

Hinckley Township Board of Trustees – Special Meeting
August 31, 2020

Chairman Ray Schulte called the Special Meeting of the Hinckley Township Board of Trustees to order on Friday, July 31, 2020 at 8:03 a.m., for the purpose of discussion and decision on the following: Waste Water Treatment bid; CARES resolution to apply for CARES Act funding & establishment of fund line; Salem Court Change Order 1; Proof of claim resolution in pending bankruptcy filed by Purdue Pharma; and Hire of Chris Blair for volunteer fire fighter paramedic. Present were Trustees Augustine Burns and Schulte, Fiscal Officer Catherwood and Fire Chief Grossenbaugh.

Ms. Augustine made a motion to hire Chris Blair as a probation Hinckley Township firefighter. Burns second. Vote: A-yes, B-yes, S-yes.

Ms. Augustine administered the Oath of Service to Mr. Blair.

Mr. Burns made a motion for the Board to approve **Resolution #07313120-01**, which is Change Order #1 for the Salem Court Concrete road replacement project that provides for a 12" soil stabilization. Base cost for the soil stabilization at a 9" depth is \$24,300 and the 3" additional depth cost is \$3,995.28 for a total cost \$28,285.28. *Discussion:* Mr. Burns explained that additional soil stabilization was expected due to the poor sub-base of the original pavement. Mr. Burns commended the Hinckley Township Service Department for their oversight of this project. Augustine second. Vote: A-yes, B-yes, S-yes.

Ms. Augustine made a motion to approve **Resolution # 073120-02, a Resolution to authorize the filing of a government opioid claimant proof of claim against Purdue Pharma, L.P., and other related debtors in Chapter 11 bankruptcy case No. 19-23649 (RDD)**

WHEREAS, states and local government entities throughout the United States have initiated lawsuits against opioid manufacturers and distributors alleging past and future costs, adverse impacts and various damages to their respective communities resulting from the conduct of those manufacturers and distributors that contributed to a crisis of opioid use in the United States with specific impacts on individual communities; and

WHEREAS, claims being filed by state and local governments and other entities and individuals are being removed from state courts to federal court and consolidated in National Prescription Opiate Litigation Case No. 1:17-md-02804, federal multidistrict litigation (MDL), in U.S. District Court in the Northern District of Ohio; and

WHEREAS, Hinckley Township is a member of a class of government opiate claimants that would be entitled to participate in a global settlement of the National Prescription Opiate Litigation without the necessity of filing a separate lawsuit; and

WHEREAS, the primary plaintiffs in the National Prescription Opiate Litigation have engaged experts to calculate an estimate of the past and future social service education, prevention, health care, law enforcement, lost tax revenue, etc. damages and costs resulting from the actions of opioid manufacturers and distributors for each political subdivision eligible to participate in the settlement of the National Prescription Opiate Litigation, including Hinckley Township; and

WHEREAS, a group of primary defendants, Purdue Pharma, L.P. and its affiliates, have filed for chapter 11 bankruptcy in the Federal Bankruptcy Court in the U.S. District Court in the Southern District of New York, captioned as In re: Purdue Pharma L.P., et al, Debtors, Chapter 11 Case NO. 19-23649 (RDD); and

WHEREAS, this Board, based on the recommendation of the Medina County Prosecutor's Office, the Township's statutory legal counsel, finds it appropriate to authorize the Medina County Prosecutor's Office to file a

proof of claim on behalf of the Township, and to otherwise ratify any action taken by the County Prosecutor’s Office to preserve the Township’s claim.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Hinckley Township, Medina County, Ohio, that:

Section 1. The Medina County Prosecutor’s Office is hereby authorized and directed to file a Government Opioid Claimant Proof of Claim in the bankruptcy case pending in the U.S. District Court in the Southern District of New York, captioned as In re: Purdue Pharma L.P., et al, Debtors, Chapter 11 Case NO. 19-23649 (RDD, on the Township’s behalf, based on the available estimate of the value of the Township’s claim.

Section 2. Any and all actions taken by the Medina County Prosecutor’s Office prior to this authorization to preserve the Township’s claim and to timely file a proof of claim in said bankruptcy case are hereby ratified and approved.

Section 3. It is hereby found and determined that all formal actions of this Board and of any of its committees concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board or committees, and that all deliberations of this Board and of any of its committees that result in such formal actions were in meetings open to the public, in compliance with the law

Section 5. This Resolution shall be in full force and effect from and immediately after its adoption.

Burns second. Vote: A=yes, B=yes, S=yes.

Mr. Schulte made a motion to approve **Resolution #073120-03**, to make application for Coronavirus Relief and Economic Security Act (CARES Act) grant funding.

WHEREAS, the Coronavirus Aid, Relief, and Economic Security Act, 116 Public Law 136, (the CARES Act) was signed into law by the President of the United States on March 27, 2020; and

WHEREAS, the 133rd Ohio General Assembly (hereinafter “General Assembly”) established a process for distributing funds provided by the “Coronavirus Aid, Relief, and Economic Security Act”; and

WHEREAS, the General Assembly requires subdivisions receiving funds, to pass a resolution affirming that funds from the County Coronavirus Relief Distribution Fund may be expended only to cover costs of the subdivision consistent with the requirements of section 5001 of the CARES Act as described in 42 U.S.C. 601(d), and any applicable regulations before receiving said funds; and

WHEREAS, Hinckley Township is requesting its share of funds from the Medina County Coronavirus Relief Distribution Fund.

