

EATON COMMUNITY SCHOOLS BOARD OF EDUCATION
Regular Meeting
January 14, 2013

The Board of Education of Eaton Community Schools met in Regular Meeting on January 14, 2013 immediately following the Organizational Meeting in the Hollingsworth East Elementary School cafeteria. President **Joe Renner** called the meeting to order at 6:13 p.m.

ROLL CALL

Doug Mowen – Present Rick McKinney – Present Terry Parks – Present
Brian Pool – Present Joe Renner – Present

Others present were Brad Neavin, Cindy Neanen, Scott Couch, Kern Carpenter, Kip Powell and Pam Friesel.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited by those present.

**APPOINTMENT OF TREASURER PRO TEMPORE FOR THE PURPOSE OF THE
JANUARY 14, 2013 REGULAR MEETING**

Motion was made by Mr. Mowen and seconded by Mr. Pool to appoint **Rick McKinney** as Treasurer Pro Tempore for the January 14, 2013 regular board meeting.

YEAS – Mowen, McKinney, Parks, Pool, Renner. President declared motion passed. **#1213-142**

ADOPT THE AGENDA

Motion was made by Mr. McKinney and seconded by Mr. Pool to adopt the agenda. YEAS – Mowen, McKinney, Parks, Pool, Renner. President declared motion passed. **#1213-143**

RECOGNITION OF VISITORS

Visitor Chad DePew, Eaton’s Chief of Police, was recognized and spoke about partnering with the school district on school security issues.

TREASURER’S BUSINESS

Motion was made by Mr. McKinney and seconded by Mr. Mowen to approve the business of the treasurer, **Priscilla Dodson**, as follows:

- A. Minutes of the December 10, 2012 Regular meeting
- B. Submission of Warrants
- C. Submission of Financial Report
- D. Submission of Investment Report
- E. FY13 Supplemental Appropriations by Fund

1-14-2013, ECSBOE Reg. Mtg. mins., cont.

TREASURER'S BUSINESS, cont.

- F. Transfer \$185,452.86 from 004-9003 OSFC Project LFI BABS Middle School to 004-9008 OSFC Project LFI BABS Elementary School.
- G. Transfer \$1,728.30 from 506-9211 RTTT to 506-9213 RTTT FY13.
- H. Now & Then invoice to Back 2 Black in the amount of \$4,700.00 for 2,350# hot crack filler.
- I. The Preble County Auditor has exempted all school districts in Preble County from filing a budget report (reference ORC 5705.281). The Treasurer will present all required documents to the Auditor and the Preble County Budget Commission for review in lieu of a budget report including the Eaton Community School District's Five-Year Forecast, cash balances as of December 2012, and the debt schedule.
- J. Moving the following teachers on the pay scale:
 - A. **Marita Mahan** to a Masters +15, retroactive to December 17, 2012
 - B. **Amy Fugate** to a Masters +15, retroactive to December 17, 2012

YEAS – Mowen, McKinney, Parks, Pool, Renner. President declared motion passed. **#1213-144**

OLD BUSINESS

- 1. **Miami Valley Career Technology Center Report**
Doug Mowen, representative, did not have a report for MVCTC.
- 2. **Parks and Recreation Board Report**
Joe Renner, representative, did not have a Parks and Recreation Board report.
- 3. **Project Manager's Report**
Tom Doseck reported on the building project.
- 4. **Superintendent's Report**
Brad Neavin presented his report to the board.
- 5. **Director of Education's Report**
Cindy Neanen gave her report to the board.
- 6. **Principal's Report**
Scott Couch presented his report for the High School.
- 7. **Supervisor's Report**
Tim Miller presented his report on Transportation and Cafeteria activities.

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NEW BUSINESS

1. Retirements and Resignations

Motion was made by Mr. Mowen and seconded by Mr. McKinney to accept the following retirements and resignations:

- A. **Linda Cameron**, Teacher, resignation for the purpose of retirement, effective June 1, 2013.
- B. **Phil Elliott**, Facilities Supervisor, resignation for the purpose of retirement, effective June 30, 2013.
- C. **Shawna Parris-McKee**, Educational Aide, resignation retroactive to January 7, 2013.
- D. **Belinda Moeller**, Teacher, resignation for the purpose of retirement, effective June 1, 2013.
- E. **Brian Roth**, Teacher, resignation for the purpose of retirement, effective February 1, 2013.

