

County Commissioners Office
Auglaize County, Ohio
December 22, 2016

NO. 16-465

IN THE MATTER OF AUTHORIZING THE COUNTY AUDITOR TO DRAW WARRANTS FOR THEN AND NOW CERTIFICATE PAYMENTS.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 22nd day of December, 2016.

Commissioner Bergman moved the adoption of the following:

RESOLUTION

WHEREAS, the practice of using “Then and Now Certificates” has been instituted by the County Auditor.

THEREFORE, BE IT RESOLVED that the Board of County Commissioners, Auglaize County, Ohio, the taxing authority for Auglaize County, having thirty (30) days to approve payment by resolution from receipt of “Then and Now Certificates”, does hereby approve the following:

<u>Check #</u>	<u>Amount</u>	<u>Vendor</u>
410855	\$ 247.38	Nickles Bakery
410856	\$ 601.74	Walter & Sons
410862	\$82,776.00	Aug Co. Airport Authority
410822	\$ 252.61	Visa
410894	\$ 799.39	Kroger
410902	\$19,529.29	MEBC
410907	\$ 753.06	Reiter Dairy
410909	\$ 586.00	Rightway Food Service
410919	\$ 258.75	Allen Co Public Health
410926	\$ 9,233.00	Criminal Justice Coordinating Council
410931	\$ 333.90	Alloway
410939	\$ 1,200.00	Craig Tornquist
410979	\$ 338.48	McKesson Medical
410984	\$10,215.28	Hull & Associates
411003	\$ 984.57	GFS
411003	\$ 761.11	GFS
411006	\$ 718.79	PDG
411006	\$ 718.80	PDG
411037	\$ 170.85	Verizon
411038	\$ 483.11	Verizon

Commissioner Spivey seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this
22nd day
December, 2016

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

Don Regula
Don Regula

John N. Bergman
John N. Bergman

Douglas A. Spenser
Douglas A. Spenser

cc: County Auditor

County Commissioners Office
Auglaize County, Ohio
December 22, 2016

NO. 16-466

IN THE MATTER OF GRANTING AN ANNEXATION OF 7.000 ACRES, MORE OR LESS, TO THE VILLAGE OF MINSTER FROM JACKSON TOWNSHIP; PETITIONED BY THE DANNON COMPANY; FILED BY AARON DAVIS, AGENT.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 22nd day of December, 2016.

Commissioner Bergman moved the adoption of the following:

RESOLUTION

WHEREAS, on December 20, 2016, a petition for annexation of a total of 7.000 acres, more or less, was filed as an Expedited Type 1, with the Office of the Board of County Commissioners by Aaron Davis; and,

WHEREAS, the requirements for the filing of said petition were all met, including:

- 1.) The petition meets all the requirements set forth in, and was filed in the manner provided, in the Ohio Revised Code Section 709.022.
- 2.) The persons who signed the petition represent 100% of the owners of the property; signatures having been obtained in the time frame required.
- 3.) An accurate legal description of the perimeter of the territory proposed to be annexed.
- 4.) An accurate map or plat of the territory.
- 5.) Named the party acting as agent for the petitioners.
- 6.) A list of all tracts, lots or parcels in the territory proposed to be annexed and all tracts, lots or parcels located adjacent to the territory to be annexed, listing the name of owner, mailing address and permanent parcel number from the County Auditor's system (ORC 319.28).
- 7.) An annexation agreement of the Village of Minster and Jackson Township as provided for in ORC 709.192.

and,

WHEREAS, the petitioner requested that the special procedure be used and waived their right to appeal any action taken by the Board of County Commissioners; and,

WHEREAS, the Board determined that this annexation is in order, meeting all criteria.

THEREFORE, BE IT RESOLVED that the Board of County Commissioners, Auglaize County, Ohio does hereby approve and grant the annexation of 7.000 acres, more or less, to the Village of Minster as petitioned The Dannon Company, filed by Aaron Davis, Agent, by pursuant to ORC Section 709.022.

Commissioner Spencer seconded the Resolution and upon the roll being called, the Vote resulted in the adoption of the Resolution as follows:

Adopted this
22nd day of
December, 2016

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

Don Regula
Don Regula yes

John N. Bergman
John N. Bergman yes

Douglas A. Spencer
Douglas A. Spencer yes

- cc: County Auditor
 County Engineer
 The Dannon Company, Aaron Davis, Agent
 Jackson Township Trustees
 Village of Minster

Petition for Annexation

RECEIVED

DEC 20 2016

To: Board of County Commissions of Auglaize County, Ohio

Board of County Commissioners
Auglaize County, Ohio

The undersigned petitioner, The Dannon Company (the "petitioner"), being the sole owner of certain real estate proposed for annexation consisting of 7.000 acres, more or less, (the "Territory") hereby petitions to annex the territory to the Village of Minster, Auglaize County, Ohio (the "Village") and from the Township of Jackson, Auglaize County, Ohio (the "Township")

The Territory proposed for annexation is adjacent and contiguous with the Village of Minster and part of a permanent parcel number E1535201100

An accurate legal description of the perimeter of the Territory proposed for annexation is attached to and made a part of this petition as Exhibit "B".