NOW THEREFORE, be it resolved that the Board of Trustees of Hinckley Township affirms that all funds received from the Medina County Coronavirus Relief Distribution Fund be expended only to cover costs of the subdivision consistent with the requirements of section 5001 of the CARES Act as described in 42 U.S.C. 601(d), and any applicable regulations and guidance only to cover expenses that:

- (1) Are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
- (2) Were not accounted for in [Township Name] Township’s most recently approved budget as of March 27, 2020; and

(3) Were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

FURTHERMORE, be it resolved by the Board of Trustees of Hinckley Township that the Hinckley Township Fiscal Officer take all necessary action to:

- (1) On or before October 15, 2020, pay any unencumbered balance of money in the Hinckley Township's local coronavirus relief fund to the Medina County Treasurer;
- (2) On or before December 28, 2020, pay the balance of any money in the Hinckley Township's local coronavirus relief fund to the state treasury in the manner prescribed by the Director of the Ohio Office of Budget and Management; and
- (3) Provide any information related to any payments received under the process established by the General Assembly to the Director of the Ohio Office of Budget and Management as requested.

Discussion: Mr. Schulte indicated that the Township needs to purchase two laptops for administrative staff to work remotely. He also indicated that he has invited a vendor to the next trustee meeting to discuss a disinfecting machine that was recommended by the Brunswick Hills Fire Chief. Mr. Schulte stated that this machine would help create a safer employee environment.

Mr. Burns replied that since the CARES Act funding is taxpayer dollars, he feels the funding should be used as prudently as possible; and only as necessary. Mr. Burns added that he has identified an opportunity to install video-conferencing electronics into the town hall in order to facilitate video-conferencing. He has spoken with a vendor that resides in Hinckley Township and will be soliciting input from additional vendors.

Ms. Augustine stated that she is glad to hear the both Mr. Schulte and Mr. Burns support the addition of video-conferencing hardware, she would also like to assist local schools with their needs. She specifically cited the Highland Local School District's need for picnic tables for outside lunch hours and classwork. She also indicated that the Brunswick schools may also have needs due to the Pandemic. Ms. Augustine also feels that we should only use the amount of funding that are necessary expenses, remaining funding will be reallocated back to other needy entities.

Burns second. Vote: A-yes, B-yes, S-yes.

Mr. Schulte made a motion to approve **Resolution #073120-04**, to establish Fund # 2272 for the Coronavirus Relief and Economic Security Act (CARES Act) grant funding. Burns second. Vote: A-yes, B-yes, S-yes.

Mr. Burns made a motion to approve **Resolution #073120-05**, to solicit by sealed bid for the Hinckley Township Town Hall and Police Station WWTP Upgrade. This bid opportunity will be advertised in the Medina Gazette on **Wednesday, August 5, 2020** and on the Hinckley Township Website, www.hinckleytwp.org. Bid documents can be obtained for free via email by contacting Suzanne Peterlin at speterlin@hinckleytwp.org or can be picked up at the Hinckley Town Hall for \$10 by calling the town hall at 330-278-4181. Sealed bid submission deadline is **September 1, 2020, 2:00 PM**. Bids will be opened and read aloud on **September 1, 2020, 6:30PM** at the Trustee Regular meeting. The Engineer's Estimate for this prProject is **\$102,895.80**. Other bid details can be found in the bid package.

Discussion: Mr. Burns explained that this is the second release of this bid opportunity as the first release yielded no acceptable bids due to both bidders exceeding the statutory 10% Engineer's Estimate amount. The second release includes some specification and cost estimate modifications; including fencing and electrical costs.

Ms. Augustine stated that she had contacted a representative from the EPA and feels that the 1500-gallon tank is not required, and the project can be done another way. Mr. Burns responded that the Township hired an engineering firm

to determine the specifications of the project and rely on their expertise to determine how the project should proceed. Ms. Augustine replied that she is concerned about the significant increase in the Engineer’s Estimate for the second bid. Mr. Burns reiterated his position that the Township has retained an engineering firm to determine the best system for the Township’s facility needs. Mr. Schulte stated that the engineering firm has visited the site a number of times.

Mr. Burns spent several minutes detailing the components of the system and the resulting Engineer’s Estimate revision, which included an underestimation of the current tank price, fencing details and increased electrical needs due to amperage and wiring.

Fiscal Officer Catherwood pointed out that in July of 2019, Otisco Engineering had estimated the cost of the project to be \$100,540.00, and directed the Trustees to read the email chain in their packet. She added that this had been the project cost she had always budgeted for, and had commented previously to Mr. Burns that the Engineer’s Estimate of \$80,000 in the first bid seemed very low.

At this time, there being no further discussion Chairman Schulte seconded the motion. Vote: A-no, B-yes, S-yes.

Mr. Schulte made a motion to adjourn the Special Meeting at 9:01 a.m. Augustine second. Vote: A-yes, S-yes.

Meeting minutes approved by:

