

## *Barberton Board of Education*

Special Meeting

October 11, 2023

Barberton Intermediate School

President Thomas Harnden called the meeting to order at 5:30 p.m.

### *Roll Call*

MEMBERS PRESENT: Pat Boyle, Megann Eberhart, Thomas Harnden, Tina Ludwig and Dave Polacek

The Pledge of Allegiance was recited.

### *Presentations*

Matt Saunders, BIS Principal gave an update of happenings at the Intermediate School. He spoke about partnering with Summit County Humane Society regarding a bullying program. It teaches students to be kind and thoughtful just like how we are with our pets. He then spoke about the opportunities for students to join after school activities and introduced the advisors for these clubs.

Mary Elizabeth Norman – Art Club  
 Jessica Krege – Crochet Club  
 Brittany Marshall – Girls on the Run  
 Jon Hance – Leather Club  
 Andrew George – Intramurals  
 Melanie Vinay – Kindness Club

### *Agenda - Mr. Thomas Harnden*

**(473/2023) MOTION was made by Polacek second by Boyle to approve the agenda for the Special Meeting of October 11, 2023.**

Ayes 5 Boyle, Eberhart, Harnden, Ludwig and Polacek  
 MOTION CARRIED. 5-0

### *Board Business - Mr. Thomas Harnden*

**(474/2023) MOTION was made by Polacek second by Eberhart to approve a RESOLUTION EXPRESSING AN INTENT TO AWARD A CONSTRUCTION CONTRACT AND AUTHORIZING THE PRESIDENT AND THE TREASURER TO ENTER INTO SAID CONTRACT UPON COMPLIANCE WITH ALL CONDITIONS PRECEDENT RELATED TO THE SECURE VESTIBULE PROJECT**

**WHEREAS**, the Board of Education of the Barberton City School District (the "Board of Education"), determined the need to construct a secure vestibule at the High School (the "Project"); and

**WHEREAS**, the Board of Education engaged the services of an architect, FMD Architects (the "Architect") for cost estimating and other professional design services related to the Project; and

**WHEREAS**, the Architect developed a cost estimate of \$47,250 for the necessary work; and

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*WHEREAS*, said estimate is below the competitive bidding threshold of \$50,000 as set forth in RC 3313.46 and the formal procurement threshold set forth in 2 CFR 200.320; and

*WHEREAS*, the Architect, on behalf of the Board solicited quotes from an adequate number of qualified sources; and

*WHEREAS*, the Architect has advised the Board of Education on the acceptance or rejection of any or all quotes received.

*NOW, THEREFORE BE IT RESOLVED*, by the Board of Education, that after careful consideration and evaluation of the information before it:

Section 1. The Board of Education hereby accepts the recommendation of the Architect to award the contract to the contractor set forth below:

<u>Bid Package</u>	<u>Lowest Responsible Bidder</u>
HS Secure Vestibule	Walters Building Company, LLC
Base Bid	\$ 49,953.00
Total	\$ 49,953.00

Section 2. Subject to the approval of the Board of Education construction counsel, and upon compliance with all conditions precedent to Contract execution, the Board of Education hereby authorizes the President and Treasurer to sign said Contract.

Section 3. The Board of Education hereby authorizes the Treasurer to sign the Certificate of Funds, upon execution of said Contract, and attach to said Contract a copy of the Certificate of Funds. The Treasurer is also authorized to execute a notice of commencement to have on file in accordance with RC 1311.252.

Section 4. The Board of Education hereby authorizes the Treasurer (at a time determined appropriate by Treasurer), after the Treasurer's receipt of said Contract signed by the Contractor to forward a Notice to Proceed for said Contract.

Section 5. The Board of Education hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Board of Education, and that all deliberations of this Board of Education and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22, ORC.

Section 6. This Resolution shall be in full force and effect from and immediately after its adoption and shall supersede any prior resolution or act of this Board of Education that may be inconsistent or duplicative with the provisions of this Resolution.

Ayes 5 Eberhart, Harnden, Ludwig, Polacek and Boyle

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MOTION CARRIED. 5-0

(475/2023) MOTION was made by Polacek second by Boyle to amend Resolution Article VI. B, Section 1 to delete the word "of" and to include the wording, "not to exceed \$10,000.00."

Ayes 5 Harnden, Ludwig, Polacek, Boyle and Eberhart  
MOTION CARRIED. 5-0

(476/2023) MOTION was made by Polacek second by Ludwig to approve the amended RESOLUTION AUTHORIZING A CONTRACT FOR CRITERIA ENGINEER SERVICES RELATED TO ITS HVAC PROJECT.

*WHEREAS*, the Board of Education of the Barberton City School District (the "Board of Education"), determined the need to replace certain components of the HVAC system at the High School (the "Project"); and

*WHEREAS*, the Board of Education desires to secure a contract with Gardiner through Equalis/CCOG cooperative purchasing; and

*WHEREAS*, the Board is a member of Equalis/CCOG and is therefore qualified to select its contracts in accordance with RC 167.081; and

*WHEREAS*, in accordance with RC 153.71 is permitted to enter into a contract with a professional design services firm, including a criteria engineer if the fee is less than \$25,000; and

*WHEREAS*, the Board of Education now desires to enter into said contract.

