

17-008

EXHIBIT A

SECOND SUPPLEMENTAL AGREEMENT OF  
THE SUMMIT / STARK COUNTY  
SANITARY SEWER SERVICE AGREEMENT  
UPPER TUSCARAWAS WASTEWATER  
TREATMENT PLANT IMPROVEMENT (Q-949)

THIS SECOND SUPPLEMENTAL AGREEMENT of the Summit/Stark County Sanitary Sewer Service Agreement ("Agreement") dated September 3, 1993, is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by and between the Board of County Commissioners of Stark County ("Stark") and the County of Summit ("Summit") pursuant to Stark County Resolution \_\_\_\_\_ adopted NOV. 16, 2016 and County of Summit Resolution \_\_\_\_\_.

WITNESSETH:

WHEREAS, the parties have previously entered into the Agreement, which relates to the Upper Tuscarawas Wastewater Treatment Plant ("Upper Tusc") on September 3, 1993, pursuant to Summit Resolution 93-36 adopted January 19, 1993, and a resolution adopted by the Board of Commissioners of Stark on August 12, 1993; and

WHEREAS, the parties entered into a First Amendment to the Summit/Stark County Sanitary Sewer Service Agreement Upper Tuscarawas Waste Water Treatment Plant Improvement on October 8, 2004 to provide for capital contributions to the Upper Tuscarawas Waste Water Treatment Plant Improvement (Q-908 Phase 1 and 2); and

WHEREAS; pursuant to Section 1.05 of the Agreement, the parties desire to supplement the Agreement in order to pay for certain proposed improvements known as the Upper Tuscarawas Wastewater Treatment Plant Improvement Project No. Q-949 ("Project Q-949"); and

WHEREAS, Summit has authorized its County Executive to execute the aforementioned amendment by Resolution \_\_\_\_\_, adopted \_\_\_\_\_ and Stark has authorized the execution of the aforementioned amended by Resolution \_\_\_\_\_ adopted NOV. 16, 2016 ;

WHEREAS, Summit has requested and has obtained approval from the Ohio Environmental Protection Agency for Project Q-949; and

WHEREAS, the upgrades, replacements and repairs of the Project are necessary to provide for proper treatment of sanitary waste water, and

WHEREAS, Stark has currently secured 1.00 million gallons per day ("mgd") of capacity at Upper Tusc; and

EXHIBIT A

WHEREAS, in accordance with the Agreement, Stark herein agrees to contribute financially to the Project Q-949 costs in an amount equal to its proportionate share of its current capacity; and

WHEREAS, Summit has determined to finance its Upper Tuscarawas Wastewater Treatment Plant Improvement (Q-949) through 2 loans from the Ohio Water Pollution Control Loan Fund ("WPCLF"), and Stark has determined to pay its allocated share of construction costs in full from existing revenues of its Metropolitan Sewer District;

NOW, THEREFORE, in consideration of the mutual promises and covenants of the parties, the Agreement is hereby amended as follows:

#### ARTICLE I

1.01 The Upper Tuscarawas Wastewater Treatment Plant is being improved by the project entitled the Upper Tuscarawas Wastewater Treatment Plant Improvement Project Q-949 (Project Q-949). The project improvements include the construction of a building to house a new fine screen, the construction of new outlets on the primary clarifiers; and the collector mechanisms were sandblasted and coated. The tertiary filters have been removed and replaced with new equipment. The motor control for the digester blowers were replaced. Repairs shall were made on various roofs in the plant. Plant roadways and parking areas shall be repaired and resurfaced. Three (3) new rotating biological contactors were installed.

1.02 Construction costs are only those costs for which Summit has contracted to build Project Q-949 and do not include costs attributable to planning, design, or other non-construction costs. Construction costs for Project Q-949 totaled \$5,610,751.57 as set forth in Exhibit A1 and A2, attached hereto and incorporated herein by reference. Stark will pay twenty-five percent (25%) of said construction costs based upon its commitment to contribute to the improvements to the Upper Tuscarawas Wastewater Treatment Plant. Project Q-949 is complete, with no further change orders to be processed, and Stark shall not be responsible for any further costs.

#### ARTICLE II

2.01 Stark hereby agrees to pay its twenty-five percent (25%) share of construction costs in full, upon submission of estimates for progress payments approved by Summit, which is \$1,402,687.90.

2.02 Stark shall not be liable for any financing of Summit's share of the construction costs, or any other costs, for Project Q-949.

2.03 Summit agrees that all arrangements made by Summit for the financing of Project Q-949 through the Ohio Water Pollution Control Loan Fund shall be the sole responsibility of Summit.

