

REGULAR SESSION JUNE 30, 2021

This day the Board of Morrow County Commissioners met in their office at 80 North Walnut St., Ste. A, Mt. Gilead, Ohio with the following members present: Mr. Whiston and Mr. Abraham

Absent: Mr. Siegfried

Public in attendance: Alberta Stojkovic (Morrow County Sentinel)

The meeting was opened with prayer and pledge of allegiance to the flag, and then called to order by Mr. Whiston, who then proceeded with the business at hand. The following matters came before the Board for their consideration and approval.

IN THE MATTER OF APPROVAL OF THE MINUTES OF REGULAR SESSION OF JUNE 28, 2021: 21-R-468

Mr. Abraham made a motion to approve the minutes of regular session of June 28, 2021, as recorded in the Commissioners Journal # 49.

Mr. Whiston duly seconded this motion.

Roll Call Vote: ...,Mr. Abraham..., "yea" ...,Mr. Siegfried..., "absent" .., Mr. Whiston.., "yea"

IN THE MATTER OF APPROVAL OF BILLS FOR PAYMENT: 21-R-469

Mr. Whiston made a motion to approve payment of bills numbered 1 through 71 submitted by the Morrow County Auditor's office.

Mr. Abraham duly seconded this motion.

Roll Call Vote: ...,Mr. Abraham..., "yea" ...,Mr. Siegfried..., "absent" .., Mr. Whiston.., "yea"

IN THE MATTER OF PAY-INS: 21-R-470

The following pay-ins were made to Patricia K. Davies, Morrow County Auditor:

- Receipt Batch #1873 Payments received from Chesterville customers for sewer fund 5159 \$920.00
Payments received from Johnsville customers for sewer fund 5100 \$354.00
Payments received from Ketterman customers for sewer fund 5121 \$273.62
Payments received from Somoco customers for sewer fund 5110 \$1,155.21
Pay-in #211744 Payment received from AVI Food Systems for April 2021 vending machine commission 1000-1090-480808 in the amount of \$30.72.
Receipt Batch #1876 Payments received from Chesterville customers for sewer fund 5159 \$1,447.93
Payments received from Johnsville customers for sewer fund 5100 \$413.00
Payments received from Ketterman customers for sewer fund 5121 \$55.84
Payments received from Somoco customers for sewer fund 5110 \$7,357.07
Receipt Batch #1878 Payments received from Chesterville customers for sewer fund 5159 \$106.98
Payments received from Johnsville customers for sewer fund 5100 \$39.00
Payments received from Ketterman customers for sewer fund 5121 \$280.04
Pay-in #211763 Payment received from Job & Family Services for July 2021 CSB rent 2072-1070-470802 \$20,745.08

IN THE MATTER OF APPROPRIATION OF UNAPPROPRIATED CERTIFIED MONIES – JOB AND FAMILY SERVICES FUND 2121, JFS COUNCIL FOR GOVERNMENT: 21-A-83

At the request of Denise Sayre-Rogers, Fiscal Officer, a motion was made by Mr. Abraham to appropriate from the unappropriated certified monies to the following account:

2121-1054-530335 COG Multi-System Youth Program Services \$5,230.03

Mr. Whiston duly seconded this motion.

Roll Call Vote: ...,Mr. Abraham..., "yea" ...,Mr. Siegfried..., "absent" .., Mr. Whiston.., "yea"

**IN THE MATTER OF
AUTHORIZATION FOR MORROW COUNTY DEVELOPMENT DIRECTOR ANDY
WARE TO APPLY FOR OHIO EPA 9-ELEMENT GRANT: 21-R-471**

Mr. Whiston made a motion to authorize Morrow County Economic Development Director, Andy Ware, to apply for an Ohio EPA 9-Element Nonpoint Source Implementation Strategy Development Grant.

Mr. Abraham duly seconded this motion.