Simultaneously with the filling of the petition, the Dannon Company Inc., is also filing a list of all tracts, lots or parcels in the Territory proposed for annexation and all tracts, lots or parcels located adjacent to the Territory, as well as an Annexation Agreement between the Village and the Township as required by ORC 709.022.

WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL ANY ACTION ON THE PETITION TAKEN BY THE BOARD OF COUNTY COMMISSIONERS. THERE ALSO IS NO APPEAL FROM THE BOARD'S DECISION IN THE MATTER IN LAW OR EQUITY.



Aaron Davis
The Dannon Co.

216 SOUTHGATE DR.
MINSTER, OHIO 45865

12/19/16
Date

TRACTS OF LAND IN TERRITORY PROPOSED FOR ANNEXATION

Owner	Address	Parcel Number
The Dannon Company Inc.	100 Hillisdale Ave White Plains, NY 10603	E1535201100

LIST OF TRACTS ADJACENT TO TERRITORY PROPOSED FOR ANNEXATION

Owner	Address	Parcel Number
J. Henry Wacker Farm LLC	02295 State Route 362 Minster, Ohio 45865	E1403500201
The Dannon Company Inc.	100 Hillisdale Ave White Plains, NY 10603	E1535200900

COUNCIL MEMBER	YES	NO	ABSTAIN
Rick Schwartz	X		
Tom Herkenhoff	X		
Paul Ennelking	X		
Curt Albers	X		
Craig Oldiges	X		
Nicole Clune	X		
Mayor Dennis Kitzmiller			

ORDINANCE 16-11-01

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN ANNEXATION AGREEMENT BY THE VILLAGE OF MINSTER WITH JACKSON TOWNSHIP, AUGLAIZE COUNTY, OHIO AND TO DECLARE AN EMERGENCY

WHEREAS, Section 709.022 of the Ohio Revised Code grants the filing of a petition for annexation under a special procedure when all parties provide consent; and

WHEREAS, under these special procedures the petition for annexation must be accompanied by a certified copy of an annexation agreement that is entered into by the municipal corporation and each township any portion of which is included within the territory proposed for annexation; and

WHEREAS, The Dannon Company, Inc., (Petitioner), owner of the real estate depicted by the site map in Exhibit A, attached hereto and further described on Exhibit B (the Property), desires to annex the Property into the Village, per the expedited process of annexation stated in Ohio Revised Code Section 709.022; and

WHEREAS, an annexation agreement as outlined in Ohio Revised Code Section 709.192 has been presented for consideration to both the Village of Minster and Jackson Township; and

WHEREAS, the trustees of Jackson Township, Auglaize County, Ohio held a public meeting and approved of such Annexation Agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE Council of the Village of Minster, Auglaize County, Ohio, to-wit:

SECTION 1: The Village of Minster has determined that it is in the best interest of the Petitioner and the Village to enter into an Agreement as provided for by Ohio Revised Code Section 709.192

SECTION 2: That the form of the Annexation Agreement attached hereto as Exhibit C is hereby approved, subject to and with any and all changes therein provided.

SECTION 3: That the Mayor is hereby authorized and directed to execute an Annexation Agreement substantially in the form of Exhibit C between the Village of Minster and the Jackson Township Trustees for the property petitioned to be annexed by the Petitioners.

SECTION 4: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in those formal actions were in compliance with the Law.

SECTION 5: That this Ordinance shall be in effect from and after the earliest period allowed.

PASSED AND ADOPTED by the legislative Authority of the Village of Minster on this 6th day of December 2016.