IN WITNESS WHEREOF, the parties hereto have affixed their hands, Stark by the signature of its duly authorized officials and Summit by the signatures of the County Executive and the Director of Environmental Services.

IN WITNESS WHEREOF, the parties have hereunto set their hands:

SIGNED AND ACKNOWLEDGED:

Richard Flory  
WITNESS

\_\_\_\_\_  
WITNESS

Richard Flory  
WITNESS

APPROVED AS TO FORM:

John D. Ferrero  
John D. Ferrero  
Prosecutor, Stark County

STARK COUNTY BOARD OF  
COMMISSIONERS:

Janet Weir Creighton  
Janet Weir Creighton  
Date: 11/16/16

Absent  
Richard Regula

Date: \_\_\_\_\_

David M. Bridenstine  
David Bridenstine

Date: 11/16/16

Date: 11/18/16

SIGNED AND ACKNOWLEDGED:

COUNTY OF SUMMIT:

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
Ilene Shapiro, Executive

Date: \_\_\_\_\_

Authorized by Resolution \_\_\_\_\_

Approved:

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
Michael Weant, Director,  
Department of Environmental Services

Date: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
Deborah S. Matz, Director Department  
of Law, Insurance and Risk Management

Date: \_\_\_\_\_

**Encumbrance and Disbursement Detail Report**  
**By App**  
**As Of 09/27/2016**

| Account Number 6576 -- Summit County |                  | Contractor: Kenmore Construction Co., Inc. |           |         |                           |                          |               |                                  |  |
|--------------------------------------|------------------|--|-----------|---------|---------------------------|--------------------------|---------------|----------------------------------|--|
| Date                                 | Req. Type - Text | Funding Source                             | Voucher # | Check # | Tx Type                   | Encumbrances             | Disbursements | Balance                          |  |
| 09/26/2013                           | Estimate - 1     | WPCLF Other Projects                       | 64933     | 1258171 | Encumbrance Disbursement  | \$4,424,290.00<br>\$0.00 | \$182,851.28  | \$4,424,290.00<br>\$4,241,438.72 |  |
| 07/15/2014                           | - 1              | Reimbursement Fund - Liquid                |           |         | Transfer                  | (\$10,000.00)            | \$0.00        | \$4,231,438.72                   |  |
| 07/22/2014                           | - 1              | WPCLF Other Projects                       | 65434     | 1266148 | Change Order Disbursement | (\$31,306.29)            | \$0.00        | \$4,200,132.43                   |  |
| 08/13/2014                           | Estimate - 2     | Reimbursement Fund - Liquid                |           |         | Disbursement              | \$0.00                   | \$70,721.46   | \$4,129,410.97                   |  |
| 08/20/2014                           | Estimate - 3     | WPCLF Other Projects                       | 65469     | 1267744 | Disbursement              | \$0.00                   | \$74,437.60   | \$4,054,973.37                   |  |
| 10/08/2014                           | Estimate - 4     | Reimbursement Fund - Liquid                |           |         | Disbursement              | \$0.00                   | \$216,797.43  | \$3,838,175.94                   |  |
| 10/15/2014                           | Estimate - 5     | WPCLF Other Projects                       | 66097     | 1277671 | Disbursement              | \$0.00                   | \$216,797.43  | \$3,621,378.51                   |  |
| 11/04/2014                           | - 2              | Reimbursement Fund - Liquid                |           |         | Disbursement              | \$0.00                   | \$172,813.88  | \$3,448,564.63                   |  |
| 12/10/2014                           | Estimate - 6     | WPCLF Capitalization Grant Fund            | 66872     | 1289717 | Change Order Disbursement | \$217,662.54             | \$0.00        | \$3,230,902.09                   |  |
| 12/24/2014                           | Estimate - 7     | WPCLF Other Projects                       | 67086     | 1293022 | Disbursement              | \$0.00                   | \$499,691.82  | \$2,731,210.27                   |  |
| 01/14/2015                           | Estimate - 8     | Reimbursement Fund - Liquid                |           |         | Disbursement              | \$0.00                   | \$443,382.07  | \$2,287,828.20                   |  |
| 01/20/2015                           | - 3              | WPCLF Other Projects                       | 67635     | 1303630 | Change Order              | \$54,143.75              | \$0.00        | \$1,994,800.78                   |  |
| 01/29/2015                           | - 4              | Reimbursement Fund - Liquid                |           |         | Change Order              | \$734,169.60             | \$0.00        | \$1,260,631.18                   |  |
| 02/18/2015                           | Estimate - 9     | WPCLF Other Projects                       | 67635     | 1303630 | Disbursement              | \$0.00                   | \$186,528.65  | \$74,072.53                      |  |

