONDITIONS, AND RELEASING THE SURETIES FOR BERLIN MANOR SECTION 2 ,WOODCREST CROSSING SECTION 2, WOODCREST CROSSING SECTION 3 AND WOODCREST CROSSING SECTION 4;

It was moved by Mr. Merrell, seconded by Mrs. Lewis to approve the following:

**COMMISSIONERS JOURNAL NO. 79 - DELAWARE COUNTY
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WHEREAS, the Engineer has reviewed the roadway construction of the roads within Berlin Manor Section 2, Woodcrest Crossing Section 2, Woodcrest Crossing Section 3 and Woodcrest Crossing Section 4 (the “Subdivisions”), finds them to be constructed in accordance with the approved plans, and recommends that the following roadways within the Subdivisions be accepted into the public system:

Berlin Manor Section 2:

- An addition of 0.517 mile to township road number 1765, Russel Woods Drive
- An addition of 0.396 mile to township road number 1827, Berlin Manor Drive
- An addition of 0.041 mile to township road number 1880, Doras Drive

Woodcrest Crossing Section 2:

- An addition of 0.359 mile to township road number 1875, Bluejay Ridge Drive
- An addition of 0.129 mile to township road number 1718, Pyke Drive
- An addition of 0.020 mile to township road number 1876, Crimson Stone Drive
- An addition of 0.030 mile to township road number 1877, Shadowfair Lane

Woodcrest Crossing Section 3:

- An addition of 0.182 mile to township road number 1876, Crimson Stone Drive
- An addition of 0.112 mile to township road number 1879, Winterglow Drive

Woodcrest Crossing Section 4:

- An addition of 0.138 mile on township road number 1878, Comet View Court

WHEREAS, the Engineer also recommends that 25 mile per hour speed limits be established throughout the Subdivisions; and

WHEREAS, the Engineer recommends that the following stop conditions be established within the Subdivisions:

- On township road number 1880, Doras Drive, at its intersection with township road 1765, Russell Woods Drive and township road number 1827, Berlin Manor Drive
- On township road number 1718, Pyke Drive , at its intersection with township road number 1717, Whitestone Trace
- On township road number 1718, Pyke Drive, at its intersection with township road number 1875, Bluejay Ridge Drive and township road number 1876, Crimson Stone Drive
- On township road number 1877, Shadowfair Lane at its intersection with township road number 1875, Bluejay Ridge Drive
- On township road number 1879, Winterglow Drive, at its intersection with township road number 139, Clark-Shaw Road
- On township road number 1879, Winterglow Drive, at its intersection with township road number 1876, Crimson Stone Drive

WHEREAS, the Engineer requests approval to return the cash being held as maintenance surety to Berlin Manor One LLC, and M/I Homes of Central Ohio, LLC;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, hereby accepts the Engineer’s recommendations stated herein and accepts the roads, approves speed limits and stop conditions, and releases maintenance sureties in accordance with the Engineer’s recommendations stated herein.

Vote on Motion Mr. Merrell Aye Mr. Benton Aye Mrs. Lewis Aye

**16
RESOLUTION NO. 23-1064**

IN THE MATTER OF AUTHORIZING THE PURCHASE OF EQUIPMENT FOR THE ENGINEER’S OFFICE:

It was moved by Mrs. Lewis, seconded by Mr. Merrell to approve the following:

WHEREAS, pursuant to section 5549.01 of the Revised Code, the Board of Commissioners (the “Board”) may purchase machinery and equipment for the construction, improvement, maintenance or repair of the highways, bridges, and culverts under its jurisdiction as it deems necessary, including the purchase of automobiles, motorcycles, or other conveyances and maintenance thereof for the use of the County Engineer and the Engineer’s assistants when on official business; and

WHEREAS, the County Engineer’s Office has a need for a 2025 Volvo VHD64F300 day cab truck and a used 2013 Peterbilt utility truck for use in performing the office’s official duties; and

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WHEREAS, the Board participates in the Ohio Department of Transportation’s cooperative purchasing program (the “Program”), and the 2025 Volvo day cab truck is available for purchase via the Program;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Delaware County, State of Ohio:

Section 1. The Board hereby authorizes the purchase of one (1) 2025 Volvo VHD64F300 Day cab Truck from Fremont White Truck Sales and Service for the price of \$141,316.00, not to exceed \$160,000.00.