ATTEST:


John Stechschulte, Clerk/Fiscal Officer



Dennis Kitzmiller, Mayor

EXHIBIT A
Accurate Map or Plat of the territory Sought to be Annexed

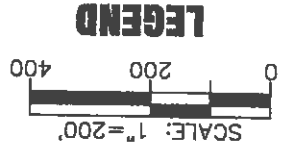
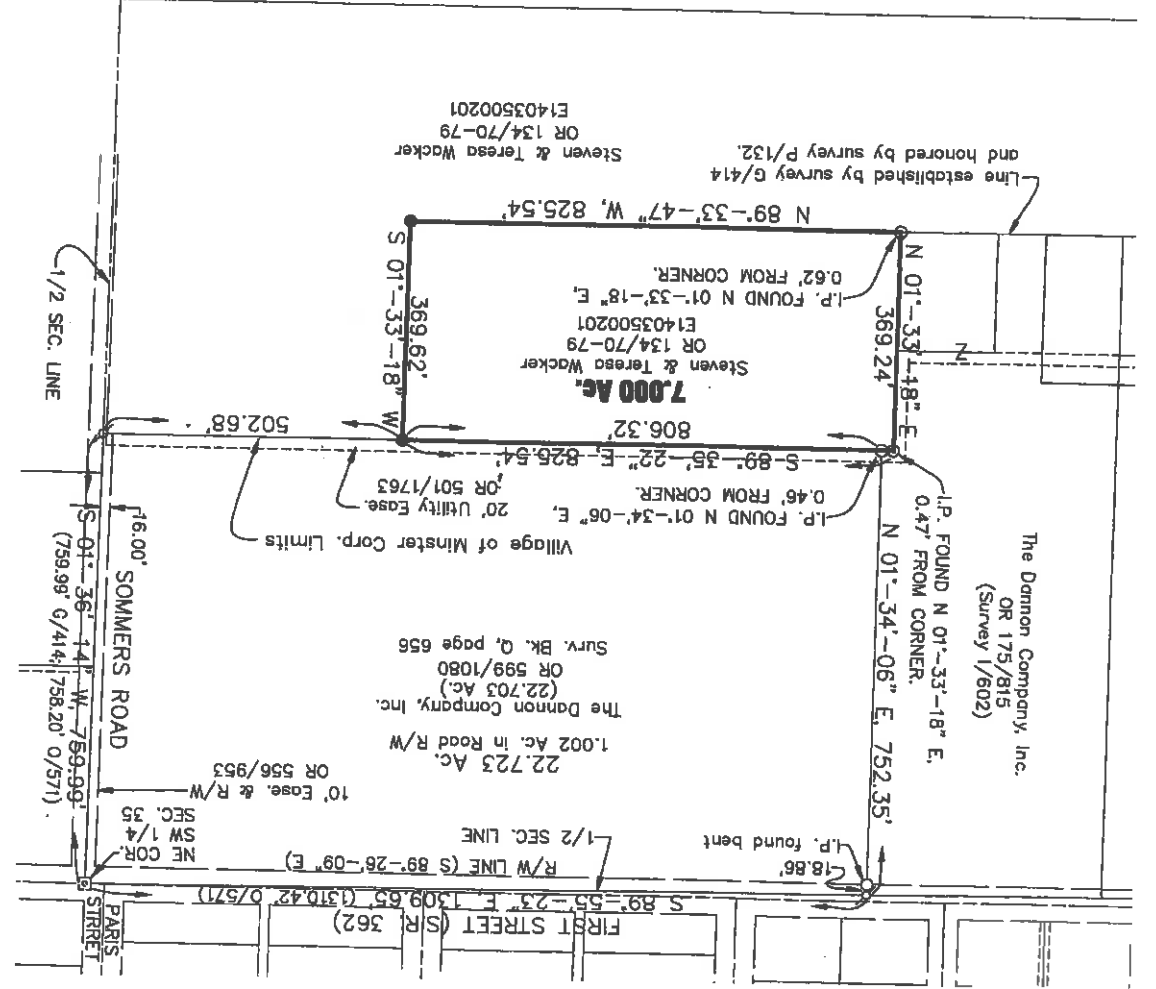
STEVEN E. BOWERSOX, P.S. #7059
 DATE 12/31/2013

Auglaize Co. Tax Map
 Survey Book 525



440 E. HOEWISHER ROAD, STINEY, OHIO 45365
 (937) 497-0200 FAX (937) 497-0300
 www.chokosmenengineering.com

DATE: 12-31-2013
 DRAWN BY: [signature]
 JOB NUMBER: AUGMIN1313ref
 SHEET NUMBER: 1 OF 1



THE BEARINGS ARE BASED ON
 NAD 83, GEOD 2003 OHIO NORTH
 ZONE, ODOT VRS CORS NETWORK



7.000 ACRES
 SW 1/4 35 SECTION
 JACKSON TOWNSHIP
 AUGLAIZE, OHIO COUNTY
 RANGE 4 E
 TOWNSHIP 7 S

WACKER PLAT

R-525

EXHIBIT B
Accurate legal Description of the Territory Sought to be Annexed



**LEGAL DESCRIPTION
WACKER PLAT
7.000 ACRES**

**BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 35, TOWN 7 SOUTH,
RANGE 4 EAST, JACKSON TOWNSHIP, AUGLAIZE COUNTY, OHIO AND BEING
MORE FULLY DESCRIBED AS FOLLOWS:**

