

**LIBERTY UNION-THURSTON BOARD OF EDUCATION  
REGULAR MEETING**

**November 9, 2009**

**7:00 P.M. - Liberty Union High School Library**

**ROLL CALL:**

Art Brate	Present
Joe Farmer	Present
Shaun Hochradel	Present
John Hutton	<b>Absent</b>
Mike Raver	Present

**PLEDGE OF ALLEGIANCE**

**RECOGNITION**

- A. **STUDENTS OF THE MONTH:** Nick Tennant & Aaron Young
- B. **TEACHER OF THE MONTH:** Mrs. Katie Hochradel, Middle School Intervention Specialist
- C. **OSBA MEDIA HONOR ROLL:** Charles Prince; Buckeye Lake Beacon

**PUBLIC PARTICIPATION AT BOARD MEETINGS**

File: KD (Also BDDH)

**REFRESHMENTS:** Prepared by the Food Services Department

**MINUTES**

**102-09** Motion by Joe Farmer, seconded by Shaun Hochradel, to approve the minutes of the Liberty Union-Thurston Board of Education Regular Meeting held on October 12, 2009, as printed. **Brate**, yes; Farmer, yes; Hochradel, yes; Hutton, **absent**; Raver, yes. Motion carried.

**MONTHLY FINANCIAL STATEMENTS**

**103-09** Motion by Shaun Hochradel, seconded by Mike Raver, to approve monthly financial items stated below: **Farmer**, yes; Hochradel, yes; Hutton, **absent**; Raver, yes; Brate, yes. Motion carried.

- A. **TREASURER’S FINANCIAL REPORT**
  - 1. **MONTHLY FUNDS BALANCE**
  - 2. **RECEIPT OF FUNDS**
  - 3. **STATUS OF APPROPRIATIONS**
  - 4. **MONTHLY BANK RECONCILIATION**
- B. **BILLS**
- C. **STUDENT ACTIVITY MONTHLY APPROPRIATIONS**

<u>FUND</u>	<u>AMOUNT</u>
018	\$14,192.22
200	4,577.45
300	35,223.82
<b>Total Changes</b>	<b>\$53,993.49</b>

**D. DONATIONS:**

<u>Amount</u>	<u>Donor</u>	<u>Fund</u>
\$ 50.00	Fast Max	Renaissance
100.00	OAPSE 494	Renaissance
1,750.00	Pepsi	Elem Principal
2,000.00	Pepsi	Middle Principal
1,000.00	Pepsi	Renaissance
2,250.00	Pepsi	Renaissance
5,000.00	Pepsi	Tech Vending
100.00	5K Run - Dennis Long / Layman Chevy	Cross Country
600.00	Anonymous	Band

500.00	Central District Athletic Board School Bonus	Athletics
77.52	Max & Erma's Restaurant	Soccer
202.27	Booster BINGO	Athletics
500.00	Booster BINGO	Football
500.00	Booster BINGO	Boys Golf
297.73	Booster BINGO	Girls Soccer
100.00	In Memory of Paul Wooster by Connie Leitnaker	Football
50.00	In Memory of Paul Wooster by Patrick & Lynda O'Brien	Football
<b>\$15,077.62</b>	<b>Total</b>	

**NEW BUSINESS: FINANCIAL**

**104-09** Motion by Joe Farmer, seconded by Art Brate, to approve the New Business items listed below: **Hochradel**, yes; Hutton, **absent**; Raver, yes; Brate, yes; Farmer, yes. Motion carried.

**A. ARCHITECTURAL DESIGN AMENDMENT:**

AMENDMENT TO AGREEMENT FOR  
PROFESSIONAL DESIGN SERVICES (CONSTRUCTION MANAGER INVOLVED)  
BETWEEN  
THE LIBERTY UNION-THURSTON LOCAL SCHOOL DISTRICT BOARD OF EDUCATION  
AND FEINKNOPF MACIOCE SCHAPPA ARCHITECTS  
FOR ADDITIONAL SERVICES

The Liberty Union-Thurston Local School District Board of Education ("School District Board") and Feinknopf Macioce Schappa Architects ("Architect") entered into an Agreement for Professional Design Services (Construction Manager Involved) ("Agreement") between the School District Board and Architect effective as of April 14, 2008, for services related to design and construction of the School District Board's Master Facilities Plan with the Ohio School Facilities Commission ("Commission"), which is being pursued through the Commission's Classroom Facilities Assistance Program, including some improvements that are not part of the co-funded building program (all of which is referred to as the "Project"); and the School District Board and the Architect now wish to amend the Agreement, pursuant to Subparagraph 9.5.2 of the Agreement, as provided in this Amendment to Agreement, effective as the date of the Amendment (referred to as the "Amendment"), which is the later of the dated signed by the Architect or the School District Board.

