

VILLAGE OF BOSTON HEIGHTS

45 E. Boston Mills Road • Boston Heights, Ohio 44236
Phone 330.650.4111 Fax 330.655.9578

NOTICE OF SPECIAL COUNCIL MEETING

Notice is hereby given of a SPECIAL COUNCIL MEETING to be held by the Boston Heights Village Council, Boston Heights, Ohio on Monday, March 3, 2014, at 6:00 PM in Council Chambers, Village Hall, at 45 E. Boston Mills Road, Boston Heights.

The purpose of the Special Meeting:

**FOR CONSIDERATION OF
AN ORDINANCE ESTABLISHING THE 2014-2016 WATER LINE INSTALLATION
PROGRAM AND DECLARING AN EMERGENCY
AND
A RESOLUTION FOR A STATEMENT OF QUALIFICATION FOR PROFESSIONAL
SERVICES FOR THE 2014-2017 CAPITAL IMPROVEMENT PROGRAM IN THE
VILLAGE OF BOSTON HEIGHTS AND DECLARING AN EMERGENCY**

Bill Goncy

BILL GONCY, MAYOR

Betty Klingenberg

BETTY KLINGENBERG, FISCAL OFFICER

CC: Required Posting Places
Village of Boston Heights Council
Boston Heights Overlook
Record Publishing

This agenda and proposed legislation is reproduced by Boston Heights Overlook on a best-effort basis, based on information provided by the Village of Boston Heights, but is *not an official copy nor is it a publication of the Village of Boston Heights.*

**[COUNCIL AGENDA]
VILLAGE OF BOSTON HEIGHTS
SPECIAL MEETING
AGENDA
MONDAY, MARCH 3, 2014
6:00PM**

**CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL**

ALSO: Mayor Bill Goncy, Fiscal Officer Betty Klingenberg, Solicitor Marshal Pitchford, Engineer Dave Krock

R.Antal X - B.Bartko X - J.Miller X - G.Blakeney X - R.Fenn X - D.Polyak X

ORDINANCE:

<p>ORDINANCE 2014-3-8 (First Reading)</p> <p>The 3-reading rule was suspended, and the motion to adopt was moved and seconded, but Council then decided to let this run for three readings after all. First Reading.</p>	<p>ORDINANCE ESTABLISHING THE 2014-2016 WATER LINE INSTALLATION PROGRAM AND DECLARING AN EMERGENCY</p> <p>Note: After Mr. Polyak move to adopt the ordinance for the waterline installation plan (seconded by Mr. Blakeney), Mr. Polyak declared that he thought the ordinance should go through all three readings after all, to all the public to ask more questions and council members to understand the program more thoroughly. The Council consensus was to do just that. (This alarmed some members of the public, so the Mayor and Council organized an informal Q&A after the meeting.)</p>
--	---

RESOLUTION:

<p>RESOLUTION 2014-3-14 (First Reading)</p> <p>Adopted: RES 2014-3-14</p>	<p>RESOLUTION FOR A STATEMENT OF QUALIFICATION FOR PROFESSIONAL SERVICES FOR THE 2014-2017 CAPITAL IMPROVEMENT PROGRAM IN THE VILLAGE OF BOSTON HEIGHTS AND DECLARING AN EMERGENCY</p> <p>Note: Engineer Dave Krock and Solicitor Marshal Pitchford explained that this measure would permit the Village to solicit professional resumes from engineering firms that might wish to bid on the work designing the various proposed capital improvement projects over the next few years (not limited to the waterline project). Since this is a multi-step process required by law, they urged Council to move ahead. Council did so.</p>
---	--

ADJOURN Note: An informal Q&A on the waterline project followed the meeting.

VILLAGE OF BOSTON HEIGHTS
ORDINANCE 2014-3-8

First Reading / **3-READING SUSPENDED, MOTION MOVED & 2NDED, BUT NO ACTION, 1ST READING ONLY**

**ORDINANCE ESTABLISHING THE 2014-2016 WATER LINE INSTALLATION
PROGRAM AND DECLARING AN EMERGENCY**

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Boston Heights, Summit County, Ohio as follows:

Section 1: That the 2014-2016 Water Line Installation Program, as substantially outlined in the document attached hereto as Exhibit "A," be hereby adopted and approved.