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|            |               |   |          |                              |               |              |                |
|------------|---------------|---|----------|------------------------------|---------------|--------------|----------------|
| 03/18/2015 | Estimate - 10 | WPCLF Other 67946<br>Projects<br>Reimbursement                  | 1308432  | Disbursement                 | \$0.00        | \$274,356.17 | \$2,268,105.56 |
| 04/08/2015 | Estimate - 11 | Fund - Liquid<br>WPCLF Other 68189<br>Projects<br>Reimbursement | 1313356  | Disbursement                 | \$0.00        | \$115,680.00 | \$2,152,425.56 |
| 05/13/2015 | Estimate - 12 | Fund - Liquid<br>WPCLF Other 68529<br>Projects<br>Reimbursement | 1320766  | Disbursement                 | \$0.00        | \$604,141.43 | \$1,548,284.13 |
| 06/17/2015 | Estimate - 13 | Fund - Liquid<br>WPCLF Other 68819<br>Projects<br>Reimbursement | 1327435  | Disbursement                 | \$0.00        | \$343,826.74 | \$1,204,457.39 |
| 07/15/2015 | Estimate - 14 | Fund - Liquid<br>WPCLF Other 69083<br>Projects<br>Reimbursement | 13333735 | Disbursement                 | \$0.00        | \$376,967.51 | \$827,489.88   |
| 07/28/2015 | -6            | WPCLF Other 69605<br>Projects<br>Reimbursement                  | 1342967  | Change Order<br>Disbursement | \$0.00        | \$0.00       | \$827,489.88   |
| 09/02/2015 | Estimate - 15 | Fund - Liquid<br>WPCLF Other 69605<br>Projects<br>Reimbursement | 1342967  | Disbursement                 | \$0.00        | \$13,625.95  | \$813,863.93   |
| 09/30/2015 | Estimate - 16 | Fund - Liquid<br>WPCLF Other 69894<br>Projects<br>Reimbursement | 1348320  | Disbursement                 | \$0.00        | \$11,724.62  | \$694,915.28   |
| 09/30/2015 | Estimate - 16 | Fund - Liquid<br>WPCLF Other 69894<br>Projects<br>Reimbursement | 1348320  | Disbursement                 | \$0.00        | \$92,262.29  | \$602,652.97   |
| 10/21/2015 | Estimate - 17 | Fund - Liquid<br>WPCLF Capitalization<br>Grant Fund             | 1351910  | Disbursement                 | \$0.00        | \$22,020.27  | \$580,632.70   |
| 10/21/2015 | Estimate - 17 | WPCLF Capitalization<br>Grant Fund                              | 70117    | Disbursement                 | \$0.00        | \$173,279.73 | \$407,352.97   |
| 11/18/2015 | Estimate - 18 | WPCLF Capitalization<br>Grant Fund                              | 70373    | Disbursement                 | \$0.00        | \$20,280.39  | \$387,072.58   |
| 11/18/2015 | Estimate - 18 | WPCLF Capitalization<br>Grant Fund                              | 70373    | Disbursement                 | \$0.00        | \$159,588.51 | \$227,484.07   |
| 03/22/2016 | -7            | WPCLF Other 72014<br>Projects<br>Reimbursement                  | 1388207  | Change Order<br>Disbursement | (\$3,784.71)  | \$0.00       | \$223,699.36   |
| 05/04/2016 | Estimate - 19 | WPCLF Other 72014<br>Projects<br>Reimbursement                  | 1388207  | Disbursement                 | (\$29,792.25) | \$0.00       | \$193,917.11   |
|            |               |   |          |                              | \$0.00        | \$16,887.09  | \$177,030.02   |

