

Canfield, Ohio
March 12, 2012

The Board of Park Commissioners of Mill Creek MetroParks met in Regular Session on Monday, March 12, 2012, at 5:00 p.m., with members Jay Macejko, Bob Durick, Valencia Marrow, John Ragan, and Louis Schiavoni present.

Mr. Macejko moved the Minutes of the Meeting of January 9, be approved. The motion was seconded by Mr. Schiavoni and passed.

Voting Aye: Durick, Macejko, Marrow, Ragan, Schiavoni
Voting Nay: None

Kevin Smith, Administrative Services Director/Treasurer presented the Treasurer's Report. Mr. Ragan moved, the funds having been certified as on hand and duly appropriated, that disbursements #56558 through #57094 be approved. The motion was seconded by Ms. Marrow and the roll being called upon its adoption, the vote resulted as follows:

Voting Aye: Durick, Macejko, Marrow, Ragan, Schiavoni
Voting Nay: None

Mr. Ragan moved the following 2012 Budget be adopted:

The motion was seconded by Mr. Schiavoni and the roll being called upon its adoption, the vote resulted as follows:

Voting Aye: Durick, Macejko, Marrow, Ragan, Schiavoni
Voting Nay: None

Kevin Smith presented the attached bids for Fungicides, Herbicides, Insecticides, & Fertilizers, having been received in response to legal advertisement.

Ms. Marrow moved the bids marked be accepted, unless we can get a better price through the State Purchasing Program.

The motion was seconded by Mr. Macejko and the roll being called upon its adoption, the vote resulted as follows:

Voting Aye: Durick, Macejko, Marrow, Ragan, Schiavoni
Voting Nay: None

Kevin Smith presented Resolution R-12-04 a Golf Car Lease. After discussion, Mr. Schiavoni motioned that the resolution be approved.

RESOLUTION R-12-04

At a duly called meeting of the Board of Park Commissioners of the Mill Creek Metropolitan Park District, held in accordance with all applicable legal requirements, including open meeting laws, on the 12 day of March, 2012, the following resolution was introduced and adopted:

A RESOLUTION OF THE BOARD OF PARK COMMISSIONERS OF THE MILL CREEK METROPOLITAN PARK DISTRICT AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER EQUIPMENT LEASE-PURCHASE AGREEMENT WITH PNC EQUIPMENT FINANCE, LLC, AS LESSOR, AND A SEPARATE LEASE SCHEDULE THERETO FOR THE ACQUISITION, PURCHASE, FINANCING AND LEASING OF CERTAIN EQUIPMENT WITHIN THE TERMS HEREIN PROVIDED; AUTHORIZING THE EXECUTION AND DELIVERY OF OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AND AUTHORIZING ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION.

WHEREAS, the Board of Park Commissioners of the Mill Creek Metropolitan Park District (the "Lessee"), a body politic and corporate duly organized and existing as a political subdivision of the State of Ohio is authorized by the laws of the State of Ohio to purchase, acquire and lease certain equipment and other property for the benefit of the Lessee and to carry out its duties under Chapter 1545 of the Revised Code and to enter into contracts with respect thereto; and

WHEREAS, the governing body of the Lessee has determined that a true and very real need exists for the acquisition, purchase and financing of certain property consisting of Golf Carts (collectively, the "Equipment") on the terms herein provided; and

WHEREAS, in order to acquire such Equipment, the Lessee proposes to enter into that certain Master Equipment Lease-Purchase Agreement as amended by an Amendment to Master Equipment Lease-Purchase Agreement and as further amended by Lease Schedule 157527000 and Payment Schedule A-1 incorporated therein (the "Master Lease") with PNC Equipment Finance, LLC, as lessor (the "Lessor"), substantially in the proposed form presented to the Board at this meeting; and

WHEREAS, the Lessee deems it for the benefit of the Lessee and the efficient and effective administration thereof to enter into the Master Lease for the purchase, acquisition, financing and leasing of the Equipment to be therein more specifically described on the terms and conditions provided therein and herein;

NOW, THEREFORE, BE IT AND IT IS HERBY RESOLVED BY THE BOARD OF PARK COMMISSIONERS OF THE MILL CREEK METROPOLITAN PARK DISTRICT AS FOLLOWS:

Section 1. It is hereby found and determined that the terms of the Master Lease in the form presented to this meeting, is in the best interests of the Lessee for the acquisition, purchase, financing and leasing of the Equipment.

Section 2. The form, terms and provisions of the Master Lease are hereby approved in the forms presented at this meeting, with such insertions, omissions and changes as shall be approved by the Executive Director of the Lessee (the "Authorized Officer") executing the same, the execution of such documents being conclusive evidence of such approval. The Authorized Officer of the Lessee is each hereby authorized and directed to sign and deliver the Master Lease and any related exhibits attached thereto if and when required; provided, however, that, without further authorization from the Lessee, (a) the aggregate amount of the Rent Payments under the Master Lease shall not exceed \$618,587.50, and (b) the maximum term under the Master Lease shall not exceed 5 years 8 months. The Authorized Officer may sign and deliver the Master Lease to the Lessor on behalf of the Lessee.

Section 3. The Authorized Officer and other officers and employees of the Lessee shall take all action necessary or reasonably required to carry out, give effect to and consummate the transactions contemplated by the Master Lease (including, but not limited to, the execution and delivery of the certificates contemplated therein) and to take all action necessary in conformity therewith, including, without limitation, the execution and delivery of any closing and other documents required to be delivered in connection with the Master Lease.

