

SUGARCREEK TOWNSHIP

RESOLUTION NO. 2024.02.28.01

IN RE: Authorizing the Township Administrator to Enter into an Agreement for the Assignment of the Commission Agreement with Fisher Sculpture, LLC, for the Fabrication, Installation, and Ownership of the James "Pee Wee" Martin Statue in the Sugarcreek Township Veterans Memorial

WHEREAS, on October 26, 2022, Jodi Puterbaugh, in her authorized capacity and acting on behalf of the Jim Pee Wee Martin Statue Committee entered into an agreement with Fisher Sculptures, LLC, for the creation of the Jim Pee Wee Martin Statue, and its placement into the Sugarcreek Township Veterans Memorial at a cost of \$115,000; and,

WHEREAS, to date, Fisher Sculptures has been paid the first installment of \$28,750, with an outstanding balance of \$86,250 to be paid in three additional installments of \$28,750 each; and,

WHEREAS, the Board of Trustees shall be solely responsible for any additional costs incurred for the production of the statue from the date of this resolution forward; and,

WHEREAS, the Sugarcreek Township Board of Trustees and the Jim Pee Wee Martin Statue Committee wish to modify the Agreement with Fisher Sculptures for the completion of the statue and ownership of said statue through the assignment of Agreement from the Jim Pee Wee Martin Statue Committee, to the Sugarcreek Township Board of Trustees for the balance of the monies due and ownership of the statue moving forward, subject to the following conditions:

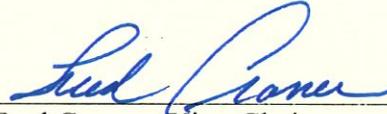
- All monies received by Fisher Sculpture for the project to date shall remain with Fisher and credited toward the total price of the Commission Agreement.
- The Jim Pee Wee Martin Statue Committee shall provide their agreement to the design and placement of the statue, and plaque language, in writing to the Board of Trustees of Sugarcreek Township no later than March 31, 2024.
- The Jim Pee Wee Martin Statue Committee, and its agents or members, shall relinquish all ownership rights and responsibilities for the statue moving forward effective upon the signing of the Addendum to the Commission Agreement.
- Any proposed changes in design or placement after March 31, 2024, shall be reviewed and agreed upon with the Committee prior to being implemented.
- The Committee shall deliver to the Township all bricks currently delivered or ordered and yet to be delivered no later than May 15, 2024.

- The Committee has ceased all fund-raising efforts in the name of Mr. Martin for the benefit of the statue.
- The Committee has ended all fund-raising efforts through the sale of bricks and has removed the information from their website.
- The Township will seek legal counsel opinion on a possible agreement to turn the statue over to the family in the event it is to be removed from the memorial in the future.

NOW, THEREFORE BE IT RESOLVED, that this Board of Trustees for Sugarcreek Township does hereby authorize the Township Administrator to act as signatory and enter into the Addendum to Commission Agreement and Assignment to Another Party agreement, a copy of which is attached hereto.



Marvin Moeller, Chairperson



Fred Cramer, Vice-Chairperson



Carolyn Destefani, Trustee



Richard Demko, Fiscal Officer

Addendum to Commission Agreement and Assignment to Another Party

Whereas, on Oct 26, 2022, Fisher Sculpture, LLC, and the Jim Pee Wee Martin Statue Committee entered into an agreement for the creation of a statue in the likeness of Jim Martin to be placed at the Sugarcreek Township Veteran's Memorial for a total cost of \$115,000; and,

Whereas, the Sugarcreek Township Board of Trustees have a Memorandum of Understanding with the Jim Pee Wee Martin Statue Committee to have said Agreement assigned to Sugarcreek Township, assuming ownership and all rights and responsibilities of the Agreement, relieving the Jim Pee Wee Martin Statue Committee of any obligations for the payment of the balance on the Agreement, and waiving the Jim Pee Wee Martin Statue Committee's rights of ownership and responsibilities of the Commission Agreement, effective upon the signing of this Addendum; and,

Whereas, all parties signing hereto agree to the assignment of the Commission Agreement to the Sugarcreek Township Board of Trustees and affirm their individual authority to sign this Addendum on behalf of their organization or entity.

For Fisher Sculpture, LLC



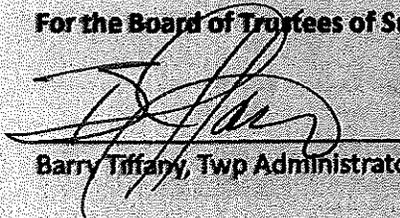
Fran Fisher Date 2-26-24

For the Jim Pee Wee Martin Statue Committee



Jodi Puterbaugh Date 2/28/2024

For the Board of Trustees of Sugarcreek Township



Barry Tiffany, Twp Administrator Date 2/28/2024