Section 2. The purchase authorized in Section 1 shall be subject to the Program Contract #023-23, which is fully incorporated herein and of which the purchase order shall be made a part.

Section 3. The Board hereby authorizes the purchase of one (1) used 2013 Peterbilt utility truck with 277,844 miles and 11,100 hours from Road Equipment for the price of \$30,000.

Section 4. The Clerk shall provide a copy of this Resolution to the County Engineer.

Vote on Motion Mrs. Lewis Aye Mr. Merrell Aye Mr. Benton Aye

**17
RESOLUTION NO. 23-1065**

IN THE MATTER OF APPROVING PLANS, SPECIFICATIONS, SETTING THE BID DATE AND TIME FOR 2024 MATERIALS AND SERVICES FOR THE DELAWARE COUNTY ENGINEER:

It was moved by Mr. Merrell, seconded by Mrs. Lewis to approve the following:

WHEREAS, the Delaware County Engineer recommends and approves the bid specifications and the bid opening date and time for the following materials and services: 2024 Curb and Sidewalk Construction; 2024 Guardrail installation; 2024 Pavement Markings; 2024 Tree Clearing; 2024 Drainage Maintenance; 2024 Asphalt Materials; 2024-25 Roadside Mowing North, 2024-25 Roadside Mowing South and 2024 Culvert Supply Contract;

NOW, THEREFORE, BE IT RESOLVED by the Delaware County Board of Commissioners approves the bid specifications and bid opening date and time for the following materials and services: 2024 Curb and Sidewalk Construction; 2024 Guardrail installation; 2024 Pavement Markings; 2024 Tree Clearing; 2024 Drainage Maintenance; 2024 Asphalt Materials; 2024-25 Roadside Mowing North, 2024-25 Roadside Mowing South and 2024 Culvert Supply Contract:

2024 Curb and Sidewalk Construction:

**Public Notice
Advertisement for Bids**

Bid shall be submitted electronically through the www.bidexpress.com web service until 10:00 am on Tuesday, January 19, 2024, at which time they will be publicly received and read aloud, for the project known as

2024 Curb and Sidewalk Construction Annual Contract

The Owner of the project is the Delaware County Board of Commissioners. Copies of the plans and specifications must be obtained from www.bidexpress.com. All bidders must register and be a member of the web service to bid on the project.

This notice is posted on the Delaware County website at www.co.delaware.oh.us and may be accessed by selecting “Public Notices and Bids.”

The prices of this contract shall be in effect from January 22, 2024 to December 31, 2024. The Board of Commissioners reserves the right to make a non-exclusive award and to issue purchase orders on an as needed basis.

Contract prices shall also be made available for cooperative purchasing by all townships within Delaware County, City of Delaware, the Delaware County Preservations Parks District, and Delaware Soil and Water Conservation District.

This is a prevailing wage contract in accordance with Ohio Revised Code Chapter 4115 and the requirements of the Ohio Department of Commerce, Division of Labor and Worker Safety, Wage and Hour Bureau. Bidders shall comply with all applicable provisions.

No bids shall be withdrawn for a period of sixty (60) days after the opening thereof. Awarding of the contract shall be to the Lowest and Best bidder as determined by the Delaware County Board of Commissioners in the best interest of the County. The Board reserves the right to reject any or all bids.

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2024 Guardrail Installation:

**Public Notice
Advertisement for Bids**

Bids shall be submitted electronically through the www.bidexpress.com web service until 10:00 am on Tuesday, January 9, 2024, at which time they will be publicly opened and read aloud, for the project known as

2024 Guardrail Installation Annual Contract

The owner of the project is the Delaware County Board of Commissioner's. Copies of the plans and specifications must be obtained from www.bidexpress.com. All bidders must register and be a member of the web service to bid on the project.

This notice is posted on the Delaware County website at www.co.delaware.oh.us and may be accessed by selecting "Public Notices and Bids."

The prices of this contract shall be in effect from January 22, 2024 to December 31, 2024. The Board of Commissioners reserves the right to make a non-exclusive award and to issue purchase orders on an as needed basis.

Contract prices shall also be made available for cooperative purchasing by all townships within Delaware County, City of Delaware, Delaware County Preservations Parks District, and Delaware Soil and Water Conservation District.