Section 4. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 5. That it is found and determined that all formal actions of the Lessee concerning and relating to the adoption of this resolution were adopted in an open meeting of the Lessee, and that all deliberations of the Lessee and 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.

Section 6. Effective Date. This Resolution shall be effective immediately upon its approval and adoption.

ADOPTED AND APPROVED by the Board of the Lessee this 12 day of March, 2012.

The undersigned further certifies that the above Resolution has not been repealed or amended and remains in full force and effect and further certifies that the Master Lease is the same as presented at said meeting of the Lessee, excepting only such changes, insertions and omissions as shall have been approved by the officers who executed the same.

The motion was seconded by Mr. Macejko and the roll being called upon its adoption, the vote resulted as follows:

Voting Aye: Durick, Macejko, Marrow, Ragan, Schiavoni
Voting Nay: None

Steve Avery presented the bids in response to legal advertisement for the Children's Play Area at Wick Recreation Area.

TABULATION OF BIDS

PROJECT NAME: Construction of Children's Play Area at Wick Recreation Area
BID OPENING: March 9, 2012 CONTRACT TERM: 70 Calendar Days
ESTIMATE: \$382,452.00 10% BID CAP: \$420,697.20

Name of Bidder
Total Amount
of Bid as Read
at Bid Opening

Total Amount
of Bid After
Tabulation

Brookside Construction Services, Inc
Medina, Ohio
\$396,471.25

\$396,473.25

Foust Construction, Inc.
Girard, Ohio
\$418,452.50

\$418,452.50

Jim Santini Builder, Inc.
Washingtonville, Ohio
\$428,896.15

\$428,896.15

Parella-Pannunzio, Inc
Youngstown, Ohio
\$381,127.13

\$381,127.13

Valley Electrical Consolidated, Inc.
Girard, Ohio
\$387,009.36

\$388,951.93

NOTES:

Five (5) bids were received, checked and tabulated. The total amount of four (4) of the bids was within the 10% bid cap. Jim Santini Builder's bid exceeded the 10% bid cap and must be rejected in accordance with Section 153.12 of the Ohio Revised Code. Mathematical errors were found in Brookside's and Valley Electrical's bids, however the total amount of their corrected bids did not change the order of the bidders. The low bidder at bid opening and after tabulation is Parella-Pannunzio, Inc. All required bonds, documents, forms and attachments were included with Parella-Pannunzio's bid.

Parella-Pannunzio, Inc. is experienced in the type of work required. Project experience listed on the MetroParks' qualifications questionnaire includes the YSU/Spring Street Construction project (\$1,218,777) and the Youngstown Federal Plaza Reconstruction project (\$2,391,000). Parella-Pannunzio satisfactorily completed the concrete work for the MetroParks' gazebo/Sommer Fountain brick walkway project at Fellows Riverside Gardens in 2008.

RECOMMENDATION:

It is recommended that Parella-Pannunzio, Inc. be awarded the contract for the project named "Construction of Children's Play Area at Wick Recreation Area" at the grand total amount bid of \$381,127.13

After discussion Mr. Macejko moved the bid of Parella-Pannunzio, Inc. be accepted.

The motion was seconded by Mr. Macejko and the roll being called upon its adoption, the vote resulted as follows:

Voting Aye: Durick, Macejko, Marrow, Ragan, Schiavoni
Voting Nay: None

Linda Kostka, Director of Development and Marketing made the following fundraiser requests:

On May 18-20, the MetroParks, in partnership with the National Barbeque Cookers Association, will be presenting the Mahoning Valley Rib Burn Off, an event with a 20-year history in our area. This will be a family-centered "kick off to summer" event that will include food, ribs, games, refreshments and concerts for children and adults. We are requesting an F-2 permit for this event to be able to sell beer and wine.

On August 24, the Ryan Humbert Band will headline a concert consisting of two bands. Concertgoers will pay a fee to attend, and we will have food and refreshments. We are requesting an F permit to be able to sell beer at the show.

Mr. Ragan motioned that the requests be approved. Mr. Schiavoni seconded the motion and the vote taken resulted as follows:

Voting Aye: Durick, Macejko, Marrow, Ragan, Schiavoni
Voting Nay: None

The Board received the following public comments:

- â€¢ Chris Kumprakhob passed out information and spoke about fracking.
- â€¢ Lynn Anderson read the MetroParks mission statement from website, and spoke about fracking.
- â€¢ Janet Reeves asked about the Wick contractorâ€™s environmental responsibility.
- â€¢ Judy Verham spoke about the movie â€œGaslandâ€, and recommended the Board watch it.

- â€¢ Susie Biersdorfer asked about the drilling plans for 26 wells outside the Park. Also mentioned an article in Rolling Stone Magazine regarding drilling.
- â€¢ Anna Kurz asked about natural plants along the bikeway and the impact of drilling.
- â€¢ Tim Rariden asked about fracking.

At the end of the public comment session, the Board thanked the public for their comments.

Dr. Durick announced that the next Regular Board Meeting has been rescheduled from April 9 to April 16, at 5:00 p.m. at the MetroParks Farm.

There being no further business, Mr. Ragan moved to adjourn the meeting. Mr. Schiavoni seconded the motion, and the vote taken resulted as follows:

Voting Aye: Durick, Macejko, Marrow, Ragan, Schiavoni
Voting Nay: None

The meeting adjourned at 5:48 p.m.