Roll Call Vote: ...,Mr. Abraham..., "yea" ...,Mr. Siegfried..., "absent" .., Mr. Whiston.., "yea"

**IN THE MATTER OF
AUTHORIZATION FOR MORROW COUNTY DEVELOPMENT DIRECTOR ANDY
WARE TO SUBMIT AN OHIO JAIL GRANT APPLICATION: 21-R-472**

Mr. Abraham made a motion to authorize Morrow County Economic Development Director, Andy Ware, to submit a State of Ohio Senate Bill 310 grant funding application jointly for the Morrow County Commissioners and Morrow County Sheriff, John Hinton.

Mr. Whiston duly seconded this motion.

Roll Call Vote: ...,Mr. Abraham..., "yea" ...,Mr. Siegfried..., "absent" .., Mr. Whiston.., "yea"

**IN THE MATTER OF
APPROVAL FOR CHAIRMAN, TOM WHISTON, TO SIGN THE RIDER FOR
INSTALLATION OF THE TELETHERMOGRAPHIC CAMERA SYSTEM AT THE
MORROW COUNTY SHERIFF'S OFFICE AND CORRECTIONS FACILITY: 21-R-473**

Mr. Abraham made a motion to approve Chairman, Tom Whiston, to sign the rider for installation of the Illustra Pro Est Telethermographic System (US) by Johnson Controls at the Morrow County Sheriff's office and Corrections Facility.

RIDER FOR INSTALLATION OF ILLUSTR A PRO EST TELETHERMOGRAPHIC SYSTEM (US)

THIS RIDER FOR ILLUSTR A PRO EST TELETHERMOGRAPHIC SYSTEM (the "Rider") is entered into as of May 27, 2021 ("Effective Date") by and between **JOHNSON CONTROLS, INC.** (hereinafter "Johnson Controls") and **MORROW COUNTY COMMISSIONERS** (hereinafter, "Customer") and is to be incorporated by reference into and made part of the Agreement by and between Johnson Controls and Customer.

1. **Scope.** This Rider modifies the Agreement for the ILLUSTR A PRO EST TELETHERMOGRAPHIC SYSTEM and associated hardware and/or software (the "Telethermographic System"). If a conflict exists between the terms of the Agreement and this Rider, then the terms of this Rider will prevail with regard to the Telethermographic System.
2. **Installation.** Johnson Controls will (i) affix the Telethermographic System at the Customer location(s) in the United States designated by Customer and for the fees listed on Exhibit A; (ii) install all software or firmware ("Software") in connection with the Telethermographic System according to the requirements supplied by Customer; and (iii) test the Telethermographic System to confirm that it is functioning according to specifications. Customer is responsible for obtaining and posting signage on its premises notifying visitors that the Telethermographic System is in use.
3. **System Software.** Any Software that may be provided with the Telethermographic System is licensed or sublicensed to Customer on a non-exclusive basis.
4. **Customer/Locally Monitored System.** Customer agrees that the Telethermographic System is a customer/locally monitored system and that Johnson Controls does not and will not monitor, receive or respond to any signals from the Telethermographic System.

5. **Use, Regulatory, and Compliance with Law.**

Important information about the Telethermographic System (the "Device")