This is a prevailing wage contract in accordance with Ohio Revised Code Chapter 4115 and the requirements of the Ohio Department of Commerce, Division of Labor and Worker Safety, Wage and Hour Bureau. Bidders shall comply with all applicable provisions.

No bids shall be withdrawn for a period of sixty (60) days after the opening thereof. Awarding of the contract shall be to the Lowest and Best bidder as determined by the Delaware County Board of Commissioners in the best interest of the County. The Board reserves the right to reject any or all bids.

Delaware Gazette Advertisement Dates: December 16, 2023

2024 Tree Clearing Bid:

**Public Notice
Advertisement for Bids**

Bids shall be submitted electronically through the www.bidexpress.com web service until 10:00 am on Tuesday, January 9, 2024, at which time they will be publicly received and read aloud, for the project known as:

2024 Tree Clearing Annual Contract

The Owner of the project is the Delaware County Board of Commissioners. Copies of the plans and specifications must be obtained from www.bidexpress.com. All bidders must register and be a member of the web service to bid on the project.

This notice is posted on the Delaware County website at www.co.delaware.oh.us and may be accessed by selecting "Public Notices and Bids."

The prices of this contract shall be in effect from January 22, 2024 to December 31, 2024. The Board of Commissioners reserves the right to make a non-exclusive award and to issue purchase orders on an as needed basis.

Contract prices shall also be made available for cooperative purchasing by all townships within Delaware County, City of Delaware, the Delaware County Preservations Parks District, and Delaware Soil and Water Conservation District.

No bids shall be withdrawn for a period of sixty (60) days after the opening thereof. Awarding of the contract shall be to the Lowest and Best bidder as determined by the Delaware County Board of Commissioners in the best interest of the County. The Board reserves the right to reject any or all bids.

Delaware Gazette Advertisement Dates: December 16, 2023

2024 Drainage Maintenance Annual Contract:

**Public Notice
Advertisement for Bids**

Bid shall be submitted electronically through the www.bidexpress.com web service until 10:00 am on Tuesday, January 9, 2024, at which time they will be publicly received and read aloud, for the project known as

2024 Drainage Maintenance Annual Contract

The Owner of the project is the Delaware County Board of Commissioners. Copies of the plans and specifications must be obtained from www.bidexpress.com. All bidders must register and be a member of the web service to bid on the project.

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This notice is posted on the Delaware County website at www.co.delaware.oh.us and may be accessed by selecting "Public Notices and Bids."

The prices of this contract shall be in effect from January 24, 2024 to December 31, 2024. The Board of Commissioners reserves the right to make a non-exclusive award and to issue purchase orders on an as needed basis.

Contract prices shall also be made available for cooperative purchasing with the Delaware Soil and Water Conservation District.

No bids shall be withdrawn for a period of sixty (60) days after the opening thereof. Awarding of the contract shall be to the Lowest and Best bidder as determined by the Delaware County Board of Commissioners in the best interest of the County. The Board reserves the right to reject any or all bids.

Delaware Gazette Advertisement Dates: December 16, 2023

2024 Asphalt Materials:

**Public Notice
Advertisement for Bids**

Bids shall be submitted electronically through the www.bidexpress.com web service until 10:00 am on Tuesday, March 19, 2024, at which time they will be publicly received and read aloud, for the project known as:

2024 Asphalt Materials Supply Contract

The Owner of the project is the Delaware County Board of Commissioners. Copies of the plans and specifications must be obtained from www.bidexpress.com. All bidders must register and be a member of the web service to bid on the project.

This notice is posted on the Delaware County website at www.co.delaware.oh.us and may be accessed by selecting "Public Notices and Bids."

The Owner requires that all work associated with the project be completed before December 31, 2024. The estimated commencement of work date is April 1, 2024.

This is a prevailing wage contract in accordance with Ohio Revised Code Chapter 4115 and the requirements of the Ohio Department of Commerce, Division of Labor and Worker Safety, Wage and Hour Bureau. Bidders shall comply with all applicable provisions.

No bids shall be withdrawn for a period of sixty (60) days after the opening thereof. Awarding of the contract shall be to the Lowest and Best bidder as determined by the Delaware County Board of Commissioners in the best interest of Delaware County. The Board reserves the right to reject any or all bids.

