

ORDINANCE O-2020-29

AN ORDINANCE TO AUTHORIZE THE USE OF CARES ACT FUNDING TO UPGRADE FACILITIES IN THE MUNICIPAL ADMINISTRATION BUILDING SO EMPLOYEES CAN SHOWER AND SANITIZE AFTER EXPOSURE TO COVID -19 IN CONFORMITY WITH TO CENTER FOR DISEASE CONTROL AND OHIO DEPARTMENT OF HEALTH GUIDELINES DESIGNED TO STOP OR MINIMIZE THE SPREAD OF THE CORONAVIRUS AND DECLARING AN EMERGENCY.

WHEREAS, on April 28, 2020 the Council of the Village of Windham adopted Resolution R-2020-5 recognizing the effect of the Coronavirus Disease 2019 (hereinafter COVID-19) strain of the Coronavirus on the Village of Windham and as a result declared a state of emergency within the Village; and

WHEREAS, among other actions, Resolution R-2020-5 expressly indicated that by its terms the Resolution was to be broadly interpreted to make the Village, its employees and administrators, eligible for all grant and other funding of any nature related to COVID-19; and

WHEREAS, this ordinance is intended to demonstrate that the Council of the Village of Windham has considered the requirements for the use of Cares Act Funding and thoughtfully and intelligently determined that the use of the funds set forth in this Ordinance is consistent with the express legislation and the intent of Congress as established by law and in conformity with the interpretation of the Cares Act Funding set forth by applicable publications of the United States Department of the Treasury.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Windham, Portage County, Ohio, with at least two-thirds of the members thereto concurring that:

SECTION 1: There is at present no facility available to Village of Windham Employees who have been exposed to the COVID - 19 virus in the course of and arising out of their employment with the Village. The Council has determined that the unfinished portion of the Village Municipal Center should be completed now, partially by the use of CARES Act funds, so as to provide showers, touchless toilets and sinks, and a locker room where employees can shower and sanitize after exposure or potential exposure to COVID - 19 and change into clean clothes before either continuing their shift or entering their personal vehicle to return home to their families.

SECTION 2: The advice of the Village Solicitor contained in the attached memorandum dated October 8, 2020, and marked for identification as Exhibit A, is hereby acknowledged, accepted and approved.

SECTION 3: In addition to the advice provided by the Village Solicitor the Council has considered the following guidance from the United States Department of the Treasury from the publications entitled “Guidance for State, Territorial, Local, and Tribal Governments, updated September 2, 2020” and “Frequently Asked Questions, Updated as of September 2, 2020”:

- a. Eligible expenses include public safety measures taken in response to COVID - 19 (Guidance page 3).
- b. Any other COVID - 19 related expenses reasonably necessary to the function of government that satisfy the Fund’s eligibility criteria. (Guidance page 4).
- c. The renewal or continued use of decommissioned equipment or a non renewed lease is an eligible expense if the continued use is to respond to the COVID - 19 public health emergency. (FAQ 13.).
- d. A prepayment of funds is an eligible expense only to the extent the payment is consistent with ordinary policies and procedures of the Village. (FAQ 31.).
- e. Fund payments may be used to the extent necessary to address the current COVID - 19 public health emergency, including a reserve to address and support public health concerns in areas not yet affected, but likely to be impacted by the current COVID - 19 pandemic. (FAQ 41.).

SECTION 4: The Council hereby finds the following:

- a. That the expenditure of CARES Act funds to establish a location in the Village Municipal Center for employee can shower, use touchless toilets and sinks, and a locker room where employees can change clothes and sanitize after exposure or potential exposure to COVID - 19 is an expenditure of funds incurred due to the public health emergency caused by the COVID-19, and but for the COVID-19 the expenditure would not have been needed or made at this time. The shower and sanitation area will decrease the spread of germs, which the Center for Disease Control and the Ohio Department of Health have advised is a major source of the spread of the COVID-19.
- b. The expenditure which is authorized in this Ordinance is not accounted for in the budget adopted by this Council and in effect as of March 27, 2020.

- c. The expenditure authorized in this Ordinance will be incurred and are hereby authorized to be incurred before December 30, 2020.

SECTION 5: The Council expressly finds that the following improvements and expenditures are an appropriate use of CARES Act funds by the Village of Windham.