Section 2: That the implementation of this program is found to be in the public interest and serves to promote, protect and preserve the general health, welfare and safety of the Village of Boston Heights. The program fulfills this purpose in various ways, including, but not limited to providing safe and healthy drinking water to Village residents and providing a sustainable source of potable water to Village residents in an area where environmental and other natural conditions threaten the residents' water supply.

Section 3: That this Council hereby finds and, determines that all formal actions relative to the adoption of this Ordinance was taken in an open meeting of this Council and that all deliberations of this Council which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements including Section 121.22 of the Ohio Revised Code.

Section 4: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety of the Village residents and to allow for the immediate commencement of the Water Line Installation Program so as to allow sufficient time for all of the necessary elements of the plan to be implemented before weather delays to program with significant financial expenses and for the continued operations of the Village and shall therefore take effect and be in force from and immediately after its passage.

PASSED:

BILL GONCY, Mayor

ATTEST:

BETTY KLINGENBERG, FISCAL OFFICER

~~I, BETTY KLINGENBERG, Fiscal Officer and Clerk of the Village of Boston Heights, Summit County, Ohio, Ohio, do hereby certify that the foregoing **Ordinance 2014-3-8** was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio, at a meeting of Council on this 3rd day of March, 2014.~~

EXHIBIT A: ORDINANCE 2014-3-8

THE VILLAGE OF BOSTON HEIGHTS

2014-2016 Waterline Installation Program

- A. **General Program Outline.** The Village of Boston Heights is implementing a two (2) to three (3) year Waterline Installation Program wherein the Village shall oversee and/or implement the design and installation of waterline mains and residential connections in certain portions of the Northwest quadrant of the Village ("The Program"). The Village shall engage a qualified engineering firm to prepare appropriate designs and plans for the entire project. The Village shall be responsible for the installation of waterline mains along specified residential, or "local," streets within the Village. The installation of the waterline main along a certain portion of Olde Eight Road shall not be made at Village expense. The Residential property owner ("homeowners" or "property owners") along the specified portions of the roadways within the Program, including only the affected portion of Olde Eight Road, shall be offered an opportunity to, at their option and at Village expense, contract with approved and pre-qualified plumbers to connect to the waterline mains installed as a part of the Program. The property owners with existing residences who do not currently have water service from the City of Cleveland and are having a new waterline main installed in front of their property as a part of this Program are the only property owners who are eligible to participate. The homeowners shall have until one (1) year from the date the new waterline mains are operational to have the connection completed or the Village shall not pay the selected contractor's fees.

After the design and engineering plans have been completed, the Program shall consist of three (3) primary components:

- (1) the installation of a waterline main along a certain portion of Olde Eight, specifically being from Grandview Drive to Hines Hill Road;
- (2) the installation of a waterline mains along Beverly Drive, Grandview Drive, Richard Road, Sholle Drive, and Wolcott Drive; and,
- (3) the water service connection of residential homeowners along those portions of the roads where waterline mains are being installed, if the homeowner has elected to participate in the Program as set forth in the Program Guidelines.

After water service has been connected to a residence, the homeowner shall be responsible for all monthly water service bills (water usage) in accordance with the City of Cleveland, Division of Water rules, who will be providing residential water service.

- B. **Program Phases.** The Program shall have several stages, including but not limited to:

- (1) Initial Residential Opt-In Phase;
- (2) Global Design Phase;
- (3) Village Mainline Bidding Stage;

EXHIBIT A: ORDINANCE 2014-3-8

THE VILLAGE OF BOSTON HEIGHTS

- (4) Plumber Qualification and Screening Phase;
- (5) Village Mainline Construction Stage;
- (6) Residential Opt-In Confirmation Notice and Packet;
- (7) Private Residential Contract Connection Phase; and,
- (8) Water service with the City of Cleveland.

Program phases or stages may overlap in time.