Commencing for reference at an iron pin found in a monument box at the northeast corner of the southwest quarter of section 35 and being also in the intersection of First Street (State Route 362) and Sommers Road;

thence, South $01^{\circ}-36'-14''$ West, 759.99 feet, along the east line of the southwest quarter of section 35, to a Mag nail found in the northeast corner of a tract of land owned by Steven and Teresa Wacker described in Official Record 134, pages 70-79;

thence, North $89^{\circ}-35'-22''$ West, 502.68 feet, along the north line of the Wacker tract and the south line of a tract of land owned by The Dannon Company, Inc. as recorded in Official Record 599, page 1080, to an iron pin set at the principal place of beginning of the tract of land herein conveyed;

thence, South $01^{\circ}-33'-18''$ West, 369.62 feet, to an iron pin set;

thence, North $89^{\circ}-33'-47''$ West, 825.54 feet, to the southeast corner of a tract of land owned by The Dannon Company as recorded in Official Record 175, page 815, witness an iron pin found North $01^{\circ}-33'-18''$ East, 0.62 feet from said corner;

thence, North $01^{\circ}-33'-18''$ East, 369.24 feet, along the east line of The Dannon Company, Inc. tract and west line of the aforesaid Wacker tract, to a corner in same, witness an iron pin found North $01^{\circ}-33'-18''$ East, 0.47 feet from said corner;

thence, South $89^{\circ}-35'-22''$ East, 825.54 feet, along the north line of the aforesaid Wacker tract, to the principal place of beginning.

Containing 7.000 acres more or less and being subject to any legal highways and easements of record.

R-526

The above description was prepared by Steven E. Bowersox, Ohio Professional Surveyor number 7059, based on a survey performed under his direction with the bearings used for same being based on NAD 83, GEOID 2003 Ohio North Zone, ODOT VRS COORS Network.

Deed reference: Official Record 517, pages 70-79

Plat of Survey: Survey Book R, page 525



St. E. Bowersox
12/31/2013

R 527

EXHIBIT C
Annexation Agreement

ANNEXATION AGREEMENT
(Expedited Type One Annexation)

This Agreement is entered into this 6th day of December of 2016, between the Village of Minster, Ohio (the "Village") and the Board of Township Trustees of Jackson Township, Auglaize County, Ohio (the "Township"), pursuant to R.C. 709.021, 709.022 and 709.192.

WHEREAS, The Dannon Company Inc. (the "Petitioners"), owners of the real estate in the territory hereinafter described (the "Property"), desire to annex the Property into the Village pursuant to the expedited process of annexation set forth in R.C. 709.021 and 709.022; and

WHEREAS, the Village and the Township, by Resolutions duly adopted by their legislative authorities, each have determined that it is in the best interest of all parties involved to enter into this Annexation Agreement (the "Agreement") as provided by R.C. 709.192.

NOW, THEREFORE, in consideration of the above recitals and in consideration of the mutual benefits and promises hereinafter contained, the parties agree as follows:

1. Village Consent and Agreement. The Village consents to the annexation of the Property into the Village and agrees to provide sanitation, police, fire, water and sewer services to the residents of the Property at the same cost and under the same policies and conditions that such services are provided to other residents of the Village.
2. Township Consent. The Township consents to the annexation of the Property into the Village.
3. The Property. The real property subject to this Agreement shall consist of 7.00 acres located in Jackson Township, Auglaize County, Ohio, as depicted on the map attached hereto as Exhibit A. A legal description of the Property is attached hereto as Exhibit B.
4. Tax Distribution. Following the annexation of the Property, the Township will continue to receive real estate tax revenues levied on the Property in accordance with the Ohio Revised Code.
5. Severability. In the event any one or more of the provisions of this Agreement are held to be invalid, illegal, or unenforceable in any respect, that invalidity, illegality, or unenforceability shall not affect any other provisions of this Agreement. Such provisions shall be modified in order to best preserve the intention of the Village and the Township. The Agreement as modified shall remain in full force and effect. If such provisions cannot be so modified, then such provisions shall be severed and the remaining provisions of the Agreement shall remain in full force and effect.
6. Governing Law. This Agreement shall be governed exclusively by and construed in accordance with the laws of the State of Ohio.

7. Binding Effect. This Agreement shall inure to the benefit of and shall be binding upon the Village and the Township, their legal representatives, successors and assigns.