- a. The entire cost of the plumbing as set forth in the estimate received from EAB Construction LLC for plumbing installation in the second floor of the Windham Municipal Building set forth in Exhibit B. Plumbing is essential for the required showers.
- b. The entire cost of the electrical work as set forth in the estimate received from Kearney Electric for electric work to be installed in the second floor of the Windham Municipal Building set forth in Exhibit C. Electric installation is essential for the room where the required showers will be located.
- c. The entire cost of the HVAC as set forth in the estimate received from Mike's Heating & Cooling for HVAC installation in the second floor of the Windham Municipal Building set forth in Exhibit D. Temperature control is essential for the required shower and locker area.
- d. The cost of the completion of the second floor renovation as is set forth in the estimate received from L & L Construction for flooring and finishing in that portion of the second floor of the Village Municipal Center where the showers and locker room will be located, all as is set forth in Exhibit E. This finishing work is needed exclusively for the installation of the required showers and adjacent locker room.

SECTION 6: The work set forth in the attached Exhibit F is also needed for the second floor of the Village Municipal Building. The Council expressly determines that while necessary, this work is not required in response to the COVID-19 pandemic and as such should not be paid for with CARES Act funds. The contract attached as Exhibit F is authorized, but payment shall be made from Village funds other than the CARES Act funds.

SECTION 7: The Council finds that in compliance with the requirements set forth in Ohio Revised Code 735.051 competitive bidding is not required prior to the award of all the work authorized in this Ordinance because of the real and present emergency arising in connection with meeting the public health requirements and the need to minimize the effect of the Coronavirus Disease 2019 throughout the community of the Village of Windham.

SECTION 8: The proposals and Estimates set forth in the attached Exhibits B through F are determined to be fair and appropriate and a contract in substantial conformity with the terms set forth in Exhibits B through F is hereby awarded to those companies. The Mayor and the Fiscal Officer are authorized to execute contracts in substantial conformity with the Estimates set forth in Exhibits B through F.

SECTION 9: This Ordinance is declared an emergency measure becoming effective immediately upon its passage by Council and approval by the Mayor in order to have Cares Act Funding allocated and paid and for appropriate actions to be accomplished in advance of or before the December 30, 2020 Federal CARES Act deadline.

SECTION 10: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of the Council and any committees that resulted in such formal action were in meetings open to the public in compliances with all legal requirements including §121.22 of the Revised Code of the State of Ohio.

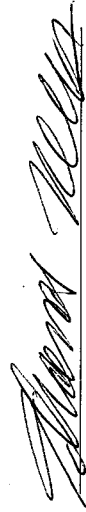
PASSED IN SPECIAL COUNCIL as an emergency on October 15, 2020.

Vote of Council: Ayes: 6
 Nays: 0

ATTEST:


Fiscal Officer Chere Taylor

Approved as to Form:


Village Solicitor Thomas Reitz


Mayor Scott Garrett

To: Council Members Terrie Altieri, Cheryl Taylor. Lawrence Cunningham, Cindy Cale, Cheryl Belknap, Sherri Pennington
CC: Mayor Scott Garrett, Cheree Taylor, Fiscal Officer, Eric Breiding Police Chief, Deborah Blewitt, Village Administrator
From: Tom Reitz, Village Solicitor
Re: Use of Cares Act Funds
Date: October 8, 2020

I have been asked to offer guidance on use of Cares Act Funds (Funds) for various purposes within the Village of Windham. This memorandum is offered to provide guidance on permissible use of provided funds.

The Funds have been made available by an act of the United States Congress under section 601(a) of the Social Security Act, by adding a section 5001 to the Act, which provides that Cares Act funds may only be used to cover costs that:

1. Are necessary expenditures incurred due to the public health emergency with response to the Coronavirus Disease 2019 (COVID-19):
2. Were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
3. Were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

Because the administration of the Fund distribution is overseen and managed by the Department of the Treasury (Treasury), guidance from the Treasury has been issued and can be found here <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>.

To determine if a proposed use of the CARES Act funds is appropriate, I recommend that the Council make an express finding of compliance with each of the statutory criteria set forth above. In this fashion a good record of compliance is established.

EAB Construction LLC.
Eric Bacon
330.442.4038

This is an estimate for the Windham Police station for plumbing.

Install two new bath room toilets with touch less flush. Install two ne vanities in bath rooms with touch less faucets. Fix plumbing as needed. Hook up existing tub shower. Install new shower in second bathroom. Install two sinks and vanities with counter tops for bot lunch rooms. Hook up all drains and water lines with shut offs where needed. Job to be completed in time given with everything installed to specification.

Total for job is \$10,500.00

50% down of \$5,250.00

50% when completed of \$5,250.00

**Kearney Electric
Mark Kearney, Owner
12740 Mumford Road
Garrettsville, OH 44231
330-360-0672**

October 10, 2020

Village of Windham, Ohio
9083 North Main Street
Windham, OH 44288
330-326-2622

Re: Wiring of upstairs of Police Station

Dear Sirs,

This bid is for continuing the completion of the existing second floor renovation, for the secure storage of village records, and a dayroom/bathroom/shower/kitchen, for the on-duty Police Personnel, and village staff personnel. Total work area is approximately 1,600 square feet. There will be all new materials used.