WHEREAS, the bids received for the high school portion of the Project were significantly under budget, and the Board, with the approval of the Commission and after completion of the design drawings for the middle school building, determined to change the heating design at that building to a complete geothermal well system; and

WHEREAS, the Architect requested compensation for the redesign services, and the Board wishes to adjust the compensation provided in the Agreement to include these redesign services;

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Total Compensation. The total compensation to be paid to the Architect under the Agreement, including services described in this Amendment, as described on page 2 of the Agreement and in Section 5.1, is increased by \$21,700.00, from \$1,545,981.62 to \$1,567,681.62. This amount represents the services provided for redesign of the mechanical system at the middle school project to provide for a complete geothermal well system, after the design drawings and specifications had been completed and approved.
2. Additional Services. Add the following Additional Services in Paragraph 5.3:
 

<u>Additional Services</u>	<u>Compensation</u>
Redesign of the mechanical system	\$21,700.00
3. Additional Services. Increase the total amount payable under the Agreement for Additional Services as stated in Section 5.3 by \$21,700.00, from \$164,497.62 to \$186,197.62
4. All other terms of the Agreement remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment this 9<sup>th</sup> day of November, 2009.

**B. ESTABLISH STUDENT ACTIVITY ACCOUNT:** Approved a student activity account for the **Girls' Soccer Team** as requested by Athletic Director, Scott Williamson.

**C. PURCHASE OF SCHOOL BUS** - The Finance Committee and Transportation Committee have previously recommended budgeting for the purchase of a handicap-equipped bus during this fiscal year. Competitive bids for buses, through our membership in the Metropolitan Educational Council have resulted in a low bid of \$80,744.00 for a 71 passenger bus with capacity for two wheelchairs. Purchase of this bus from Center City International was approved.

**D. PURCHASED SERVICE AGREEMENTS:** Approved the following purchased service agreement:

SERVICE PROVIDER: **Ohio Casualty**  
 CONTRACT PERIOD: Twenty-Five Months from Start Date  
 SERVICE PROVIDED: Builders Risk Insurance (High School Renovation)  
 COST: \$14,800

**NEW BUSINESS - PERSONNEL:**

**105-09** Motion by Mike Raver, seconded by Shaun Hochradel, to approve the New Business - Personnel items listed below: **Hutton, absent**; Raver, yes; Brate, yes; Farmer, yes; Hochradel, yes. Motion carried.

**A. RESIGNATION:** Accepted the resignation of Girls' JV Basketball Coach, **Justin Myers**.

**B. CHANGE OF CLASSIFICATION:** Approved the request of Rick Delynko, Building Services Supervisor, in classification for employee, **Yvonne Bidwell**, effective November 15, 2009.

Yvonne has been employed for one year as a "Cleaner", and is now recommended to be approved as "Custodian".

**C. SUPPLEMENTAL CONTRACT POSITIONS:** The following candidates are approved for supplemental positions as listed, contingent upon sufficient numbers of student participants, and obtaining "Pupil Activity Validation permits, issued by the Ohio Department of Education.

<u>Name</u>	<u>Position</u>	<u>Level</u>	<u>Step</u>	<u>Salary</u>
<b>Jennifer Bauer</b>	Jr Hi Basketball Cheerleading	6	0	\$ 787.06
<b>Tony Hatem</b>	Fresh Boys Basketball	4	0	1,259.29
<b>Mark Chapman</b>	JV Girls Basketball	3	3	2,329.69

**D. SUBSTITUTE LISTS:**

**1) CERTIFIED SUBSTITUTE LIST:** Approved the substitute teacher list for November, 2009, as nominated by the Fairfield County Superintendent.

**2) CLASSIFIED SUBSTITUTE LIST:** **Approved** the classified substitute list for November, 2009, with the addition of the following name(s).

<u>Name</u>	<u>Address</u>	<u>Classification</u>
<b>Julie Ulrich</b>	965 Leonard Rd Baltimore, Oh	Handicap Aide / Teacher Aide

**NEW BUSINESS: OTHER**

**106-09** Motion by Joe Farmer, seconded by Art Brate, to approve the Other New Business items listed below: **Raver**, yes; Brate, yes; Farmer, yes; Hochradel, yes; Hutton, **absent**. Motion carried.