8. Entire Agreement. This Agreement constitutes the entire agreement of the parties and may be amended or modified only through a writing duly executed by the Village/Township as authorized by R.C. § 709.192. All prior agreements between the parties, either written or oral are superseded by this Agreement.

IN WITNESS WHEREOF, the Village and Township have executed this Agreement.

VILLAGE OF MINSTER, OHIO

By: *Dennis Kitzmiller*
Dennis Kitzmiller, Mayor

Attest: *John Stechschulte*
John Stechschulte, Clerk

BOARD OF TOWNSHIP TRUSTEES
OF JACKSON TOWNSHIP, AUGLAIZE
COUNTY, OHIO

By: *Ken Sommer*
James Albers, Trustee

By: *Ken Sommer*
Ken Sommer, Trustee

By: *Carl Albers*
Carl Albers, Trustee

APPROVED AS TO LEGAL FORM:

By: *James Hearn*
James Hearn
Solicitor, Village of Minster, Ohio

**IN THE MATTER OF AUTHORIZING ADJUSTMENTS TO THE 2016 APPROPRIATION
BUDGETED AS REQUESTED BY THE COUNTY AUDITOR.**

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 22nd day of December, 2016.

Commissioner Bergman moved the adoption of the following:
RESOLUTION

WHEREAS, Janet Schuler, County Auditor has submitted the following request to the Board of County Commissioners:

December 20, 2016
Board of County Commissioners,
The 2016 Appropriation Budget needs adjusted for the following line items:

INCREASE:	Ditch Notes	29.53
249.0249.540100		
DECREASE:	Insurance Claims	112,572.13
089.0089.535800	Contract Srvc Adult	40,845.00
035.0035.530601	Contract Srvc Disloc	30,363.97
035.0035.530602	Contract Srvc Youth	29,126.84
035.0035.530603	Construction	49,041.48
043.0043.550100	Private Rehab	65,087.00
044.0044.530600	Construction	7,408.00
091.0091.530600	Administration	450.00
091.0091.531100	Supplies	230.16
120.0016.530300	Contract Services	1,074.72
123.0016.530600	Equipment	1,500.00
509.0509.530400		

THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Auglaize County, Ohio does hereby authorize the County Auditor to make the appropriation budget adjustments as requested and listed above.

Commissioner Spencer seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this
22nd day of
December, 2016

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

Don Regula
Don Regula

John N. Bergman
John N. Bergman

Douglas A. Spencer
Douglas A. Spencer

cc: County Auditor

IN THE MATTER OF AUTHORIZING A RESTRUCTURE OF THE TABLE OF ORGANIZATION FOR THE AUGLAIZE COUNTY DEPARTMENT OF JOB & FAMILY SERVICES; APPROVING THE RESTRUCTURE IN THE TABLE OF ORGANIZATION.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 22nd day of December, 2016.

Commissioner Bergman moved the adoption of the following:

RESOLUTION

WHEREAS, Michael S. Morrow, Director of the Auglaize County Department of Job & Family Services informed the Board of County Commissioners that restructuring of the Public Assistance Unit is necessary to meet all the demands that the state has placed on local JFS agencies, specifically regarding CCMEP. Director Morrow requested that a new position be added to the JFS Table of Organization titled Director of Workforce Development & Self-Sufficiency Programs. This new position will in essence be the single point of contact for workforce needs and marry that to the self-sufficiency programs housed within the Public Assistance Unit; and,

WHEREAS, this new position will be a direct report to Director Morrow and will supervise the Public Assistance Unit.

THEREFORE, BE IT RESOLVED that the Board of Commissioners, Auglaize County, Ohio does hereby authorize the new position with the title of Director of Workforce Development & Self-Sufficiency Programs to be added to the current Table of Organization within the Public Assistance Unit, same being effective immediately, of the Auglaize County Department of Job & Family Services.

BE IT FURTHER RESOLVED that said Board does authorize the vacancy to be posted immediately.

Commissioner Spencer seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this
22nd day of
December, 2016

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

Don Regula yes
Don Regula

John N. Bergman yes
John N. Bergman

Douglas A. Spencer yes
Douglas A. Spencer

✓cc: County Department of Job & Family Services –
Michael Morrow

IN THE MATTER OF APPROVING THE FIRST AMENDMENT TO THE MASTER AGREEMENT TO PROVIDE SERVICES TO AN AGGREGATED GROUP BETWEEN THE BOARD OF COUNTY COMMISSIONERS, AUGLAIZE COUNTY, OHIO AND FIRSTENERGY SOLUTIONS, CORP; AND AUTHORIZING THE PRESIDENT OF THE BOARD TO EXECUTE SAID AMENDMENT.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 22nd day of December, 2016.