Delaware Gazette Advertisement Dates: March 2, 2024

2024-25 Roadside Mowing Contract North:

**Public Notice
Advertisement for Bids**

Bids shall be submitted electronically through the www.bidexpress.com web service until 10:00 am on Tuesday, January 9, 2024, at which time they will be publicly received and read aloud, for the project known as:

2024-2025 Roadside Mowing (North)

All proposals shall be submitted electronically through the web service www.bidexpress.com. The bid shall be accompanied by a Bid Security in the form of a bid bond in the amount of one hundred percent (100%) of the bid or a certified check in the amount of ten percent (10%) of the bid. In addition to the Bid Security, a Performance Bond is required for this project in the amount of one hundred percent (100%) of the total project cost.

The Owner of the project is the Delaware County Board of Commissioners. Copies of the plans and specifications must be obtained from www.bidexpress.com. All bidders must register and be a member of the web service to bid on the project.

This notice is posted on the Delaware County website at www.co.delaware.oh.us and may be accessed by selecting "Public Notices and Bids."

The prices of this contract shall be in effect from January 22, 2024 to December 31, 2025.

No bids shall be withdrawn for a period of sixty (60) days after the opening thereof. Awarding of the contract shall be to the Lowest and Best bidder as determined by the Delaware County Board of Commissioners in the best interest of the County. The Board reserves the right to reject any or all bids.

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Delaware Gazette Advertisement Dates: December 16, 2023

2024-25 Roadside Mowing Contract South:

**Public Notice
Advertisement for Bids**

Bids shall be submitted electronically through the www.bidexpress.com web service until 10:00 am on Tuesday, January 9, 2024, at which time they will be publicly received and read aloud, for the project known as:

2024-2025 Roadside Mowing (South)

All proposals shall be submitted electronically through the web service www.bidexpress.com. The bid shall be accompanied by a Bid Security in the form of a bid bond in the amount of one hundred percent (100%) of the bid or a certified check in the amount of ten percent (10%) of the bid. In addition to the Bid Security, a performance bond is required for this project in the amount of one hundred percent (100%) of the total project cost.

The Owner of the project is the Delaware County Board of Commissioners. Copies of the plans and specifications must be obtained from www.bidexpress.com. All bidders must register and be a member of the web service to bid on the project.

This notice is posted on the Delaware County website at www.co.delaware.oh.us and may be accessed by selecting "Public Notices and Bids."

The prices of this contract shall be in effect from January 22, 2024 to December 31, 2025.

No bids shall be withdrawn for a period of sixty (60) days after the opening thereof. Awarding of the contract shall be to the Lowest and Best bidder as determined by the Delaware County Board of Commissioners in the best interest of the County. The Board reserves the right to reject any or all bids.

Delaware Gazette Advertisement Dates: December 16, 2023

2024 Culvert Supply Contract:

**Public Notice
Advertisement for Bids**

Bids shall be submitted electronically through the www.bidexpress.com web service until 10:00 am on Tuesday, January 9, 2024, at which time they will be publicly received and read aloud, for the project known as:

2024 Culvert Supply Contract

All proposals shall be submitted electronically through the web service www.bidexpress.com. The bid shall be accompanied by a Bid Security in the form of a bid bond in the amount of one hundred percent (100%) of the bid or a certified check in the amount of ten percent (10%) of the bid. In addition to the Bid Security, a Performance Bond is required for this project in the amount of one hundred percent (100%) of the total project cost.

The Owner of the project is the Delaware County Board of Commissioners. Copies of the plans and specifications must be obtained from www.bidexpress.com. All bidders must register and be a member of the web service to bid on the project.

This notice is posted on the Delaware County website at www.co.delaware.oh.us and may be accessed by selecting "Public Notices and Bids."

The Owner requires that all work associated with the project be completed before September 7, 2024. The estimated commencement of work date is January 22, 2024.

This is a prevailing wage contract in accordance with Ohio Revised Code Chapter 4115 and the requirements of the Ohio Department of Commerce, Division of Labor and Worker Safety, Wage and Hour Bureau. Bidders shall comply with all applicable provisions.

