

Canfield, Ohio  
June 13, 2016

The Regular Meeting of the Board of Park Commissioners of Mill Creek MetroParks was held on Monday, June 13, 2016, at the MetroParks Farm. President John Ragan welcomed new Board member Lee Frey, whose commission expires on December 31, ~~2017~~ **2018**, and new Board member Tom Shipka, whose commission expires on December 31, ~~2018~~ **2017**, and guests and staff. *(At the Regular Meeting of the Board of Park Commissioners of Mill Creek MetroParks, on September 9, 2016, the commissioner term expiration dates were corrected, as shown above.)*

The meeting opened at 6 p.m. with recitation of The Pledge of Allegiance. John Ragan asked for a moment of silence for the victims of the recent Orlando, FL shootings.

Roll Call was as follows: Germaine Bennett, present, Bob Durick, present; Lee Frey, present; John Ragan, present; and Tom Shipka, present.

Bob Durick moved the Board meet in Executive Session to consider pending or imminent court action. Germaine Bennett seconded the motion, and the roll being called upon its adoption, the vote resulted as follows:

Germaine Bennett - Aye  
Bob Durick – Aye  
Lee Frey - Aye  
John Ragan – Aye  
Tom Shipka - Aye

The motion was passed, and the Board met in Executive Session at 6:02 p.m.

At 6:36 p.m. Germaine Bennett motioned to return to Regular Session. Lee Frey seconded the motion and the Board returned from Executive Session and the roll being called upon its adoption, the vote resulted as follows:

Germaine Bennett - Aye  
Bob Durick – Aye  
Lee Frey - Aye  
John Ragan – Aye  
Tom Shipka - Aye

John Ragan presented the Minutes of the Meeting of May 16, 2016, and asked that they be approved. Bob Durick motioned they be approved. The motion was seconded by Germaine Bennett and passed, and the vote taken resulted as follows:

Voting Aye: Bennett, Durick, Ragan  
Voting Nay: None  
Frey, Shipka - abstaining because they weren't in attendance at that meeting

Mark Mrofchak, Interim Treasurer, presented the Treasurer's Report. After discussion, Germaine Bennett moved, the funds having been certified as on hand and duly appropriated, that disbursements #70474 - #70674, for a total of \$359,562.06 be approved. The motion was seconded by Bob Durick and the vote taken resulted as follows:

Voting Aye: Bennett, Durick, Frey, Ragan, Shipka  
Voting Nay: None

Mark also presented the cash balances as shown below:





NOTES:

1. *Two (2) bids were received, checked and tabulated. The total amount of both bids were under the 10% bid cap.*
2. *One mathematical error was found in Barbicas' bid, however the total amount of their corrected bid did not change the order of the bidders.*
3. *The low bidder at bid opening and after tabulation is American Industrial Services, LLC.*
4. *The low bidder is currently prequalified with ODOT in seventeen (17) work classifications, including several directly related to this project.*
5. *American's bid was found to be incomplete, as follows:*
  - *Qualifications Questionnaire (page 1 of 2) was not fully completed. No equipment was listed under "Facilities" nor were any attachments of such a listing included with the bid.*
  - *Qualifications Questionnaire (page 2 of 2) was not fully completed. No "Experience & References" were provided, nor were any attachments of such information included with the bid.*
  - *A Bureau of Workers Compensation certificate of coverage was not furnished with the bid.*
  - *Drug-Free Workplace Program documentation was not furnished with the bid.*
  - *Encouraging Diversity, Growth & Equity (EDGE) documentation was not furnished with the bid.*
  - *The "Proposal" form and the "Proposal Work Sheet" were signed by Jason Stokes, Estimator. Section 2, Item 8 of the Contract Documents states "In the case of firms or corporations, the Proposal forms must be signed by an authorized officer or agent".*
6. *American was notified on 6/6/16 of their incomplete bid. American submitted all missing documentation on 6/9/16, thus making their bid complete.*
7. *American have not performed work on other MetroParks improvement projects. References were checked and American was found to be a recently established company that is expanding into asphalt concrete projects. American is based on an excavation company named American Contracting who has been in existence since 2008 and has the same ownership.*

RECOMMENDATION:

1. *Section 2, Item 12 of the Contract Documents states "The Park District reserves the right to disqualify a proposal or bidder or refuse to consider a proposal" if there are any "irregularities of any kind which may tend to make the proposal incomplete, indefinite, or ambiguous".*
2. *Section 2, Item 11 of the Contract Documents states "The Board of Park Commissioners reserves the right to reject any, part of any, or all bids; to waive any technicalities and informalities in bidding and to accept any bid deemed most favorable to the Park District".*
3. *ODOT was informed of American's incomplete bid and their lack of asphalt concrete experience. Based on American furnishing the missing documentation and being prequalified with ODOT for the work classifications specific to the project, ODOT recommended that the project be awarded to American.*
4. *Therefore, in consideration of the above stated information, it is recommended that American Industrial Services, LLC be awarded the contract for the project named "Resurfacing of Memorial Hill Drive" at the grand total amount bid of \$99,915.00.*

Lee Frey moved the bid of American Industrial Services, LLC be approved. The motion was seconded by Bob Durick and the vote taken resulted as follows:

Voting Aye: Bennett, Durick, Frey, Ragan, Shipka  
Voting Nay: None

Megan Millich, Human Resource Director, presented a revised employee Tobacco Policy for approval:

DRAFT Tobacco Policy

Mill Creek MetroParks is committed to providing a safe and healthy environment for both employees and visitors. Therefore, the use of any tobacco product is strictly prohibited in all MetroParks facilities, wooded areas, vehicles and entryways. Smoking is permitted in parking lots provided that it is done at least fifty feet from entryways. Employees who smoke should check with their supervisor to learn the approved location in their area approved for smoking/chewing/vaping. When using tobacco or similar products in approved areas, do not leave cigarette butts or other traces of litter or tobacco use on the ground or any other surface. Employees who violate the no smoking policy will be subject to disciplinary action.

After discussion, it was decided to table the Policy, until research could be done regarding offering help to the employees with their tobacco addiction, prior to the policy taking effect.

Aaron Young, Executive Director conveyed to the board that vacant lots have been purchased in the Garden District of Youngstown, at 119 & 123 S. Lakeview, from the Mahoning County Land Reutilization Corporation, for \$195 ea.

Carol Vigorito, Recreation and Education Director, presented the following special event requests for approval:

1. Request of Struthers Rotary to hold a Rubber Duck Race fundraiser in Yellow Creek Park, the morning of Saturday, August 13, 2016
2. Request of Northeast Ohio Trail Club to hold a 50K & 25K fundraiser on trails throughout the MetroParks, on Saturday, September 17, 2016
3. Request of the Youngstown Peace Race Foundation to hold a fundraiser on various Park drives, the morning of Sunday, October 23, 2016

After discussion, Germaine Bennett motioned that the requests be approved. The motion was seconded by Tom Shipka and the vote taken resulted as follows:

Voting Aye: Bennett, Durick, Frey, Ragan, Shipka  
Voting Nay: None

Aaron presented a request from Girl Scout service unit 821, to collect money at Scholl Pavilion, to cover the expenses of an event they would like to hold on July 11, 2016.

After discussion, Lee Frey motioned that the request be approved. The motion was seconded by Bob Durick and the vote taken resulted as follows:

Voting Aye: Bennett, Durick, Frey, Ragan, Shipka  
Voting Nay: None

Aaron, Executive Director Report:

1. Thank You to Mark Mrofchak for his service to MCMP
  - a. Hired Bob Bacha, temporary Finance/Accounting assistance through Robert Half Technologies to ease the transition to a new Director of Finance
2. Scholl Recreation Area Baseball Field Improvements (by MCMP Staff in July)
3. Thank you to Mike Senchak and the Mahoning Valley Hospital Association Foundation for the donation to the Golf Course.
4. The Lily Pond and the Mill parking lot improvements are complete.

#### Commissioners Comments:

Germaine Bennett – welcomed the new commissioners. Thanked the community that she's talked with and is appreciative of the list of priorities shared with her.

Tom Shipka – Thanked the board screening committee, the other candidates, and Judge Rusu. He said he applied to be on the board because he was disappointed in how the staff cuts (in February) were handled, and objected to the implementation strategy. He looks forward to working with the executive director, and other board members.

Lee Frey – Thanked the board screening committee and Judge Rusu. He relayed that his reason for applying for the Board was for the benefit of the park, and to find out the truth. He asked about posting the mission statement at all facilities. He also asked where we are in response to the recommendations on the 2013 Strategic Master Plan. He is interested in inviting others in to review policies, and establish new committees.

Bob Durick – welcomed new board members.

John Ragan – welcomed new board members, and thanked former board member Mike Senchak for his donation.