YEAS – Mowen, McKinney, Parks, Pool, Renner. President declared motion passed. **#1213-145**

2. Unpaid Leave of Absence

Motion was made by Mr. McKinney and seconded by Mr. Mowen to approve unpaid leave of absence for teacher, **Carolyn Thalls**, retroactive to November 26, 2012 through the remainder of the 2012-2013 school year.

YEAS -- Mowen, McKinney, Parks, Pool, Renner. President declared motion passed. **#1213-146**

3. Employment – Certificated Staff – Substitute Teachers/Tutors as Certified by the Preble County Educational Service Center.

Motion was made by Mr. McKinney and seconded by Mr. Pool to approve the following additions to the substitute teacher/home instruction tutor list as certified by the Preble County Educational Service Center.

- A. **Annaleah Garey**
- B. **Stacy Gibbs**
- C. **Courtney VanAusdal**
- D. **Kenneth Cotterman**
- E. **Deron Werts**

YEAS – Mowen, McKinney, Parks, Pool, Renner. President declared motion passed. **#1213-147**

1-14-2013, ECSBOE Reg. Mtg. mins., cont.

4. Additional Hours for Language Tutor

Motion was made by Mr. Mowen and seconded by Mr. McKinney to grant an additional 500 hours to **Ayako Cail** to continue the provision of tutoring support for Limited English Speaking Japanese students.

YEAS – Mowen, McKinney, Parks, Pool, Renner. President declared motion passed. **#1213-148**

Motion was made by Mr. Parks and seconded by Mr. McKinney to approve agenda Item IV. 5-6.

5. Minimum Wage Increase

An increase in minimum wage from \$7.70 per hour to \$7.85 per hour in compliance with the State of Ohio, Department of Commerce, 2013 Minimum Wage, retroactive to January 1, 2013.

6. Rate Schedule for Substitute Non-Certified Employees

The revised rate schedule for substitute non-certified employees in compliance with the State 2013 Minimum Wage, retroactive to January 1, 2013 (Attachment A to the agenda).

YEAS – Mowen, McKinney, Parks, Pool, Renner. President declared motion passed. **#1213-149**

7. Snow Removal Contract

Motion was made by Mr. Mowen and seconded by Mr. Parks to approve entering into a contract with ProGrade Excavation & Demolition, LLC for snow removal, on an as needed basis, based on the following rates:

\$65.00 per hour for Truck and Plow

\$75.00 per hour for Skidloader and Plow

\$125.00 per hour for Backhoe and 12' Snow Box

Estimated \$150.00 per hour for additional services and/or equipment

YEAS – Mowen, McKinney, Parks, Pool, Renner. President declared motion passed. **#1213-150**

8. Resolution for OSBA Legal Assistance Fund

Motion was made by Mr. Mowen and seconded by Mr. Pool to approve the following resolution:

Whereas, the Eaton Board of Education wishes to support the efforts of other boards of Education to obtain favorable judicial decisions, and

Whereas, the Ohio School Boards Association Legal Assistance Fund has been established for this purpose,

Therefore, the Board hereby resolves to participate in the OSBA LAF for calendar year 2013 and authorizes the treasurer to pay to the LAF \$250.00.

YEAS – Mowen, McKinney, Parks, Pool, Renner. President declared motion passed. **#1213-151**

1-14-2013, ECSBOE Reg. Mtg. mins., cont.

9. Resolutions

Motion was made by Mr. Pool and seconded by Mr. McKinney to approve the following resolutions:

A. **THIS FIRST AMENDMENT TO THE OSFC ENHANCED COMMISSIONING AGREEMENT** (the "Amendment"), dated as of January 14, 2013, is by and between the **BOARD OF EDUCATION OF THE EATON COMMUNITY SCHOOL DISTRICT ("Owner")** and **FOUR SEASONS ENVIRONMENTAL, INC. ("CxA")**.

WHEREAS, the Owner and CxA have entered into an OSFC Enhanced Commissioning Agreement (the "Agreement"), dated September 13, 2010, related to Eaton Community School District's Elementary and Middle School Buildings funded through the OSFC; specifically, the **Eaton Community School District Master Plan Implementation Project – OSFC Project No. 408** (the "Project");

WHEREAS, the Agreement did not include the scope of services related to Maintenance Plan Advisor Services ("MPA Services") and the OFCC and CxA have requested an increase in the fee to compensate the CxA for such MPA Services;

WHEREAS, it is the intention of the Owner and CxA to amend their Agreement related to the foregoing to reflect said negotiated increase in the fee pursuant to "Compensation" section of the Agreement.