Commissioner Bergman moved the adoption of the following:

RESOLUTION

WHEREAS, the County entered into an Agreement on March 8, 2012 in Resolution #12-107 with FirstEnergy Solutions, Corp to provide energy and energy-related services to Eligible Customers through the Aggregation Program; and,

WHEREAS, First Energy Solutions Corp presented the first amendment to the master agreement that both parties mutually agree to lower the price in the Agreement for the Dayton Power and Light service territory from 5.80¢ per kWh (Residential) and 5.62¢ per kWh (Commercial) to 5.55¢ per kWh (both Residential and Commercial) for the term beginning with March 2017 meter read dates through March 2018 meter read dates; and,

WHEREAS, the first amendment to the master agreement to provide services to an aggregated group will become part of this resolution.

THEREFORE, BE IT RESOLVED, that the Board of County Commissioners, Auglaize County, Ohio does hereby approve the First Amendment to the Master Agreement to provide services to an aggregated group between the Board of County Commissioners, Auglaize County, Ohio and FirstEnergy Solutions, Corp; and,

BE IT FURTHER RESOLVED that the President of the Board is hereby authorized to execute said amendment as presented.

Commissioner Spencer seconded the Resolution and upon the roll being called. The vote resulted in the adoption of the Resolution as follows:

Adopted this
22nd day of
December, 2016

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

Don Regula yes
Don Regula

John N. Bergman yes
John N. Bergman

Douglas A. Spencer yes
Douglas A. Spencer

cc: FirstEnergy Solutions
✓ Palmer Energy – Amy Hoffman

**FIRST AMENDMENT
TO THE MASTER AGREEMENT TO PROVIDE
SERVICES TO AN AGGREGATED GROUP
BETWEEN AUGLAIZE COUNTY, OHIO
AND
FIRSTENERGY SOLUTIONS CORP.**

This First Amendment ("Amendment") is entered into this 22nd day of December, 2016 ("Effective Date"), by and between Auglaize County, Ohio ("County"), an Ohio governmental aggregator, and FirstEnergy Solutions Corp. ("FES"), an Ohio corporation with its principal place of business at 341 White Pond Drive, Akron, Ohio (collectively, the "Parties").

RECITALS

WHEREAS, FES and County are parties to a certain Master Agreement to Provide Services to an Aggregated Group dated March 8, 2012 ("Agreement");

WHEREAS, the Parties mutually agree to lower the price in the Agreement for the Dayton Power & Light service territory from 5.80¢ per kWh (Residential) and 5.62¢ per kWh (Commercial) to 5.55¢ per kWh (both Residential and Commercial) for the term beginning with March 2017 meter read dates through March 2018 meter read dates; and

WHEREAS, the Parties mutually agree to amend the Agreement by replacing paragraph 5.1 Additional Costs in its entirety describing the pass through of additional costs imposed by an ISO or a RTO on FES that are not otherwise reimbursed by the EDU to FES or included in the EDU's Price to Compare.

NOW, THEREFORE, in consideration of the mutual promises and covenants herein contained and other good and valuable consideration, the receipt, sufficiency and adequacy of which are hereby acknowledged, the parties hereto agree as follows:

1. The pricing on Attachment A to Master Agreement, for the term beginning with March 2017 meter read dates through March 2018 meter read dates, **for the Dayton Power & Light service territory only**, shall be as follows:

Dayton Power & Light Residential:
5.55¢ per kWh

Dayton Power & Light Commercial (either below 700,000 kWh annually or 100 kW peak monthly demand):
5.55¢ per kWh

The pricing for all other terms in the Dayton Power & Light service territory shall remain as indicated on Attachment A.

2. The Parties agree to amend the Agreement by replacing paragraph 5.1 Additional Costs in its entirety, as follows:
- 5.1 Additional Costs. In addition to the pricing described in Section 4.2.1 and the Pricing Attachment, in the event that any change in any statute, rule, regulation, order, law, or tariff promulgated by any court, governmental authority, utility, Independent Service Operator (“ISO”), Regional Transmission Organization (“RTO”) or other service provider, or any change in operating procedure, alters to the detriment of FES its costs to perform under this Agreement, FES may pass through to Participating Customer(s) such costs or revise the pricing under this Agreement to eliminate the impact of such changes. If any of the above situations occur, FES may offer Participating Customer(s) new terms and conditions of service, in which case they will receive notification(s) from FES. Participating Customer(s) must indicate their acceptance of the new terms as specified in the notices. If a Participating Customer does not contact FES to accept the new terms as provided in the notice(s), this Participating Customer’s individual terms and conditions with FES will terminate on the date specified in the notices, and Participating Customer(s) may be returned to their EDU for Retail Electric Service. Alternatively, FES may decide to terminate this Agreement, and Participating Customer(s) will receive at least 30 days’ prior written notice of the termination, after which they may be returned to their EDU for Retail Electric Service. Whether FES offers Participating Customer(s) new terms or terminates this Agreement under this provision, Participating Customer(s) will not be responsible for the cancellation/termination fee (if any) set forth in the Pricing Attachment. Participating Customer(s) must still pay all FES charges through the date they are returned to their EDU or switched to another CRES provider for service.
3. All other provisions of the original Master Agreement shall remain unchanged.