- a. As of the date of this Rider, the Device is not cleared or approved by the U.S. Food and Drug Administration (the "FDA") for use as a medical device and is being provided under FDA guidance issued on April 16, 2020 (<https://www.fda.gov/media/137079/download>) (the "Guidance"), which is intended to remain in effect only for the duration of the public health emergency related to COVID-19 declared by the U.S. Department of Health and Human Services.
 - b. Johnson Controls does not and cannot guarantee that the Device will be granted FDA clearance.
 - c. The Device is intended to be used only:
 - i. for triage purposes to perform initial body temperature measurement;
 - ii. where an elevated body temperature measurement is confirmed in the context of use with secondary evaluation methods (e.g., non-contact infrared thermometer (NCIT) or clinical grade contact thermometer); and
 - iii. where such devices do not create an undue risk in light of the public health emergency.
 - d. FDA Guidance:
 - i. the Device should not be solely or primarily relied upon to diagnose or exclude diagnosis of COVID-19, or any other disease;
 - ii. public health officials, through their experience with the Device in the particular environment of use, should determine the significance of any fever or elevated temperature based on the skin telethermographic temperature measurement;
 - iii. the system and technology should be used to measure only one subject's temperature at a time; and
 - iv. visible thermal patterns are only intended for locating the points from which to extract the thermal measurement.
 - e. Important information describing the Device performance specifications, use and calibration instructions, blackbody reference source, environmental conditions, imaging distance, and system set up and installation factors is contained in the Device's User Manual.
 - f. Certain functions of the Telethermographic System may require compliance by Customer with local, state, national and international laws and regulations. Customer is solely responsible for compliance with all applicable laws and regulations relating to Customer's use of the Telethermographic System and those functions, including but not limited to those laws and regulations pertaining to personal data protection, privacy and security, any laws relating to the collection or processing of biometric or health information, or any laws requiring notice or consent of persons with respect to Customer's collection or processing of biometric or health information.
6. **Warranty Disclaimer. JOHNSON CONTROLS DISCLAIMS ALL WARRANTIES, WHETHER EXPRESS, IMPLIED, STATUTORY OR OTHER, INCLUDING WITHOUT LIMITATION, ANY IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE OR NON-INFRINGEMENT. WITHOUT LIMITING THE FOREGOING, JOHNSON CONTROLS MAKES NO WARRANTY THAT THE TELETHERMOGRAPHIC SYSTEM WILL OPERATE WITHOUT INTERRUPTION OR ERROR FREE, OR THAT MESSAGES, ALERTS OR TEXTS SENT BY THE TELETHERMOGRAPHIC SYSTEM WILL BE TIMELY OR SUCCESSFULLY SENT, DELIVERED OR RECEIVED. NO CLAIMS, REPRESENTATIONS OR WARRANTIES, WHETHER EXPRESS OR IMPLIED, ARE MADE BY JOHNSON CONTROLS AS TO THE SAFETY, RELIABILITY, DURABILITY AND PERFORMANCE OF THE TELETHERMOGRAPHIC SYSTEM. FURTHERMORE, JOHNSON CONTROLS ACCEPTS NO LIABILITY WHATSOEVER ARISING OUT OF THE APPLICATION OR USE OF THE TELETHERMOGRAPHIC SYSTEM, NOR DOES JOHNSON CONTROLS ASSUME ANY LIABILITY FOR THE SAFETY, RELIABILITY, DURABILITY AND PERFORMANCE OF THE TELETHERMOGRAPHIC SYSTEM. ANY PERFORMANCE SPECIFICATIONS ARE NOT VERIFIED.**

7. **Limitations of Damages.** THE TELETHERMOGRAPHIC SYSTEM DOES NOT CAUSE AND CANNOT ELIMINATE OR PREVENT OCCURRENCES OF THE EVENTS THAT IT IS INTENDED TO DETECT OR AVERT. ALL LIABILITY RESULTING FROM SUCH EVENTS REMAINS WITH CUSTOMER. CUSTOMER AGREES TO LOOK SOLELY TO CUSTOMER’S INSURER TO RECOVER FOR ANY CLAIMS ARISING OUT OF THE USE OF THE SYSTEM AND RELEASES AND WAIVES ALL RIGHT OF RECOVERY AGAINST JOHNSON CONTROLS, INCLUDING BY WAY OF SUBROGRATION. IN NO EVENT WILL JOHNSON CONTROLS BE LIABLE, TO THE MAXIMUM EXTENT PERMITTED BY LAW, FOR (I) PERSONAL INJURY OR ILLNESS, DEATH OR PROPERTY DAMAGES OR (II) LOST PROFITS, LOSS OF USE, DIMUNITION OF VALUE, LOST DATA, OR ANY OTHER INCIDENTAL, SPECIAL, PUNITIVE, EXEMPLARY, OR CONSEQUENTIAL DAMAGES, ARISING OUT OF OR RELATED TO THE TELETHERMOGRAPHIC SYSTEM. NOTWITHSTANDING THE FOREGOING, IF JOHNSON CONTROLS IS FOUND LIABLE UNDER ANY LEGAL THEORY, JOHNSON CONTROLS’ TOTAL LIABILITY WILL BE LIMITED TO THE SUM EQUAL TO THE INSTALLATION CHARGE PAID BY CUSTOMER TO WHICH SUCH CLAIM IS MADE, AS THE AGREED UPON DAMAGES AND NOT AS A PENALTY, AS CUSTOMER’S SOLE AND EXCLUSIVE REMEDY. CUSTOMER WILL DEFEND, INDEMNIFY, AND HOLD HARMLESS JOHNSON CONTROLS AGAINST ANY CLAIMS AND LAWSUITS MADE OR FILED BY ANY PERSON, INCLUDING CUSTOMER’S INSURER, THAT IS RELATED IN ANY WAY TO THE TELETHERMOGRAPHIC SYSTEM, INCLUDING THE PAYMENT OF ALL DAMAGES, EXPENSES, COSTS, AND ATTORNEYS’ FEES. NO SUIT OR ACTION SHALL BE BROUGHT AGAINST JOHNSON CONTROLS MORE THAN ONE (1) YEAR AFTER THE ACCRUAL OF THE CAUSE OF ACTION.