C. **Program Guidelines.**

(1) **Initial Residential Opt-In Phase.** As a part of this Program, the Village is offering property owners with existing residences along those streets (or portions of streets) identified herein a one-time opportunity to "Opt-In" for public water service connection to their home at the Village's cost. The Village administration shall identify each eligible property owner along the specified roadways or portions of roadways within the Program and send, via certified mail, to each address on file with the County Fiscal Officer packet of materials enclosing a descriptive letter of the Program, this Program plan, and a self-addressed envelope and "Opt-In" application form or card ("Initial Packet"). Eligible homeowners are those who do not currently have water service from the City of Cleveland and are having a new waterline main installed in front of their property as a part of this Program. To participate in the Program, property owners must deliver a completed "Opt-In" application form or card to the Village Hall or Village Engineer no later than close of business on Friday, April 11, 2014. Failure to return the "Opt-In" application form or card to the Village Hall or Village Engineer by the April 11, 2014 deadline shall be deemed as the property owner's decision to not participate in the Program.

The descriptive cover letter shall advise the property owner, among other things, that a new waterline main will soon be installed in the Village Right-of-Way on their street and that upon that line's functioning and approval for use, the homeowner may select from a list of Village approved third-party plumber to install a water service connection to the property owner's home, including connection to the interior plumbing, and disconnection of plumbing to water wells. The meter, which will likely be internal to the home, will be installed by the City of Cleveland. This will all be completed at no cost to the homeowner.

The letter shall also advise that if the homeowner wishes to opt-in and apply for public water service to a home, the homeowner will need to sign the approved application and return to Boston Heights Village Hall or Engineer's office within the limited decision window. The letter shall also state that any forms not received will be treated as an "Opt-Out," and that the property owner will no longer be eligible to participate.

The Village shall mail a reminder postcard to the identified property owners along the streets identified herein on or about Friday, March 21, 2014. The reminder card in this phase shall

EXHIBIT A: ORDINANCE 2014-3-8

THE VILLAGE OF BOSTON HEIGHTS

indicate, among other things, that a packet was mailed to that property owner regarding the Program, that the property owner is being afforded an opportunity to elect to participate in the Program at no cost, that the deadline to elect to participate is Friday, April 11, 2014, and that failure to return the "Opt-In" application form or card by that date will result in the homeowner's inability to participate in the Program.

No later than April 25, 2014, a post card shall be sent to the Village to each property owner confirming his/her/its status as either "opting-in" or "opting-out."

(2) **Global Design Phase.** The Village shall be responsible for the preparation of engineering and design plans for all of the waterline mains as specified in this Program. The Village shall solicit and advertise for a Statement of Qualifications from engineering firms for the purpose of designing and preparing engineering plans for the installation of the waterline mains in the Program. No later than Friday, April 11, 2014, the Village shall select an engineering firm for the purpose of preparing the required design plans.

(3) **Village Mainline Bidding Stage.** For the five residential, or "local," streets identified above, the Village shall prepare a bid package and post same in accordance with Ohio law.

(4) **Plumber Qualification and Screening Phase.** As part of the Program, property owners will be able to contract with outside plumbers for the Residential Connection Phase of the Program. In order to monitor costs, protect the Village residents and ensure safe and healthy water within the Village, the Village Engineer shall solicit a statement of qualifications from plumbers and/or contractors for the purpose of completing the Private Residential Contract Connection Phase. Prior to the issuance of the Statement of Qualifications, the Village shall identify the properties that have "opted-in" for the Project. The Village shall place a cost limit on work to be done at each property. The homes and properties may be categorized into several different groups for costs and efficiency purposes.

No more than seven plumbers/contractors shall be preapproved and qualified to participate in the Program. The plumbers/contractors shall agree to fully indemnify, defend and hold harmless the Village for any work completed as part of the Project. The plumbers/contractors shall also agree to the final hourly and "not to exceed" pricing established by the Village Engineer for the Program and all other stipulations required by the Village.

Property owners will not be considered intended third-party beneficiaries of the contractual arrangement between the plumber/contractor and the Village. Property owners are responsible for their own insurance and the Village shall not be liable for any claims, or other legal damages for any work associated with the installation or connection with the property owners residence to the waterline main.

(5) **Village Mainline Construction Stage.** Upon selection of an approved contractor, the Village shall install the water line mains along the streets of Beverly Drive, Grandview Drive, Richard

EXHIBIT A: ORDINANCE 2014-3-8

THE VILLAGE OF BOSTON HEIGHTS

Road, Sholle Drive, and Wolcott Drive. It is the intent of the Village at this time to have this work completed by July 1, 2015.