IN WITNESS WHEREOF, the undersigned have caused this Amendment to be duly executed as of the Effective Date.

FIRSTENERGY SOLUTIONS CORP.
FirstEnergy Solutions Corp.:

Signed: _____
 Printed: _____
 Title: _____
 Date: _____

AUGLAIZE COUNTY, OHIO

Signed: 
 Printed: Don Regula
 Title: President, Auglaize County Board of Commissioners
 Date: December 22, 2016

IN THE MATTER OF AUTHORIZING CHANGE ORDER NO. 2 WITH HUME SUPPLY, INC. FOR THE P.Y. '15 CDBG AUGLAIZE ACRES NEW ELEVATOR PROJECT.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 22nd day of December, 2016.

Commissioner Bergman moved the adoption of the following:

RESOLUTION

WHEREAS, the Auglaize Acres has been granted funding in the amount of \$400,080.00 through the P. Y. '15 CDBG Allocation Program and Revolving Loan Fund for the Auglaize Acres New Elevator project; and,

WHEREAS, the Auglaize Acres will pay the balance of \$34,620.00 remaining to be paid to Hume Supply, Inc.; and,

WHEREAS, bid award for this project was granted to Hume Supply, Inc. at the cost of \$434,700.00; and,

WHEREAS, on November 22, 2016 in resolution #16-413 approved the change order no. 1 with a total of zero dollars the contract; and,

WHEREAS, the Auglaize Acres and the Board of County Commissioners have contracted with Garmann-Miller Associates, Inc. to aid the Auglaize Acres and Board of County Commissioners with the Engineering services for this project; and,

WHEREAS, Poggemeyer Design Group, Inc., County's CDBG Administrator, reviewed the suggestions; finding all to be in order and allowable; and,

WHEREAS, Hume Supply, Inc. is able to accommodate this Change Order #2 as follows:

- 1.) Provide all necessary labor and material for the electrical prep of the door operator. Add \$692.45;
 - 2.) Deduct from General Construction Contingency Allowance. Deduct (\$692.45);
 - 3.) Cost of Special Inspections. Add \$7,397.25;
 - 4.) Deduct from Inspecting and Testing Contingency Allowance. Deduct (\$2,500.00);
 - 5.) Deduct remaining General Construction Contingency Allowance. Deduct (\$329.33);
 - 6.) Brick usage per thousand. Add \$750.00;
 - 7.) Deduct from cash allowance per thousand brick. (Deduct \$750.00);
- TOTAL CHANGE: \$4,567.92; and,

WHEREAS, Change Order # 2 for the Auglaize Acres New Elevator Project has been presented to the Board of County Commissioners for approval and authorization said project in the amount of \$4,567.92 and RLF Funds will be used to pay for said increase.

THEREFORE, BE IT RESOLVED that the Board of Commissioners, Auglaize County, Ohio, does hereby approve and authorize Change Order No. 2 for the additions to the contract with Hume Supply, Inc. for the Auglaize Acres New Elevator Project; and,

BE IT FURTHER RESOLVED that the Hume Supply, Inc. contract price for said project will increase by \$4,567.92 for a total contract of \$439,267.92 the PY'15 CDBG Auglaize Acres New Elevator Project.

Commissioner Spaice seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this
22nd day of
December, 2016

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

Don Regula
Don Regula

John N. Bergman
John N. Bergman

Douglas A. Spender
Douglas A. Spender

cc: Poggemeyer Design Group – Gayle Flaczynski
Auglaize Acres
Clerk of the Board
Garmann-Miller & Associates – Steve Heitkamp
Hume Supply, Inc.