John also presented a new public comment policy for discussion, which primarily outlined behavior at meetings, time for each speaker, total amount of time for public comment period, and a new form. After discussion, where Lee, Tom, and Germaine stated that they could not support the 30 minute time limit for the public comment period, the discussion was tabled. Aaron gave a copy of a resolution from 1998 to John, which was the last time the public comment policy was addressed by the Board.

#### Public Comments:

Chris Peyko – Spoke regarding the condition of the beds and grounds at Fellows Riverside Gardens, loss of two financial people, and naturalist programming being cut.

Judy Peyko – Spoke regarding communication, public records, justice and accountability. She asked for Aaron Young to be terminated and the employees rehired. She requested to meet with Lee and Tom. Lee said he will meet with anyone, and his number is in the book. Tom gave his email address [tashipka@zoominternet.net](mailto:tashipka@zoominternet.net).

Deby Clark – Thanked Lee and Tom. She spoke about the condition of the grounds, beds, disease, mulch, and leaves at Fellows Riverside Gardens. Showed current photos of dead plants, leaves, and empty flower beds.

Bill Adams – Gave the Board a handout with suggestions on ways to educate the citizens and include them in planning and decision. Lee commented on one suggestion he made, stating that 3 board members would be a quorum.

Angie Bradian – Welcomed the new commissioners. She spoke about her incomplete public records request in March. She is asking for a humane wildlife policy. She suggested that one staff member be added specifically for wildlife management. She read a quote Steve Best, about the natural world.

Barbara Brothers – Welcomed the new commissioners. Spoke about the dismissals as shocking, and was surprised about the change in program, after Aaron was a speaker at a Rotary event she attended and never mentioned cuts. Felt the public should have been in on discussions prior to the cuts.

Rosemary Thomas – Expressed her unhappiness with comments Dr. Durick made to the Vindicator, and on Aaron's evaluation. Upset that the rangers are gone at the Gardens, the lack of/condition of the flowers, blankets on the lawn, and dogs.

Margaret Biroschak – Congratulated the taxpayers who filed the recent lawsuit against the MetroParks. Asked when the public could come to the board to ask questions and receive answers. Feels the Board is not representing the taxpayers.

Kathy Paull – Welcomed the new commissioners. Spoke about nature, picnics, heritage, and historic value. Feels we need a natural resource officer, transparency, and that the people have a voice.

Pamela Garver – Welcomed the two new commissioners. Questioned the cancellation of the valuable Master Gardener program, volunteers to assist the paid workers, and the \$70,000 cookbook fund. Aaron replied that the \$70,000 remains in the MCMP Foundation account, where it has been since before he arrived at the MetroParks.

Chuck Creager – was an engineer foreman in the 1950's '60's for Mill Creek Park, and knew Al Davies and Bruce Rogers. He thanked the new commissioners, and commended the other 3 commissioners as doing a good job. He expressed his displeasure with what happened to Ray and Keith and asked that they be restored. Asked for Aaron to resign.

Peggy Palma – questioned comments in the media made by the commissioners and executive director regarding "special interest" people, controversy, and administration denying problems exist. She would like to see damages repaired, a full time naturalist, or natural resources manager to restore services.

Elsie Dursi – Welcomed new commissioners. Pointed out that there is a need for board training, a retreat, so that the Sunshine Laws can be followed. John Ragan expressed that the retreat was to be scheduled after the new commissioners were appointed. Lee Frey commented that a retreat is a meeting of the Board. Workshops can be attended by the public, no executive session, no public comment period. She felt that if the Board had had the proper training, this whole controversy could have been avoided. She asked for Aaron to resign.

Lee Frey asked how the naturalists are handled. Aaron replied that naturalists are in the Recreation & Education Department, they are trained in natural resources, geology, biology, or other similar field. We had 3 part time naturalists with 1 vacant, however 2 have resigned recently. He asked about the Master Gardener program and why it was cancelled. Aaron replied that it was due to lack of attendance, as communicated by the Gardens Manager; documentation available.

Germaine Bennett would like to have a discussion with the other board members about getting the Master Gardener program reinstated. She is concerned about the condition of the gardens, as shown in photos by Deby Clark this evening.

John Ragan – stated that he has information from Scott Schulick of who to contact for setting up a board retreat.

John Ragan announced that the next Regular Board Meeting will be held on Monday, July 11, 2016, at 6 p.m. at the MetroParks Farm.

There being no further business, Lee Frey moved to adjourn the meeting. Tom Shipka seconded the motion, and the vote taken resulted as follows:

Voting Aye: Bennett, Durick, Frey, Ragan, Shipka  
Voting Nay: None

The meeting adjourned at 8:19 p.m.