A third-party is responsible for and at its own expense shall install the waterline main along Old Eight Road from Grandview Drive to Hines Hill Road. The Village shall, at the appropriate time, give all necessary consents for the purpose of the installation of that water line.

(6) **Residential Opt-In Confirmation Notice and Packet.** Upon completion of the waterline mains installation and their designation as operational by the City of Cleveland and the Village Engineer, the Village shall mail to each property owner that has elected to participate in the Program a "Residential Opt-in Confirmation Notice and Packet." The Confirmation Notice and Packet shall include several things:

- (a) A Confirmation and Selection Form;
- (b) A listing of the pre-approved and qualified plumbers/contractors and their contact information; and,
- (c) Another copy of this Program plan.

The Confirmation Notice and Selection Form shall require the homeowner do a number of things, including but not limited to the following:

- (a) The homeowner must authorize the Village, the plumber/contractor, the City of Cleveland Water Division, Health Department, Inspector, Testing Company, and any other agencies involved with the project to: complete the necessary survey, measurements, design, construction, connection, clean-up, inspection, testing, approvals, and other related tasks, to enter onto private property and perform their duties in support of the Program.
- (b) The homeowner must acknowledge that damage may occur during construction of the project that certain elements of construction may require digging in yards; cutting tree roots; cutting holes in walls, floors, plumbing, etc.; and must authorize the work nonetheless recognizing that the homeowner's recourse will be with the selected contractor;
- (c) The homeowner must also select one of the Village-approved plumber/contractors identified in the packet;
- (d) The homeowner must acknowledge that disruption in water service will occur during construction, multiple times, as the work is completed. The disruptions will be minimized to the extent possible.

Further, as a prerequisite to connecting the public water system to the residence's interior plumbing, the property owner's private water well must be disconnected from the interior

EXHIBIT A: ORDINANCE 2014-3-8

THE VILLAGE OF BOSTON HEIGHTS

plumbing. This will be inspected and verified by the Cleveland Water and the Health Department, prior to any connection of public water. Dual source water supplies, regardless of backflow prevention systems, are not permitted under the Program.

(7) **Private Residential Contract Connection Phase.** After receiving the Residential Opt-In Confirmation Notice and Packet, the homeowner shall call one or more of the plumber/contractors to provide a quote. The plumbers will be required to provide each homeowner a written quote for the connection to the waterline main.

After the property owner has selected the plumber/contractor to complete the residential connection, the Selection Form shall be completed and mailed to the Village with a copy of the written estimate provided by the selected plumber/contractor. The Village Engineer shall confirm that the estimate given is in conformance with the preapproved costs and guidelines as established by the Village and the Engineer. Upon such confirmation by the Village Engineer, the Village shall contact the plumber/contractor for the particular property and advise the work is eligible and may be completed under the Program.

It is the responsibility of the property owner and plumber/contractor to then establish a time and date for the work to be completed. The plumber, homeowner shall cooperate and work with the City of Cleveland, Water Division for all testing, meter installation and all other requirements of the City. In order to be paid by the Village for work completed in this Program, installations, connections and all testing must all be completed no later than one (1) year from the date the waterline mains become "operational." Failure to have a connection completed, tested and approved by this deadline will mean the property owner is responsible for compensating the plumber/contractor pursuant to the written, Village-approved estimate. If no written estimate is renewed by the deadline, the property owner is free to make alternate arrangements but will not be able to contract with the Village approved plumbers at the pre-approved costs.

Repairs will be made to any damaged areas, in an appropriate manner, consistent with this type of work. It will be the responsibility of the third-party plumber to complete any such repair or compensate the homeowner as provided with the Service Agreement between the homeowner and the plumber.

(8) **Water service with the City of Cleveland.** Upon connection, testing and final approval by both the Village and the City of Cleveland, the ownership and responsibility for the water lines and fixtures will change. From the curb box to the home, including all interior plumbing, the homeowner must agree to accept ownership, maintenance, and repair responsibilities of the private section of the water service line. The City of Cleveland, Division of Water shall accept maintenance and repair responsibilities, being from the curb box to and including the water line main. The Village shall accept ownership from the curb box to and including the water line main.