AIA Document G701™ - 2001

Change Order

PROJECT (Name and address): **CHANGE ORDER NUMBER: 002** OWNER:
 Auglaize Acres Elevator **DATE: December 20, 2016** ARCHITECT:
 13093 Infirmary Road **ARCHITECT'S PROJECT NUMBER: 15046.0** CONTRACTOR:
 Wapakoneta, Ohio 45895 **CONTRACT DATE: June 17, 2016** FIELD:
TO CONTRACTOR (Name and address): **CONTRACT FOR: General Construction** OTHER:
 Hume Supply, Inc.
 1359 E. Hanthorn Road
 Lima, Ohio 45804

THE CONTRACT IS CHANGED AS FOLLOWS:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)

- 1.) Provide all necessary labor and material for the electrical prep of the door operator. Add 692.45
- 2.) Deduct from General Construction Contingency Allowance. Deduct (\$692.45)
- 3.) Cost of Special Inspections. Add \$7,397.25
- 4.) Deduct from Inspecting & Testing Contingency Allowance. Deduct (\$2,500.00)
- 5.) Deduct remaining General Construction Contingency Allowance. Deduct (\$329.33)
- 6.) Brick usage per thousand. Add \$750.00
- 7.) Deduct from cash allowance per thousand brick. (Deduct \$750.00)

TOTAL CHANGE: \$4,567.92

(Remaining Cash Allowance per thousand brick - \$0.00)
 (Remaining General Construction Contingency Allowance - \$0.00)
 (Remaining Inspecting & Testing Contingency Allowance - \$0.00)

The original Contract Sum was

The net change by previously authorized Change Orders

The Contract Sum prior to this Change Order was

The Contract Sum will be increased by this Change Order in the amount of

The new Contract Sum including this Change Order will be

The Contract Time will be unchanged by Zero (0) days.

The date of Substantial Completion as of the date of this Change Order therefore is December 31, 2016

\$	434,700.00
\$	0.00
\$	434,700.00
\$	4,567.92
\$	439,267.92

NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Garmann-Miller & Associates, Inc.

ARCHITECT (Firm name)

38 S. Lincoln Drive, P.O. Box 71, Minster,
Ohio 45865

ADDRESS

BY (Signature)

STEVEN P HEITKAMP

(Typed name)

12/20/2016

DATE

Hume Supply, Inc.

CONTRACTOR (Firm name)

1359 E. Hanthorn Road,
Lima, Ohio 45804

ADDRESS

BY (Signature)

Daven E. Steadke

(Typed name)

12-21-16

DATE

Auglaize County Commissioners

OWNER (Firm name)

209 S. Blackhoof- Room 201,
Wapakoneta, Ohio 45895

ADDRESS

BY (Signature)

Don DeGaula

(Typed name) Boss President

12/20/16

DATE

IN THE MATTER OF AUTHORIZING BUDGET ADJUSTMENTS.

The Board of County Commissioners of Auglaize County, Ohio met in regular session on the 22nd day of December, 2016.

Commissioner Bergman moved the adoption of the following:

RESOLUTION

WHEREAS, the Board has been requested to authorize budget adjustments as follows: and,

To: Auglaize County Commissioners
Re: Budget Adjustments

I am requesting the following budget adjustments to cover the 27 pays for PERS in 2016.

Amount:	From:	To:
\$ 605.75	001.0103.536400 (Workers Comp)	001.0103.536700 (PERS)
\$ 599.50	001.0106.536400 (Workers Comp)	001.0106.536700 (PERS)
\$ 674.36	001.0203.536400 (Workers Comp)	001.0203.536700 (PERS)
\$ 35.55	001.0209.536400 (Workers Comp)	001.0209.536700 (PERS)
\$ 657.70	001.0301.510200 (Salary)	001.0301.536700 (PERS)
\$ 684.68	001.0903.536400 (Workers Comp)	001.0903.536700 (PERS)
\$ 11.20	055.0055.536400 (Workers Comp)	055.0055.536700 (PERS)
\$ 241.79	090.0090.536400 (Workers Comp)	090.0090.536700 (PERS)
\$ 218.15	032.0024.536400 (Workers Comp)	032.0024.536700 (PERS)

Sincerely,
s/Kassandra Shappell
Kassandra Shappell
Accounts Payable
County Administrator

s/Erica Preston
Erica Preston
County Administrator

THEREFORE BE IT RESOLVED that the Board of County Commissioners of Auglaize County, Ohio, does hereby authorize the budget adjustments to show the changes as tabulated above.

Commissioner Spencer seconded the Resolution and upon the roll being called, the vote resulted in the adoption of the Resolution as follows:

Adopted this
22nd day of
December, 2016

BOARD OF COUNTY COMMISSIONERS
AUGLAIZE COUNTY, OHIO

Don Regula
Don Regula

John N. Bergman
John N. Bergman

Douglas A. Spencer
Douglas A. Spencer

cc: County Auditor