| Date                              | Estimate - 19    | Fund - Liquid<br>MPLCF Other<br>Projects<br>Reimbursement<br>Fund - Liquid | 72014   | 1388207      | Disbursement   | \$0.00         | \$132,896.27 | \$44,143.75 |
|-----------------------------------|------------------|--|---------|--------------|----------------|----------------|--------------|-------------|
| <b>Contractor: Contingencies</b>  |                  |  |         |              |                |                |              |             |
| Date                              | Req. Type - Text | Funding Voucher #  | Check # | Tx Type      | Encumbrances   | Disbursements  | Balance      |             |
| 09/26/2013                        | -1               |  |         | Encumbrance  | \$230,500.00   | \$0.00         | \$230,500.00 |             |
| 07/15/2014                        | -1               |  |         | Transfer     | \$10,000.00    | \$0.00         | \$240,500.00 |             |
| 07/22/2014                        | -2               |  |         | Change Order | \$31,306.29    | \$0.00         | \$271,806.29 |             |
| 11/04/2014                        | -3               |  |         | Change Order | (\$217,662.54) | \$0.00         | \$54,143.75  |             |
| 01/20/2015                        | -4               |  |         | Change Order | \$0.00         | \$0.00         | \$54,143.75  |             |
| 07/29/2015                        | -6               |  |         | Change Order | (\$54,143.75)  | \$0.00         | \$0.00       |             |
| 03/22/2016                        | -7               |  |         | Change Order | \$0.00         | \$0.00         | \$0.00       |             |
|                                   |                  |  |         | Change Order | \$3,784.71     | \$0.00         | \$3,784.71   |             |
|                                   |                  |  |         | Change Order | \$29,782.25    | \$0.00         | \$33,566.96  |             |
|                                   |                  |  |         | Change Order | \$33,566.96    | \$0.00         | \$33,566.96  |             |
| <b>Contractor Total:</b>          |                  |  |         |              | \$5,355,412.64 | \$5,311,268.89 |              |             |
| <b>Contractor: Engineering</b>    |                  |  |         |              |                |                |              |             |
| Date                              | Req. Type - Text | Funding Voucher #  | Check # | Tx Type      | Encumbrances   | Disbursements  | Balance      |             |
| 09/26/2013                        |                  |  |         | Encumbrance  | \$270,546.29   | \$0.00         | \$270,546.29 |             |
| <b>Contractor Total:</b>          |                  |  |         |              | \$270,546.29   | \$0.00         |              |             |
| <b>Contractor: Administration</b> |                  |  |         |              |                |                |              |             |
| Date                              | Req. Type - Text | Funding Voucher #  | Check # | Tx Type      | Encumbrances   | Disbursements  | Balance      |             |
| 09/26/2013                        |                  |  |         | Encumbrance  | \$10,000.00    | \$0.00         | \$10,000.00  |             |
| <b>Contractor Total:</b>          |                  |  |         |              | \$10,000.00    | \$0.00         |              |             |
| <b>Contractor: Design</b>         |                  |  |         |              |                |                |              |             |
| Date                              | Req. Type - Text | Funding Voucher #  | Check # | Tx Type      | Encumbrances   | Disbursements  | Balance      |             |
| 09/26/2013                        |                  |  |         | Encumbrance  | \$223,798.00   | \$0.00         | \$223,798.00 |             |
| <b>Contractor Total:</b>          |                  |  |         |              | \$223,798.00   | \$0.00         |              |             |
| <b>Account Total:</b>             |                  |  |         |              | \$5,893,323.89 | \$5,311,268.89 |              |             |

**H R GRAY & ASSOCIATES**

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**P1203976**

|          |          |               |           |
|----------|----------|---------------|-----------|
| 08/21/12 | P1203976 | \$ 270,547.00 |           |
| 11/20/12 | Payment  | \$            | 28,146.82 |
| 03/18/13 | Payment  | \$            | 3,031.03  |
| 06/12/13 | Payment  | \$            | 12,342.35 |
| 08/07/13 | Payment  | \$            | 1,573.79  |
| 08/23/13 | Payment  | \$            | 1,858.44  |
| 10/04/13 | Payment  | \$            | 2,277.18  |
| 11/20/13 | Payment  | \$            | 2,269.93  |
| 03/24/14 | Payment  | \$            | 3,103.79  |
| 04/18/14 | Payment  | \$            | 14,756.64 |
| 05/19/14 | Payment  | \$            | 20,747.60 |
| 06/25/14 | Payment  | \$            | 18,728.71 |
| 07/28/14 | Payment  | \$            | 19,574.54 |
| 08/27/14 | Payment  | \$            | 21,533.76 |
| 09/23/14 | Payment  | \$            | 18,378.26 |
| 10/23/14 | Payment  | \$            | 19,887.33 |
| 11/19/14 | Payment  | \$            | 24,715.90 |
| 12/18/14 | Payment  | \$            | 16,773.81 |
| 01/26/15 | Payment  | \$            | 20,120.67 |
| 02/20/15 | Payment  | \$            | 16,467.79 |
| 04/24/15 | Payment  | \$            | 4,258.66  |

**P1501805**

|          |          |              |           |
|----------|----------|--------------|-----------|
| 03/17/15 | P1501805 | \$ 28,955.00 |           |
| 04/24/15 | Payment  | \$           | 22,060.33 |
| 05/21/15 | Payment  | \$           | 6,875.35  |

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|                                  |                      |
|----------------------------------|----------------------|
| <b>Total Spending, both PO's</b> | <b>\$ 299,482.68</b> |
|----------------------------------|----------------------|

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