**A. APPROVED TAX LEVY RESOLUTION:**

RESOLUTION REQUESTING CERTIFICATION  
 OF ALTERNATIVE TAX RATES  
 (R.C. § 5748.02)

WHEREAS, Ohio Revised Code Section 5748.02 authorizes school districts to impose voter-approved income taxes upon their residents; and

WHEREAS, the School District is currently levying a one-half percent (0.50%) per annum, five-year income tax approved by the voters of the School District on May 3, 2005 (the "Existing Income Tax") for the purpose of providing for current operating expenses of the School District, with the last year of collection of the Existing Income Tax being 2010; and

WHEREAS, a resolution declaring the necessity to raise additional School District revenue must be adopted and certified to the Tax Commissioner for the State of Ohio (the "Tax Commissioner") in order to permit the Board to consider the renewal of an income tax and to preserve the right to submit the question of levying such a renewal income tax to the electors of the School District at the election to be held May 4, 2010;

NOW, THEREFORE, BE IT RESOLVED and hereby determined by the Board of Education of the Liberty Union-Thurston Local School District, Fairfield County, Ohio, a majority of the members thereof concurring, that:

Section 1. The Board determines that it is necessary to renew the Existing Income Tax to raise annually the additional sum of Six Hundred Thirty Thousand Dollars (\$630,000) for five (5) years for the purpose of providing for the current operating expenses of the School District (the "Income Tax").

Section 2. The income that shall be subject to the Income Tax is the taxable income of individuals and estates as defined in Ohio Revised Code Section 5748.01(E)(1)(a) and (2).

Section 3. Not later than November 30, 2009, the Treasurer is directed to certify a copy of this resolution to the Tax Commissioner together with a request that the Tax Commissioner determine and certify to the Board the property tax rate that would have had to be imposed by the School District in the current year to produce the amount of money set forth above and the income tax rate that would have had to have been in effect for the current year to produce the amount of money set forth above.

Section 4. All formal actions of this Board concerning and relating to the passage of this resolution were adopted in an open meeting of this Board, and all deliberations of this Board and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**B. AWARDED CONSTRUCTION CONTRACTS:**

**AWARDING CONTRACTS FOR THE HIGH SCHOOL RENOVATIONS PROJECT**

WHEREAS, bids were received on October 2, 2009, for the building trades packages for the Liberty Union High School Renovations, which is being designed and constructed as part of the Ohio School Facilities Commission's Classroom Facilities Assistance Program project (the "Project"); and

WHEREAS, the Construction Manager met with representatives of the apparent low bidder for each bid package, reviewed the bid to verify that the bidder had included the work, equipment, and materials specified in the bid amount, evaluated the experience and qualifications of the bidder to perform the specified work, and prepared, in consultation with the Architect, the attached letters of recommendation dated November 6, 2009, recommending that the contracts for the work be awarded to the following contractors, each of which has been evaluated and determined to be the lowest responsible bidder for the specified work, including the alternate items listed:

CONTRACT	CONTRACTOR	BASE BID	ALTERNATES	TOTAL CONTRACT
BP-201 General Trades	Robertson Corporation Services, Inc	<del>\$1,680,400.00</del> <b>\$1,698,400.00</b>	Alt. \$2,121.00	<del>\$1,682,521.00</del> <b>\$1,700,521.00</b>
BP-202 Plumbing	Oakland Plumbing	243,113.00	None	234,113.00
BP-203 Fire Protection	TP Mechanical Contractors	80,867.00	None	80,867.00
BP-204 HVAC	Gutridge Plumbing	1,022,000.00	None	1,022,000.00
BP-205 Electrical	City Electric Services, Inc	873,500.00	None	873,500.00

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the Liberty Union-Thurston Local School District as follows:

1. Based upon the recommendation of the Construction Manager and Architect, the Board awards the contracts for the building trades packages work to each of the contractors listed above, in the total amount stated, including the alternates noted in the chart, as the lowest responsible bidder for the specified work, subject to the approval of the OSFC.
2. The Board President or his designee, the Superintendent, and the Treasurer are authorized to sign, as required, a Contract between the Board and each of the contractors listed above and any related documents, to document the award of the building trade contracts for the CFAP project work.