VILLAGE OF BOSTON HEIGHTS
RESOLUTION 2014-3-14
First Reading / **ADOPTED**

RESOLUTION FOR A STATEMENT OF QUALIFICATION FOR PROFESSIONAL SERVICES FOR THE 2014-2017 CAPITAL IMPROVEMENT PROGRAM IN THE VILLAGE OF BOSTON HEIGHTS AND DECLARING AN EMERGENCY

WHEREAS, the Village of Boston Heights has identified a need for a Capital Improvement Program, which may include: installation of water lines and connections to residents along certain portions of Olde Eight Road, Beverly Drive, Grandview Drive, Richard Road, Sholle Drive and Wolcott Drive; bike path improvements; drainage improvements; sanitary sewer improvements; and street improvements; and,

WHEREAS, the Village of Boston Heights has identified a need for a Capital Improvement Program for the years 2014-2017; and,

WHEREAS, the Village of Boston Heights is in need of a Professional Design Firm to design the Program and to work with the various Federal, State, County and Local Agencies in developing the Program and design.

NOW THEREFORE, BE IT RESOLVED by the Council of Village of Boston Heights, Summit County, Ohio as follows:

Section 1: That pursuant to Ohio Revised Code Section 153.67, the Mayor and/or Fiscal Officer are hereby authorized to solicit and post for a Statement of Qualifications for scope of services for the 2014-2017 Capital Improvement Program.

Section 2: That applicants should submit their statement of qualifications to the Mayor of the Village of Boston Heights no later than March 14, 2014.

Section 3: That the funds for the purposes of this Resolution are hereby and have otherwise been appropriated and shall be paid from the General Fund,

Section 4: That this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements including Section 121.22 of the Ohio Revised Code.

Section 5: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety of the Village residents and to allow for the continued operations of the Village Engineer and other public entities and other departments, and to ensure that the water line installation project stays on schedule, avoids delays that will result in substantial financial costs, and reasonably allow for a more efficient and quicker deliver of water service to residents, and shall therefore take effect and be in force from and immediately after its passage.

PASSED:

BILL GONCY, Mayor

ATTEST:

BETTY KLINGENBERG, FISCAL OFFICER

I, BETTY KLINGENBERG, Fiscal Officer and Clerk of the Village of Boston Heights, Summit County, Ohio, Ohio, do hereby certify that the foregoing **Resolution 2014-3-14** was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio, at a meeting of Council on this 3rd day of March, 2014.

EXHIBIT A: RESOLUTION 2014-3-14

Village of Boston Heights, Ohio
Summit County
PUBLIC ANNOUNCEMENT
REQUEST FOR PROFESSIONAL SERVICES

The Village of Boston Heights, Ohio, 45 E. Boston Mills Road, Boston Heights, Ohio invites interested engineering firms to submit statements of qualifications for:

Professional and Related Design Work for the Village's 2014-2017 Capital Improvement Program

The scope of work includes: (!) pre-design services, including surveying, field analysis, and investigation; (2) engineering design services; (3) preparation Of construction documents; (4) construction bidding tasks related to review, supervision and preparation; and, (5) construction related supervision and coordination services. Professional engineering firms interested in being considered for a contract to provide services should reply with a statement of qualifications **by 12:00 Noon on March 14, 2014**. Statements of qualifications should include the names of the firm owners; number of years in business and firm history; office locations; the types of services offered: the education and experience of the personnel who would be assigned to perform the services; the technical expertise of the personnel assigned to perform services; a list of similar projects the firm has completed; any work completed for the Village of Boston Heights in the past; and, the firm's references.

The evaluation of the statement of qualifications will be based on the following:

- name and experience of Project Manager (Engineer) who will be leading the Program;
- experience of the firm in municipal engineering design services, relative to the Program;
- past performance of the firm with respect to quality of work and meeting budget and deadlines; and,
- prior experience working with the Village of Boston Heights.

Seven (7) copies of the firm's statement of qualifications to perform the work should be submitted to **Mayor Bill Goncy, Village of Boston Heights, 45 E. Boston Mills Road, Boston Mills, Ohio 44236**. Statements of qualifications shall be submitted no later than **12:00 Noon on March 14, 2014**. The format of the statement is left to the discretion of the firm.

All questions regarding this request for qualifications should be directed to Mayor Goncy via email at mayorgoncy@windstream.net or by phone at (330) 650-4111, ext. 5.