Finish including recess lighting (wafer-lights), plugs, switches, and plates, bath fans, and two exit/emergency lights combo.

Kearney Electric is bonded and insured, but is not responsible for any theft of materials on the job site.

Total costs for labor and material \$31,150.00, payable 50% down when rough wiring is complete, 50% upon project completion.

Thank you,

Mark Kearney

Approved by

Village Administrator



**MIKE'S
HEATING & COOLING**
P.O. 451 Hiram, OH 44234
Cellular 330-352-2914

Invoice

TO

Windham Police Dept

DATE Oct 12, 2020 JOB NO. _____

9083 North MAIN ST

JOB NAME _____

Windham

JOB LOCATION _____

TERMS EST: TO Supply & Install

	DESCRIPTION	PRICE	AMOUNT
>	CONCORD 96% EFFICIENCY GAS FURNACE WITH 2 1/2 TON CONCORD AIR CONDITIONER WITH MATCHING COIL DRAIN PAN, DUCT WORK, ROUND PIPE (INSULATED) REGISTERS & RIA GRILLS, INTAKE AND EXHAUST PIPE, VENT BATHROOM EXHAUST FANS. 1 1/2 DUCT INSULATION FOR ALL DUCT IN UNCONDITIONED AREA, HONEYWELL AIR FILTER & THERMOSTAT MATERIAL COST	6,800	
	COMPENSATION FOR LABOR	5,200	
	Installed	12,000	
>	TERMS: 50% DOWN BALANCE UPON COMPLETION		

Thank You

L&L Construction
Rick Layer
8134 Garfield Drive; Garrettsville, OH 44231
(330)527-4987 (877)643-4272
FAX (330) 527-3801

October 15, 2020

Village of Windham, Ohio
9083 North Main Street
Windham, Ohio 44288
(330)326-2622

Re: Completion of Shower Facilities & Locker Room

Dear Sirs,

This bid is for the completion of the second floor shower facilities and locker room for Police personnel and Village staff personnel. The total work area is approximately 1280 square feet. There will be no changes to the footprint of the existing second floor of the building, (originally constructed 2001/2002) and inspected and certified by the Portage County Building Department.

Finish construction includes R-11 3-1/2" X 24" faced insulation on the walls, R-19 6" X 24" faced insulation for the ceilings.

Install new 5/8" Fire Code drywall, on ceiling with screw fasteners and glue adhesive. One coat drywall mud, prior to installation of new insulated Fire Code Drop Ceiling, 2X4 panels. Install new 1/2"X4X8' drywall to existing walls and bathrooms.

Install new Bruce wood Laminate floor to shower facilities and locker room. Install trim and baseboards. Install (5) new entry doors with hardware.

There will be separate bids received to finish existing electric, HVAC, and plumbing. All debris to be removed to a EPA approved (Lafarge, Lordstown, Ohio), landfill.

Total costs for labor and material \$ 43,373.19, payable 50% down, 25% at 60% completion, balance on completion.

I appreciate the opportunity to bid on the project, that will have a completion date prior to December 28, 2020.

Thank you,



Richard J Layer

Approved by,

Village Administrator

L&L Construction
Rick Layer
8134 Garfield Drive; Garrettsville, OH 44231
(330)527-4987 (877)643-4272
FAX (330) 527-3801

October 15, 2020

Village of Windham, Ohio
9083 North Main Street
Windham, Ohio 44288
(330)326-2622

Re: Completion of Records Storage Area

Dear Sirs,

This bid is for the completion of the second floor records storage area. The total work area is approximately 320 square feet. There will be no changes to the footprint of the existing second floor of the building, (originally constructed 2001/2002) and inspected and certified by the Portage County Building Department.

Finish construction includes R-11 3-1/2" X 24" faced insulation on the walls, R-19 6" X 24" faced insulation for the ceilings. Remove eight existing skylights that are leaking, frame and replace 2X4 SPF framing to receive new 5/8" cdx plywood, water and ice deck-dry, and new Architectural Dimensional Shingles to match existing.

Install new 5/8" Fire Code drywall, on ceiling with screw fasteners and glue adhesive. One coat drywall mud, prior to installation of new insulated Fire Code Drop Ceiling, 2X4 panels. Install new 1/2"X4X8' drywall to existing walls.

Install new Bruce wood Laminate floor to records storage area. Install trim and baseboards. Install new entry doors with hardware.

Total costs for labor and material \$ 11,350.00, payable 50% down, 25% at 60% completion, balance on completion.

I appreciate the opportunity to bid on the project, that will have a completion date prior to December 28, 2020.

Thank you,

Richard J Layer



Approved by,

Village Administrator