

COMMISSIONERS JOURNAL NO. 46 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD OCTOBER 28, 2004

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

Present: Kristopher W. Jordan, Deborah B. Martin, James D. Ward

**PUBLIC COMMENT**

**RESOLUTION NO. 04-1319**

**IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD OCTOBER 25, 2004 AS CONTAINED IN THE COUNTY'S OFFICIAL ELECTRONIC RECORDINGS OF THE PROCEEDINGS:**

It was moved by Mr. Ward, seconded by Mr. Jordan to approve the resolutions and records of the proceedings from regular meeting held October 25, 2004 as contained in the county's official electronic recordings of the proceedings.

Vote on Motion                      Mrs. Martin              Aye              Mr. Jordan              Aye              Mr. Ward              Aye

**RESOLUTION NO. 04-1320**

**IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR1027 AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR1027A & B:**

It was moved by Mr. Jordan, seconded by Mr. Ward to approve payment of warrants in batch numbers CMAPR1027, memo transfers in batch numbers MTAPR1027A & B and Purchase Orders and Vouchers as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
<b>PO's</b>			
HP Thompson	Repair of 7 Mixers at OECC	65211905-5328	\$ 9,850.00
Marsh McBirney Inc.	Datalogging Flowmeter	65211919-5450	\$ 8,185.00
Medtronic Physio Control	Life Pak 12 for Medic 10	10011303-5450	\$ 24,178.42
<b>Increases</b>			
House of New Hope	Cluster/Residential Treatment	22511607-5342	\$ 15,000.00
Boys Village Inc.	Cluster/Residential Treatment	22511608-5342	\$ 50,000.00
Children's World/Sawmill	Day Care	22411610-5348	\$ 6,500.00
Children's World/Sawmill	Day Care	22511607-5348	\$ 2,500.00
<b>Vouchers</b>			
House of New Hope	Residential Treatment	22511607-5342	\$ 10,178.07
Weller & Assoc Inc.	Data Recovery Fieldwork/Perry Taggart	65511918-5415	\$ 8,000.00
MMO	September Claims	60211902-5370	\$ 5,455.35
Boys Village Inc.	Residential Treatment	22511607-5342	\$ 19,941.00
<b>Memo Transfer Voucher</b>			
<b>From</b>	<b>To</b>		
DJFS	FCFC/HMG TANF/ 1 <sup>st</sup> Quarter	Help Me Grow	\$ 25,865.39
22411601-5301	70161607-4501		
CSEA	Clerk of Courts	Court Contract	\$ 7,054.00
23711630-5360	10020201-4245		
CSEA	Common Pleas	Court Contract	\$ 1,474.84
23711630-5360	10021201-4245		
CSEA	Common Pleas	Court Contract	\$ 1,474.73
23711630-5360	10021201-4245		
CSEA	Clerk of Courts	Court Contract	\$ 2,301.45
23711630-5360	10020201-4245		
CSEA	Clerk of Courts	Court Contract	\$ 2,460.06
23711630-5360	10020201-4245		
CSEA	Clerk of Courts	Court Contract	\$ 3,905.01
23711630-5360	10020201-4245		
CSEA/ Billing	Clerk of Courts	Court Contract	\$ 3,283.99
23711630-5360	10020201-4245		

Vote on Motion                      Mr. Jordan              Aye              Mrs. Martin              Aye              Mr. Ward              Aye

**RESOLUTION NO. 04-1321**

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**IN THE MATTER OF AUTHORIZING THE ACCEPTANCE AND AWARDING OF THE BID AND APPROVING THE CONTRACT SUBMITTED BY LEHNER EXCAVATING, INC. FOR CDBG FY'03 VILLAGE OF ASHLEY WATER & SEWER:**

It was moved by Mr. Ward, seconded by Mr. Jordan to approve the following:

WHEREAS, the Ohio Department of Development provides financial assistance to local governments under the Community Development Block Grant (CDBG) Formula Program to Delaware County; and

WHEREAS, funding, in the amount up to \$36,600 has been provided to Delaware County through the FY03 CDBG Formula Program, and Delaware County Revolving Loan Fund (RLF) has been approved in the amount up to \$14,000 by the Delaware County Board of Commissioners; and

WHEREAS, the project was bid out and bids were received October 20, 2004; and

WHEREAS, the engineering firm for the Village of Ashley, has reviewed the bids received, and the bid submitted by Lehner Excavating, Inc., in the amount up to \$24,370 has been determined to be the lowest and best bid.

NOW THEREFORE, PURSUANT TO THE FOREGOING, BE IT HEREBY RESOLVED by the Board of Commissioners, County of Delaware, State of Ohio as follows:

Section 1. That the Delaware County Board of Commissioners awards the bid to Lehner Excavating, Inc., to perform the Inflow/Infiltration Removal as approved in the FY03 CDBG Formula Grant Program for the Village of Ashley.

Section 2. That the Delaware County Board of Commissioners agrees to the funding up to \$36,600 from CDBG FY 03 funds, and up to \$14,000 from the Delaware County RLF towards the Inflow/Infiltration Removal. This amount may be exceeded by no more than 10%, subject to review and approval of any Project change orders.