No bids shall be withdrawn for a period of sixty (60) days after the opening thereof. Awarding of the contract shall be to the Lowest and Best bidder as determined by the Delaware County Board of Commissioners in the best interest of Delaware County Delaware County. The Board reserves the right to reject any or all bids.

Delaware Gazette Advertisement Dates: December 16, 2023

2024 Pavement Markings:

**Public Notice
Advertisement for Bids**

Bid shall be submitted electronically through the www.bidexpress.com web service until 10:00 am on Tuesday, January 9, 2024, at which time they will be publicly received and read aloud, for the project known

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as

2024 Pavement Markings Annual Contract

The Owner of the project is the Delaware County Board of Commissioners. Copies of the plans and specifications must be obtained from www.bidexpress.com. All bidders must register and be a member of the web service to bid on the project.

This notice is posted on the Delaware County website at www.co.delaware.oh.us and may be accessed by selecting "Public Notices and Bids."

The prices of this contract shall be in effect from January 22, 2024 to December 31, 2024. The Board of Commissioners reserves the right to make a non-exclusive award and to issue purchase orders on an as needed basis.

Contract prices shall also be made available for cooperative purchasing by all townships within Delaware County, City of Delaware, the Delaware County Preservations Parks District, and Delaware Soil and Water Conservation District.

This is a prevailing wage contract in accordance with Ohio Revised Code Chapter 4115 and the requirements of the Ohio Department of Commerce, Division of Labor and Worker Safety, Wage and Hour Bureau. Bidders shall comply with all applicable provisions.

No bids shall be withdrawn for a period of sixty (60) days after the opening thereof. Awarding of the contract shall be to the Lowest and Best bidder as determined by the Delaware County Board of Commissioners in the best interest of the County. The Board reserves the right to reject any or all bids.

Delaware Gazette Advertisement Dates: December 16, 2023

Vote on Motion Mr. Merrell Aye Mrs. Lewis Aye Mr. Benton Aye

18

RESOLUTION NO. 23-1066

IN THE MATTER OF APPROVING RIGHT-OF-WAY WORK PERMIT SUMMARY SHEET:

It was moved by Mr. Merrell, seconded by Mrs. Lewis to approve the following work permits:

WHEREAS, the below requests to perform work within the right-of-way have been reviewed and approved by the Delaware County Engineer;

NOW, THEREFORE, BE IT RESOLVED that the following permits are hereby approved by the Board of Delaware County Commissioners:

PERMIT #	APPLICANT	LOCATION	TYPE OF WORK
UT2023-0201	AEP	WORTHINGTON & LEWIS CEN.	ROAD BORE
UT2023-0202	SPECTRUM	CREIGHTON DR	ROAD BORE
UT2023-0203	SPECTRUM	CHESHIRE RD	DRILL CABLES
UT2023-0204	AEP	BLANKET PERMIT	NEW OR REPLACEMENT POLES
UT2023-0205	SPECTRUM	DUSTIN RD	DRILL CABLES
UT2023-0206	BREEZELINE	RUFUS CT	DIRECTIONAL BORE

Vote on Motion Mr. Benton Aye Mr. Merrell Aye Mrs. Lewis Aye

19

RESOLUTION NO. 23-1067

IN THE MATTER OF ACCEPTING IMPROVEMENTS WITHIN THE PROJECT KNOWN AS CLARKSHAW RESERVE AND RELEASING CONSTRUCTION SURETY:

It was moved by Mrs. Lewis, seconded by Mr. Merrell to approve the following:

WHEREAS, on December 2, 2019, the Board of County Commissioners (the "Board") entered into a Developer's Agreement with Rockford Homes, Inc. (the "Owner") for the project known as Clarkshaw Reserve; and

WHEREAS, the County Engineer has inspected the public infrastructure improvements constructed within Clarkshaw Reserve and finds them to be constructed in accordance with approved plans; and

WHEREAS, the County Engineer recommends the Board accept the improvements in accordance with the Developer's Agreement and release the bond being held as construction surety to the Owner;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, Ohio

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hereby accepts the improvements made for Clarkshaw Reserve in accordance with the Developer’s Agreement and releases the Bond being held as construction surety to the Owner.