NOW, THEREFORE, in consideration of the mutual promises herein contained, the Owner and CxA agree to amend their Agreement as follows:

1. All references to the flat fee of \$73,966.50 based upon a unit price of \$0.54/s.f. for 136,075 square feet are hereby amended to provide for a new flat fee of \$87,162.98 based upon a unit price of \$0.58/s.f. for 150,281 square feet for the delivery of the commissioning services including, but not limited to, the MPA Services which account for an increase of \$.05/s.f. to the original unit price.
2. Except as expressly modified herein, the Agreement, as amended, is and remains in full force and effect.
3. This Amendment will be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.
4. This Agreement may be executed in any number of counterparts and by different parties hereto in separate counterparts, each of which when so executed will be deemed to be an original and all of which taken together will constitute one and the same agreement. Any party so executing this Agreement by facsimile transmission shall promptly deliver a manually executed counterpart, provided that any failure to do so shall not affect the validity of the counterpart executed by facsimile transmission.

This amendment is executed as of this 14th day of January, 2013.

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9. Resolutions, cont.

B. A RESOLUTION APPROVING THE DETAILED ESTIMATE OF COST FOR TECHNOLOGY EQUIPMENT PACKAGES AND AUTHORIZING THE COMMENCEMENT OF BIDDING INCLUDING THE ADVERTISEMENT FOR AND REVIEW OF BIDS THEREFOR ALL RELATED TO THE CONSTRUCTION OF THE BRUCE ELEMENTARY SCHOOL AND EATON MIDDLE SCHOOL

WHEREAS, the Eaton Community School District, County of Preble, Ohio (hereinafter called the "School District") building program identifying classroom facilities needs and basic project costs (hereinafter called the "Master Plan") for the Bruce Elementary School Project and the Eaton Middle School Project (collectively, the "Projects") has been conditionally approved by the Ohio School Facilities Commission, State of Ohio (hereinafter called the "Commission") and Ohio Controlling Board, as authorized under Section 3318.36 of the Ohio Revised Code ("O.R.C.");

WHEREAS, the Eaton Community School District Board of Education (hereinafter called the "Board of Education") has issued its bond or notes as required under Sections 3318.80(A) and 3318.091, O.R.C. and deposited the proceeds thereof in the Board of Education's Construction Account as required by Sections 3318.80(B) and 3318.091, O.R.C.;

WHEREAS, the Board of Education has entered into an Expedited Local Partnership Program Agreement with the Commission related to the Projects pursuant to Section 3318.36, O.R.C. and a Classroom Facilities Assistance Program Agreement with the Commission related to the Project pursuant to Section 3318.08, O.R.C.;

WHEREAS, the Board of Education has contracted with a qualified professional design firm, Fanning/Howey Associates, Inc. (hereinafter called the "Architect"), under Sections 153.65 to 153.71, O.R.C., to prepare separate plans, specifications and estimates of cost, and such data as the Board of Education deems necessary for the Projects and in compliance with the specifications set forth in the Commission's Design Manual, where applicable;

WHEREAS, the OSFC has retained a qualified construction management firm, Megen Construction Company, Inc. (hereinafter called the "Construction Manager"), under Sections 9.33, 9.331 and 9.332, O.R.C., related to constructability, logistics, availability of materials and labor, and time requirements for construction, preliminary budgets and possible economies;

WHEREAS, the Board of Education has appointed Thomas Doseck as its authorized representative (hereinafter called the "Authorized Representative") to act on its behalf during the planning, bidding, award and construction phases of the Projects;

WHEREAS, the Construction Manager, with the assistance of the Architect and Authorized Representative, has completed the scope of technology equipment for the Projects in order to facilitate the bidding and awarding of a bid package related thereto (hereinafter called the "Technology Equipment Bid Packages"), taking into consideration factors including, but not limited to, time of performance, availability of labor, and overlapping trade jurisdictions;

WHEREAS, the Architect, with the assistance of the Construction Manager, has prepared and submitted to the Board of Education, draft bid documents for the Technology Equipment Bid Packages setting forth in detail the necessary requirements related thereto; and

WHEREAS, the Board of Education now desires to commence the competitive bidding process for the Technology Equipment Bid Packages as authorized under Section 3313.46, O.R.C.