Section 3. That this resolution shall take effect and be in force immediately after its passage.

**AGREEMENT**

THIS AGREEMENT made this 28<sup>th</sup> day of October, 2004, by and between, **Lehner Excavating** hereinafter called the "Contractor" and **Delaware County Commissioners**, hereinafter called the "Owner".

WITNESSETH, that the Contractor and the owner for the considerations stated herein mutually agree as follows:

**ARTICLE 1.**      **Statement of Work.**

The Contractor shall furnish all supervision, technical personnel, labor, materials, machinery, tools, equipment and services including utility and transportation services, and perform and complete all work required for the **Inflow/Infiltration Removal** in the project; namely **Ashley Water & Sewer.**

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

The proposed work includes replacement of 236 L.F. of sanitary sewer with new PVC SDR-35 sewer and replacement of one manhole and other appurtenances for a complete system to restore the area to its original condition and such other work as may be necessary to complete the Contract accordance with the Contract.

**ARTICLE 2.**      **The Contract Price.**

The Owner will pay the Contractor for the total quantities of work performed at the unit prices stipulated in the Bid for the respective items of work completed for the sum **Twenty-Four Thousand Three Hundred Seventy (Dollars)** subject to additions and deductions as provided in Section 109 hereof.

**ARTICLE 3.**      **Contract.**

The executed contract documents shall consist of the following:

- a. This Agreement
- b. Addenda
- c. Invitation for Bids
- d. Instructions to Bidders
- e. Signed copy of Bid
- f. General Conditions, Parts I and II

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- g. Special Conditions
- h. Technical Specifications
- i. Drawings (as listed in the Schedule of Drawings)

**ARTICLE 4** Liquidated Damages

A. CONTRACTOR and OWNER recognize that time is of the essence of this Agreement and that OWNER will suffer financial loss if the Work is not completed within the times specified in paragraph 4.02 above, plus any extensions thereof allowed in accordance with Article 12 of the General Conditions. The parties also recognize the delays, expense, difficulties involved in proving in a legal or arbitration proceeding the actual loss suffered by OWNER if the Work is not completed on time. Accordingly, instead of requiring any such proof, OWNER and CONTRACTOR agree that as liquidated damages for delay (but not as a penalty), CONTRACTOR shall pay OWNER \$600.00 for each day that expires after the time specified in paragraph 4.02 for Substantial Completion until the Work is substantially complete. After Substantial Completion, if CONTRACTOR shall neglect, refuse, or fail to complete the remaining Work within the Contract Time or any proper extension thereof granted by OWNER, CONTRACTOR shall pay OWNER \$500.00 for each day that expires after the time specified in paragraph 4.02 for completion and readiness for final payment until the Work is completed and ready for final payment.

**ARTICLE 5** - 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 identified in the Supplementary Conditions as provided in paragraph 4.02 of the General Conditions.

E. CONTRACTOR has obtained and carefully studied (or assumes responsibility for having done so) all additional or supplementary 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 applying the specific means, methods, techniques, sequences, and procedures of construction, if any, expressly required by the Contract Documents to be employed by CONTRACTOR, 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.

Vote on Motion            Mr. Ward            Aye    Mr. Jordan            Aye    Mrs. Martin            Aye

**RESOLUTION NO. 04-1322**

**IN THE MATTER OF APPOINTING, SHERENE GARDNER AS THE DELAWARE BOARD OF COUNTY COMMISSIONERS' REPRESENTATIVE TO THE DELAWARE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES PLANNING COMMITTEE:**

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It was moved by Mr. Jordan, seconded by Mr. Ward to approve the following:

Whereas, The Board of Commissioners of Delaware County is responsible to make appointments from the public to various boards, councils and committees, and

Whereas, the Board of Commissioners of Delaware County shall appoint individuals to the Delaware County Department of Job and Family Services Planning Committee for a three (3) year term, beginning October 28, 2004, and ending, December 31, 2007.

Therefore, be it resolved that the Board of Commissioners at Delaware County, State of Ohio, appoint, Sherene Gardner to the Delaware County Department of Job and Family Services Planning Committee.

Vote on Motion            Mr. Jordan            Aye    Mrs. Martin            Aye    Mr. Ward            Aye

**RESOLUTION NO. 04-1323**

**IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF APPOINTMENT, EMPLOYMENT, DISMISSAL, DISCIPLINE, PROMOTION, DEMOTION OR COMPENSATION OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL:**

It was moved by Mr. Jordan, seconded by Mr. Ward to adjourn into Executive Session at 9: 38AM.

Vote on Motion            Mr. Ward            Aye    Mr. Jordan            Aye    Mrs. Martin            Aye

**RESOLUTION NO. 04-1324**

**IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:**

It was moved by Mr. Ward, seconded by Mr. Jordan to adjourn out of Executive Session at 9:50 AM.

Vote on Motion            Mrs. Martin            Aye    Mr. Jordan            Aye    Mr. Ward            Aye

There being no further business the meeting adjourned.

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Kristopher W. Jordan

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Deborah B. Martin

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James D. Ward

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Letha George, Clerk to the Commissioners