*NOW, THEREFORE BE IT RESOLVED*, by the Board of Education, that after careful consideration and evaluation of the information before it:

**Section 1.** The Board of Education hereby approves a contract with Viridi for criteria engineer services in the amount not to exceed \$10,000.00.

**Section 2.** Subject to the approval of the Board of Education counsel, and upon compliance with all conditions precedent to Contract execution, the Board of Education hereby authorizes the President and Treasurer to sign said Contract.

**Section 3.** The Board of Education hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Board of Education, and that all deliberations of this Board of Education and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22, ORC.

**Section 4.** This Resolution shall be in full force and effect from and immediately after its adoption and shall supersede any prior resolution or act of this Board of Education that may be inconsistent or duplicative with the provisions of this Resolution.

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Ayes 5 Harnden, Ludwig, Polacek, Boyle and Eberhart  
MOTION CARRIED. 5-0

**(477/2023) MOTION was made by Polacek second by Eberhart to approve the  
RESOLUTION OF THE BOARD OF EDUCATION RE: PARTICIPATION IN OPIOID  
LITIGATION**

*WHEREAS*, this Board of Education is aware that since the 1990s the pharmaceutical industry has manufactured, distributed and marketed a variety of opioid pain medications for general use in the treatment of chronic pain conditions, resulting in such medication being the most widely distributed drugs in United States history; and

*WHEREAS*, the manufacture, distribution and marketing of these opioid drugs has resulted in catastrophic, widespread consequences for the people of this nation, including addiction, overdoses, developmental disabilities in children, death, and major expenditures of money; and

*WHEREAS*, the Board of Education believes that the school districts of this nation, including this school district, have suffered significant damages as a result of this national opioid epidemic, including expenditures of public funds to address the impact of this epidemic on students, teachers, other staff, and the taxpayers of this district; and

*WHEREAS* a number of other school districts have filed or will be filing legal claims as part of Multi-District Litigation for the purpose of pretrial proceedings, including potential settlement of claims, and are seeking to become class representatives in this litigation in an effort to be part of the proposed negotiations class seeking compensation for the impact of this epidemic on the named school districts.

*NOW THEREFORE* the Board of Education of Barberton City School District hereby authorizes the following:

1. That this Board of Education hereby elects to join the class action lawsuit settlement class in order to recoup damages inflicted by the opioid epidemic.
2. That this Board of Education appoints the following law firms to represent its interests in the lawsuit:
  - a. Peters, Kalail & Markakis Co., LPA (Cleveland, Ohio)
  - b. Baily Glasser LLP (Charleston West Virginia)
  - c. Gertz & Rosen (Cleveland, Ohio)
  - d. Mehri & Skalet ( Washington, D.C.)
  - e. Henrichsen Law Group (Washington D.C.)

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f. Terrell Hogan Yegelwel, P.A.

3. That this Board of Education directs the Superintendent of School and the Administrative staff to cooperate with the appointed attorneys to gather the necessary data and take other required actions necessary to assist the law firms in representing the interests of this district.
4. That the District will expend no funds for its participation in this litigation, other than the personnel time necessary to gather data necessary to participate in the litigation.

Ayes 5 Ludwig, Polacek, Boyle, Eberhart and Harnden  
 MOTION CARRIED. 5-0

*Financial - Mr. Craig McKendry, Treasurer*

(478/2023) MOTION was made by Polacek second by Eberhart to approve the certification of funds for the following purchase order(s):

PO #: 2401299  
 PO date: 10/01/2023  
 Vendor: CLEARVIEW TINTING  
 PO Amount: \$8,384.00  
 Invoice #: 59072  
 Invoice date: 7/19/2020  
 Invoice amount: \$8,384.00  
 Total: \$8,384.00

PO #: 2401301  
 PO date: 10/01/2023  
 Vendor: CLEARVIEW TINTING  
 PO Amount: \$9,282.00  
 Invoice #: 59071  
 Invoice date: 7/20/2023  
 Invoice amount \$9,282.00  
 Total: \$9,282.00

PO #: 2400695  
 PO date: 8/01/2023  
 Vendor: CDW GOVERNMENT  
 PO Amount: \$16,728.00  
 Invoice #: D12316231  
 Invoice date: 7/21/2023  
 Invoice amount: \$16,728.00  
 Total: \$16,728.00

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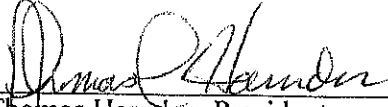
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Ayes 5 Polacek, Boyle, Eberhart, Harnden and Ludwig  
MOTION CARRIED. 5-0

*Adjournment*

(479/2023) MOTION was made by Polacek second by Ludwig to adjourn the meeting at 6:23 pm.

Ayes 5 Boyle, Eberhart, Harnden, Ludwig and Polacek  
MOTION CARRIED. 5-0

  
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Thomas Harnden, President

  
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Craig McKendry, Treasurer