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

Section 1. The Board of Education, as authorized under Sections 3313.46(A)(1), O.R.C., approves the Detailed Estimate of Cost of \$1,019,000 (includes \$117,000 in Alternates) for the Technology Equipment Bid Packages in substantially the form presently on file with this Board of Education.

Section 2. That the Board of Education, as authorized under Section 3313.46(A)(1), O.R.C., approves the draft bid documents for the Technology Equipment Bid Packages in substantially the form presently on file with this Board of Education, subject to finalization and approval as to legal form by construction counsel and the procurement of all necessary government approvals.

Section 3. The Board of Education authorizes the Construction Manager and Architect, upon finalization of the bid documents and procurement of all necessary government approvals, to commence the bidding process for the Technology Equipment Bid Packages in compliance with all applicable laws, including, but not limited to, Sections 9.31, 9.311, 153.12, 153.50, 153.51, 153.52, 153.54 to 153.571, 3313.46, O.R.C., and to use the Detailed Estimate of Cost stated in Section 2 as the estimate of cost to be included in the bidding documents as required by Section 153.12, O.R.C.

Section 4. The Board of Education approves for publication a “Notice To Bidders” for the Technology Equipment Bid Packages and authorizes the Construction Manager to publish said Notice for one week in a newspaper of general circulation within the School District and to simultaneously post said Notice on the School District’s website prior to the date specified for receiving bids in conformance with Sections 7.12 and 3313.46(A)(2), O.R.C.

Section 5. The Board of Education authorizes the Construction Manager and Authorized Representative, with the assistance of the Architect, to coordinate the opening of bids for the Technology Equipment Bid Packages in compliance with Section 3313.46(A)(3), O.R.C., and, immediately following the opening of all bids, the Construction Manager and Architect are authorized to substantiate the bids for responsiveness, then conduct a responsibility investigation of the apparent low bidder for said Technology Equipment Bid Packages, and any other bidder as appropriate, in conformance with the Instructions to Bidders and any bid evaluation process agreed to with the Board of Education and its construction counsel, and prepare and submit to the Board of Education a recommendation about the award or rejection of any bid or bids for the Technology Equipment Bid Packages, and the acceptance or rejection of any alternate for the Technology Equipment Bid Packages, in accordance with applicable law.

Section 6. This 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, O.R.C.

Section 7. 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, which may be inconsistent or duplicative with the provisions of this resolution.

YEAS – Mowen, McKinney, Parks, Pool, Renner. President declared motion passed. **#1213-152**

10. Board of Education Policy Update

Motion was made by Mr. Mowen and seconded by Mr. McKinney to approve the second reading and adoption of the Eaton Community School's Board Policy Manual in its entirety.

YEAS – Mowen, McKinney, Parks, Pool, Renner. President declared motion passed. **#1213-153**

11. Approval of Graduation Date and Time

Motion was made by Mr. Mowen and seconded by Mr. Parks to hold the Eaton High School Graduation Ceremony on Sunday, June 2, 2013 at 7:30 p.m.

YEAS – Mowen, McKinney, Parks, Pool, Renner. President declared motion passed. **#1213-154**

12. Surplus Items List

Motion was made by Mr. McKinney and seconded by Mr. Pool to declare certain items as surplus/obsolete and to dispose of them accordingly.

A. Sharp AR-M550N Copier, Tag #011742, Trade-In

YEAS – Mowen, McKinney, Parks, Pool, Renner. President declared motion passed. **#1213-155**

13. Donations

Motion was made by Mr. McKinney and seconded by Mr. Pool to approve the following donations:

- A. From Various Anonymous Donors, to East Elementary for student in need.
- B. From Wal-Mart Foundation to East Elementary.
- C. From Dyer, Garofalo, Mann and Schultz, to the Middle School Art Department.
- D. From Eaton FFA Alumni to the Eaton High School FFA Fund.

YEAS – Mowen, McKinney, Parks, Pool, Renner. President declared motion passed. **#1213-156**

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EXECUTIVE SESSION

Motion was made by Mr. McKinney and seconded by Mr. Mowen to convene executive session for the purpose of discussing the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee. YEAS – Mowen, McKinney, Parks, Pool, Renner. President declared motion passed. **#1213-157**

President convened executive session at 7:23 p.m.
President resumed open session at 8:27 p.m.

ADJOURNMENT

Motion was made by Mr. McKinney and seconded by Mr. Parks to adjourn the meeting. YEAS – Mowen, McKinney, Parks, Pool, Renner. President declared motion passed and adjourned the meeting at 8:29 p.m. **#1213-158**