Vote on Motion Mrs. Lewis Aye Mr. Benton Aye Mr. Merrell Aye

**20
RESOLUTION NO. 23-1068**

IN THE MATTER OF APPROVING WEIGHT LIMIT REDUCTIONS ON VARIOUS ROADS IN DELAWARE COUNTY:

It was moved by Mrs. Lewis, seconded by Mr. Merrell to approve the following:

WHEREAS, section 5577.07 of the Ohio Revised Code provides for the reduction of the weight limits on roads when thaws or excessive moisture render roads insufficient to bear normal traffic; and

WHEREAS, the Engineer recommends and requests that the Board reduce the load limits on the below listed Township Roads by 40 percent of the legal limit in accordance with section 5577.07 of the Ohio Revised Code, based on the presence of excessive soil moisture and the detrimental effect of numerous freeze/thaw cycles;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners hereby reduces the load limits on the below listed Township Roads by 40 percent of the legal limit in accordance with section 5577.07 of the Ohio Revised Code, based on the presence of excessive soil moisture and the detrimental effect of numerous freeze/thaw cycles:

COUNTY/TWP ROAD	#	ROAD NAME	BEGIN LIMIT	END LIMIT
TOWNSHIP	33	ALEXANDER		
TOWNSHIP	107	BALE KENYON	POWELL	EAST ORANGE
TOWNSHIP	66	BEACOM		
TOWNSHIP	140	BEAN OLLER		
TOWNSHIP	92	BRAUMILLER		
TOWNSHIP	141	BUNTY STATION		
TOWNSHIP	165	BURNT POND	US 36	FONTANELLE
TOWNSHIP	193	BUTTERMILK HILL		
TOWNSHIP	152	CALHOUN		
TOWNSHIP	166	CARR		
TOWNSHIP	334	CARRIAGE		
TOWNSHIP	63	CHAMBERS		
TOWNSHIP	33	CLARK		
TOWNSHIP	167	DEGOOD		
TOWNSHIP	35	DOMIGAN		
TOWNSHIP	135	DUFFY		
TOWNSHIP	55	EAST LIBERTY NORTH		
TOWNSHIP	142	FORD		
TOWNSHIP	164	FONTANELLE		
TOWNSHIP	143	FRESHWATER		
TOWNSHIP	262	FRY		
TOWNSHIP	174	HODGES		
TOWNSHIP	171	HOUSEMAN		
TOWNSHIP	156	JACKTOWN		
TOWNSHIP	73	JOE WALKER	SR 37	DEAD END
TOWNSHIP	60	JUSTAMERE		
TOWNSHIP	62	KENNEY		
TOWNSHIP	61	LANE		
TOWNSHIP	155	LARCOMB		
TOWNSHIP	133	MERCHANT		
TOWNSHIP	59	MOODY	OLIVE GREEN	JUSTAMERE
TOWNSHIP	160	NEWHOUSE		
TOWNSHIP	256	OLMSTEAD		
TOWNSHIP	142	OWEN FRALEY		

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TOWNSHIP	50	PATRICK	TRENTON TWP	FREDRICKS
TOWNSHIP	56	PEERLESS		
TOWNSHIP	196	PENRY		
TOWNSHIP	12	PORTER CENTRAL	CENTERBURG	OLIVE GREEN
TOWNSHIP	12	PORTER CENTRAL	STATE ROUTE 656	COUNTY LINE
TOWNSHIP	69	ROSECRANS		
TOWNSHIP	161	RUSSELL		
TOWNSHIP	122	RUTHERFORD		
TOWNSHIP	258	SHORTCUT		
TOWNSHIP	162	SMART		
TOWNSHIP	168	SLOCUM		
TOWNSHIP	58	TRIMMER		
TOWNSHIP	57	ULERY	OLIVE GREEN	PORTER CENTRAL
TOWNSHIP	173	WARREN		
TOWNSHIP	56	WILSON	CARTERS CORNER	SR 61

Vote on Motion Mr. Benton Aye Mrs. Lewis Aye Mr. Merrell Aye

**21
RESOLUTION NO. 23-1069**

IN THE MATTER OF ESTABLISHING A MAINTENANCE BOND AND RELEASING CONSTRUCTION BOND FOR HIDDEN RAVINES CROSSING:

It was moved by Mrs. Lewis, seconded by Mr. Merrell to approve the following:

WHEREAS, the roadway construction has been completed for the project known as Hidden Ravines Crossing (the “Projects”); and