JOHNSON CONTROLS, INC.

By: s/Authorized Representative

Print Name:

Title:

Date:

CUSTOMER: Morrow County Commissioners

By: s/Tom E. Whiston

Print Name: Tom E. Whiston

Title: Chairman

Date: 06/30/21

**A complete copy of this rider will be on file with the Morrow County Commissioners’ office

Mr. Whiston duly seconded this motion.

Roll Call Vote: ...,Mr. Abraham..., “yea” ...,Mr. Siegfried..., “absent” .., Mr. Whiston.., “yea”

**IN THE MATTER OF
BID OPENING –BRIDGE REPLACEMENT PROJECT MRW-WES20-CR149 FOR THE
MORROW COUNTY ENGINEER: 21-R-474**

WHEREAS, on June 7, 2021, the Morrow County Commissioners approved the Morrow County Engineer to advertise notice to bidders for Bridger Replacement Project known as MRW-WES20-CR149; and

WHEREAS, the bid opening to be held this day, June 30, 2021 at 2:30 p.m; and

WHEREAS, the following bids were received:

U.S. Bridge	\$424,338.73
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THEREFORE, Mr. Whiston made a motion to hold the bids for review and recommendation by the Morrow County Engineer.

Mr. Abraham duly seconded this motion.

Roll Call Vote: ...,Mr. Abraham..., “yea” ...,Mr. Siegfried..., “absent” .., Mr. Whiston.., “yea”

**IN THE MATTER OF
APPROVAL TO AWARD BID FOR 2021 FAA AIRFIELD PAVEMENT REHABILITATION
AND PAVEMENT MARKING PROJECT: 21-R-475**

WHEREAS, sealed bids were received and opened at 10:00 a.m. on June 28, 2021 for the “2021 FAA Airfield Pavement Rehabilitation and Pavement Marking Project”; and

WHEREAS, the following bids were received:

JJ Cunningham General Contracting	\$112,908.25
Axtell’s Inc.	\$213,556.25
American Pavements, Inc.	\$104,358.95

WHEREAS, the recommendation from Morrow County Economic Development Director, Andy Ware, is to award the bid for the 2021 FAA Airfield Pavement Rehabilitation and Pavement Marking Project to American Pavements, Inc.;

THEREFORE, Mr. Whiston made a motion, upon the recommendation of the Morrow County Economic Development Director, to award the bid for the 2021 FAA Airfield Pavement Rehabilitation and Pavement Marking Project to American Pavements, Inc. in the amount of \$104,358.95.

Mr. Abraham duly seconded this motion.

Roll Call Vote: ...,Mr. Abraham..., “yea” ...,Mr. Siegfried..., “absent” .., Mr. Whiston.., “yea”

There being no further matters to bring before the board, a motion to adjourn was made by Mr. Abraham and duly seconded by Mr. Whiston.

Roll Call Vote: ...,Mr. Abraham..., “yea” ...,Mr. Siegfried..., “absent” .., Mr. Whiston.., “yea”

We hereby certify the foregoing to be true and correct.

CHAIRMAN

CLERK

ASSISTANT CLERK

MORROW COUNTY COMMISSIONERS