**C. ADOPTED MODIFIED ADDITIONAL RESPONSIBLE BIDDER WORKFORCE STANDARDS FOR THE CFAP PROJECT:**

WHEREAS, the Board of Education of the Liberty Union-Thurston Local School District (“the Board”) is undertaking improvements to the District’s facilities (the “Project”) through the Ohio School Facilities Commission’s Classroom Facilities Assistance Program and including certain improvements funded solely by the Board; and

WHEREAS, the Ohio School Facilities Commission provides Standard Conditions of Contract for Construction (“Standard Conditions”) for use with bid and award of construction contracts with contractors performing work on the Project; and

WHEREAS, the Ohio School Facilities Commission permits boards of education to include additional criteria for evaluation of bidder responsibility in the Standard Conditions and specifically approved eighteen Model Responsible Bidder Workforce Standards on July 26, 2007, which may be adopted by a Board in whole or in part and with modifications when approved by the Ohio School Facilities Commission, and the Board adopted 11 items from the standards, without modification, at its meeting on April 14, 2008; and

WHEREAS, the Superintendent, working with its Architect and Construction Manager, recommend modifying the provisions adopted previously to give the Board flexibility in the application of the additional standards to the determination of the responsibility of bidders to perform the work on the Project, as set forth in the attached document, all of which have been approved by the Ohio School Facilities Commission; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the Liberty Union-Thurston Local School District that:

1. The Board approves the modification of the items previously adopted, Items no. 1 through 8, 10, 12, and 16, as described in the attached document.
2. The Board directs the Construction Manager to include these modified additional standards, as revised, in the Standard Conditions included with all bid packages issued for the CFAP improvements after this date and to use these standards in the evaluation of the responsibility of bidders for award of construction contracts for the Project.

**ADDITIONAL  
MODEL RESPONSIBLE BIDDER WORKFORCE STANDARDS  
FOR THE LIBERTY UNION-THURSTON LOCAL SCHOOL DISTRICT CFAP PROJECT**

The following standards are adopted by the Board of Education of the Liberty Union-Thurston Local School District (referred to as the “School District Board” or “Board”) for the improvements to the District’s school buildings, including new buildings and additions and renovations to the existing school buildings, which are being constructed in partnership with the Ohio School Facilities Commission through its Classroom Facilities Assistance Program, subject to approval by the Ohio School Facilities Commission. These standards are based upon the Model Responsible Bidder Workforce Standards approved by the Commission in Resolution 07-98, adopted July 26, 2007, with modifications (the number for each standard listed below corresponds with the numbered standard in Resolution 07-98). Upon approval by the Commission, these standards shall be included in the bidding documents issued for all work and shall be used in the evaluation of bids submitted for Work on the Project.

1. As a condition precedent to contract award after bid submission, the School District Board, through the Construction Manager, shall undertake with each apparent low bidder for a construction contract a thorough review to verify that the Bidder has included all specified Work in its bid amount and has the resources and manpower to complete the Work.
2. If the apparent low Bidder’s bid amount is more than twenty percent (20%) below the amount of the bid submitted by the next lowest bidder, the School District Board, through the Construction Manager, may require the apparent low Bidder to provide a list of all projects for which it was awarded a contract (1) that was within seventy-five percent (75%) of the estimated construction cost for a similar contract and (2) that was completed by the Bidder not more than five years before the date bids were submitted for the Liberty Union-Thurston Local School District CFAP project (the “Project”). This information shall be provided, if requested, at the post-bid scope review meeting.
3. The Bidder shall certify that it will employ supervisory personnel on this Project who have three (3) or more years in the specific trade and/or maintain the appropriate state license if any. However, the Board reserves the right to award a contract to a Bidder that does not make such a certification if, in the Board’s discretion, the Bidder provides sufficient assurance of the qualifications of its supervisory personnel.
4. The Bidder shall certify that it has not been debarred from public contracts for falsified certified payroll records or any other violation of the Fair Labor Standards Act in the last five (5) years.

5. The Bidder shall certify that it has not been debarred from public contracts for prevailing wage violations or found (after all appeals) to have a material violation of prevailing wage laws more than three times in a two-year period during the last ten years. Material compliance with these laws shall be determined in the sole discretion of the Board.
6. As described in Subparagraph 1.2.5 and Subparagraphs 1.2.5.1 and 1.2.5.2 of the General Conditions for this Project, the Bidder and its Subcontractors shall comply with Ohio's Drug-Free Workplace requirements and shall provide evidence of compliance request. The Bidder's certification of this compliance is included as Item 9 on the Bid Form submitted for the contract.
7. The Bidder for a licensed trade contract or fire safety contract (1) shall be licensed pursuant to Ohio Revised Code Chapter 4740 as a heating, ventilating, and air conditioning contractor, refrigeration contractor, electrical contractor, plumbing contractor, or hydronics contractor, or (2) shall be certified by the State Fire Marshall pursuant to Ohio Revised Code Section 3737.65.
8. The Bidder shall certify that it has not had a professional license revoked or surrendered for fraud or negligence in the last five (5) years in Ohio or any other state.
10. The Bidder shall certify that it has materially complied with unemployment and workers compensation laws for at least the two years preceding the date of bid submittal. Material compliance with these laws shall be determined in the sole discretion of the Board.
12. The Bidder shall provide its Experience Modification Rating and a history of its OSHA violations during the post-bid review. If the Bidder's Experience Modification Rating is greater than 1.5 (a penalty rated employer) with respect to the Bureau of Workers Compensation risk assessment rating, the Board reserves the right to evaluate the Bidder's work history and safety record and, within its discretion, may award the contract to the Bidder.
16. The Bidder shall certify that it has not been debarred from any public contract - federal, state, or local - in the past five (5) years.

A material breach of any of the foregoing standards prior to contract award or during contract performance, may subject the Contractor to all contractual remedies available to the School District Board, including, but not limited to, termination for cause if the breach is related to the performance of the Work. The School District Board reserves the right to review each bidder's circumstances and to exercise its discretion in evaluating each Bidder, with the Construction Manager and Architect, and awarding a contract to a bidder that may not give the certification listed in one of the preceding standards, but who is otherwise determined to be qualified and responsible to perform the specified Work.

Adopted by the Board of Education of the Liberty Union-Thurston Local School District on November 9, 2009 (modifications approved by the Ohio School Facilities Commission).

**EXECUTIVE SESSION:** An executive session is requested, in order to discuss employee negotiations, and to discuss the employment of a public employee. Recommend approval.

**GO INTO EXECUTIVE SESSION:**

**107-09** Motion by Mike Raver, seconded by Shaun Hochradel, to go into Executive Session at 7:56 p.m. **Brate**, yes; Farmer, yes; Hochradel, yes; Hutton, **absent**; Raver, yes. Motion carried.

**RETURN FROM EXECUTIVE SESSION:**

**108-09** Motion by Shaun Hochradel, seconded by Joe Farmer, to return from Executive Session at 8:35 p.m. **Farmer**, yes; Hochradel, yes; Hutton, **absent**; Raver, yes; Brate, yes. Motion carried.

**NEGOTIATED CONTRACT:**

**109-09** Motion by Joe Farmer, seconded by Art Brate, to approve the OAPSE / AFSME LOCAL 494 negotiated contract, retro-active to July 1, 2009, with wage and health care agreement through June 30, 2010, and all other contract language agreement through June 30, 2012. **Hochradel**, yes; Hutton, **absent**; Raver, yes; Brate, yes; Farmer, yes. Motion carried.

**ADJUST EMPLOYEE SALARIES:** Salary increases of 1.5%, plus a one-time \$500 payment (matching the negotiated teacher contract) for the remaining fifteen school district employees, which include non-OAPSE employees, supervisors and administrators were approved, as follows:

**110-09** Motion by Mike Raver, seconded by Joe Farmer, to approve the adjusted employees' salaries as listed below: **Hutton**, **absent**; Raver, yes; Brate, yes; Farmer, yes; Hochradel, yes. Motion carried.

<u>Employee</u>	<u>Old Rate</u>	<u>New Rate</u>
<b>Paul Mathews</b>	\$97,001.60	\$98,457.60
<b>Ed Miller</b>	92,454.65	93,842.40
<b>Hank Gavarkavich</b>	86,392.50	87,688.80
<b>Kelli Brownfield</b>	83,360.75	84,612.00
<b>Chet Coleman</b>	74,266.85	75,381.60
<b>Linda Young</b>	68,204.25	69,228.00
<b>David Butler</b>	91,274.40	92,643.60
<b>April Bolyard</b>	61,936.20	62,865.30
<b>Alice Bondurant</b>	27.00	27.41
<b>Linda Wyant</b>	26.29	26.68
<b>Kenny Kosch</b>	30.55	31.00
<b>Rick Delynko</b>	22.73	23.07
<b>Jan Fiedrich</b>	22.00	22.33
<b>Judy Cleland</b>	29.18	29.61
<b>John LaBelle</b>	19.43	19.72

**INFORMATION:**

**A. CONSTRUCTION PROJECT UPDATE**

**B. NEXT REGULAR MEETING:** The next regular meeting of the Liberty Union-Thurston Board of Education will be held on Monday, December 14, 2009, at 7:00 p.m. in the high school library.

**ADJOURN:**

**111-09** Motion by Shaun Hochradel, seconded by Joe Farmer, to adjourn at 8:41 p.m. **Raver**, yes; Brate, yes; Farmer, yes; Hochradel, yes; Hutton, **yes**. Motion carried.

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President

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Attest