WHEREAS, as the result of the Engineer’s recent field review of the Project, the Engineer has determined that only minor remedial work remains which can be accomplished during the subsequent one year maintenance period; and

WHEREAS, the Engineer recommends that, in accordance with the Owner’s Agreement, the maintenance bond be set at ten percent (10%) of the original construction estimate for the Project and that the Project be placed on the required one year maintenance period; and

WHEREAS, Innovative Construction Solutions, Inc. (the “Owner”) has provided a maintenance bond in the amount of \$46,600.00 as surety to cover the one year maintenance period; and

WHEREAS, the Engineer also recommends that, in accordance with the Owner’s Agreement, the construction bond being held as surety for the Project be returned to the Owner;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners accepts the maintenance bond in the amount of \$46,600.00 for the Project, places the Project on the required one year maintenance period, and returns the construction bonds being held for the Project to the Owner.

Vote on Motion Mr. Merrell Aye Mr. Benton Aye Mrs. Lewis Aye

**22
RESOLUTION NO. 23-1070**

IN THE MATTER OF APPROVING PLANS, SPECIFICATIONS, SETTING THE BID DATE AND TIME FOR THE PROJECT KNOWN AS O.R.C. 6131 DRAINAGE IMPROVEMENT PROJECT (RIBOV #620 DRAINAGE IMPROVEMENT PROJECT);

It was moved by Mr. Merrell, seconded by Mrs. Lewis to approve the following:

WHEREAS, the Delaware County Engineer has prepared plans, specifications and estimates for the project known as O.R.C. 6131 Drainage Improvement Project (Ribov #620 Drainage Improvement Project) (the “improvement”);

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Delaware County, State of Ohio, that:

Section 1. The Board hereby approves the plans, specifications and estimates for the improvement.

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Section 2. The Board hereby authorizes the County Engineer to advertise for and receive bids for improvement on behalf of the Board in accordance with the following Public Notice:

**Public Notice
Advertisement for Bids**

Bids shall be submitted electronically through the www.bidexpress.com web service until 10:00 am on Tuesday, January 2, 2024, at which time they will be publicly received and read aloud, for the project known as:

**O.R.C. 6131 Drainage improvement Project
Ribov #620 Drainage Improvement Project**

All proposals shall be submitted electronically through the web service www.bidexpress.com. The bid shall be accompanied by a Bid Security in the form of a bid bond in the amount of one hundred percent (100%) of the bid or a certified check in the amount of ten percent (10%) of the bid. In addition to the Bid Security, a Performance Bond is required for this project in the amount of one hundred percent (100%) of the total project cost.

THE ENGINEER'S CONSTRUCTION ESTIMATE FOR THE PROJECT IS \$149,504.00. PER O.R.C. 6131.40 NO BIDS SHALL BE ACCEPTED THAT EXCEED THE ENGINEER'S CONSTRUCTION ESTIMATE.

The Owner of the project is the Delaware County Board of Commissioners. Copies of the plans and specifications must be obtained from www.bidexpress.com. All bidders must register and be a member of the web service to bid on the project.

This notice is posted on the Delaware County website at www.co.delaware.oh.us and may be accessed by selecting "Public Notices and Bids."

The Owner requires that all work associated with the project be completed before May 31, 2024. The estimated commencement of work date is February 1, 2024. Furthermore due to tree clearing restrictions imposed upon this project, all tree clearing activities must occur on or before March 1, 2024.

No bids shall be withdrawn for a period of sixty (60) days after the opening thereof. Award of the contract shall be to the Lowest and Best bidder as determined by the Delaware County Board of Commissioners in the best interest of Delaware County. The Board reserves the right to reject any or all bids.

Delaware Gazette Advertisement Dates: December 16, 2023

Vote on Motion Mrs. Lewis Aye Mr. Merrell Aye Mr. Benton Aye

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10:00A.M.- PUBLIC HEARING FOR CONSIDERATION OF THE MCALLISTER #574 WATERSHED DRAINAGE IMPROVEMENT PETITION FILED BY JOSEPH DEFRANCIS AND OTHERS:

The Board of Commissioners opened the hearing at 10:12 A.M.

The Board of Commissioners closed the hearing at 10:51 A.M.

**23 Continued
RESOLUTION NO. 23-1071**

IN THE MATTER OF DISMISSING THE MCALLISTER #574 WATERSHED DRAINAGE IMPROVEMENT PETITION FILED BY JOSEPH DEFRANCIS AND OTHERS:

It was moved by Mrs. Lewis, seconded by Mr. Merrell to approve the following:

WHEREAS, on June 7, 2023, a petition for the McAllister #574 Watershed Drainage Improvement was filed with the Board of Commissioners of Delaware County (the "Board"); and

WHEREAS, on September 28, 2023, the Board conducted a view of the proposed improvement; and

WHEREAS, on December 11, 2023, the Board held the first hearing on the petition; and

WHEREAS, after hearing the preliminary report of the Delaware County Engineer and any evidence offered by any owner for or against the granting of the proposed improvement or for or against the granting of any laterals, branches, spurs, or change of route, course, termini, or manner of construction described in the petition, the Board is prepared to vote to determine whether to proceed with the project survey and design or to dismiss the petition, taking into consideration the petition, the preliminary report, and comments on the proposed improvement;

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NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Delaware County, Ohio as follows:

Section 1. The Board hereby finds that (one or more of the following) the proposed improvement is not necessary, the proposed improvement will not be conducive to the public welfare, or the estimated cost of the proposed improvement will exceed the benefits to be derived if it is constructed. Accordingly, the Board hereby dismisses the petition for the proposed improvement.

Section 2. The petitioners' bond shall cover all the costs incurred in the proceedings, including the costs incurred by the engineer in making preliminary reports, pursuant to section 6131.09 of the Revised Code. The Board approves establishing a new organization key for the costs incurred during the McAllister #574 watershed Drainage Improvement Petition process 40311498.

Section 3. This Board finds and determines that all formal actions taken by this Board concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in said formal actions were in meetings open to the public, in compliance with the laws of the State of Ohio.

Section 4. This Resolution shall take effect immediately upon adoption.

Vote on Motion Mr. Merrell Aye Mrs. Lewis Aye Mr. Benton Aye

**24
ADMINISTRATOR REPORTS**

CA Davies – No Comments

**25
COMMISSIONERS' COMMITTEES REPORTS**

Mr. Merrell: Attended the CCAO meeting last week

Mrs. Lewis: Attended the CCAO meeting last week and the PIN (People In Need) Clearing House event. Mrs. Lewis gave accolades to the Volunteers and Directors of the event for helping 475 families and 1200 children in Delaware County.

Mr. Benton: Attended the CCAO meeting last week and the State Easement Board meeting.

**26
RESOLUTION NO. 23-1072**

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION TO CONSIDER THE PURCHASE OF PROPERTY FOR PUBLIC PURPOSES, TO CONSIDER THE SALE OF PROPERTY AT COMPETITIVE BIDDING AND FOR COLLECTIVE BARGAINING.

It was moved by Mr. Merrell, seconded by Mrs. Lewis to approve the following:

WHEREAS, pursuant to section 121.22(G) of the Revised Code, a public body may hold an executive session only after a majority of a quorum of the public body determines, by a roll call vote, to hold an executive session and only at a regular or special meeting for the sole purpose of the consideration of any of the matters specified in section 121.22(G)(1)–(7) of the Revised Code; and

WHEREAS, pursuant to section 121.22(G)(8) of the Revised Code, a public body may hold an executive session to consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance, provided that both of the following conditions apply:

(1) The information is directly related to a request for economic development assistance that is to be provided or administered under any provision of Chapter 715., 725., 1724., or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of the Revised Code, or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project; and

(2) A unanimous quorum of the public body determines, by a roll call vote, that the executive session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Delaware County, State of Ohio:

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Section 1. The Board hereby adjourns into executive session to consider the purchase of property for public purposes, to consider the sale of property at competitive bidding and for collective bargaining.

Vote on Motion Mr. Benton Aye Mrs. Lewis Aye Mr. Merrell Aye

27

RESOLUTION NO. 23-1073

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Merrell, seconded by Mrs. Lewis to adjourn out of Executive Session.

Vote on Motion Mr. Merrell Aye Mr. Benton Aye Mrs. Lewis Aye

There being no further business, the meeting adjourned.

Gary Merrell

Barb Lewis

Jeff Benton

Jennifer Walraven, Clerk to the Commissioners