

**ORDINANCE O-2020-27**

**AN ORDINANCE TO AUTHORIZE THE USE OF CARES ACT FUNDING TO UPGRADE RESTROOM FACILITIES IN VARIOUS PUBLIC AND MUNICIPAL PLACES TO INHIBIT THE SPREAD OF GERMS AND TO ALLOW CITIZENS TO FOLLOW 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 Hiram 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:** 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 2:** The Council hereby finds the following:

- a. That the expenditure of CARES Act funds to replace existing lavatory facilities or to establish lavatory facilities, specifically to install touchless toilets and touchless sinks at various village owned locations all as is set forth with particularity in the attached Exhibit B, are 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. The touchless toilets and sinks 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 set forth in the attached Exhibit B is not accounted for in the budget adopted by this Council and in effect as of March 27, 2020.
- c. The expenditure set forth in the attached Exhibit B and authorized by this Ordinance will be incurred and are hereby authorized to be incurred before December 30, 2020.

**SECTION 3:** The Council finds that in compliance with the requirements set forth in Ohio Revised Code 731.14 competitive bidding is not required because the total cost of the approved work is less than \$50,000.00.


**SECTION 4:** The proposals and Estimates set forth in the attached Exhibit B are determined to be fair and appropriate and a contract in substantial conformity with the terms set forth in Exhibit B is hereby awarded to Silver Creek Plumbing Company, Garrettsville, Ohio. The Mayor and the Fiscal Officer are authorized to execute the Estimates set forth in Exhibit B.

**SECTION 5:** 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 to and for appropriate actions in advance of or before the December 30, 2020 Federal CARES Act deadline.

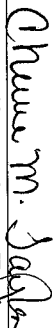
**SECTION 6:** It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of the Council and any committees that resulted in such formal action were in meetings open to the public in compliances with all legal requirements including §121.22 of the Revised Code of the State of Ohio.

PASSED IN SPECIAL COUNCIL as an emergency on October 13, 2020.

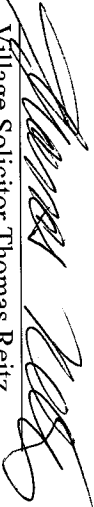
Vote of Council:           Ayes: 6  
                                      Nays: 0

  
Mayor Scott Garrett

ATTEST:

  
Fiscal Officer Cherec Taylor

Approved as to Form:

  
Village Solicitor Thomas Reitz

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.



330-527-4819  
Ohio License #18483

### Estimate

Estimate # 000006757

Date 9/30/2020

Estimate For:

Project Location:

Village of Windham Administration  
9083 North Main Street  
Windham OH 44288

Village of Windham Administration  
9083 North Main Street  
Windham OH 44288

Admin 330-326-2622

Phone 2

Estimate By: Russell Hammel E-Mail Russ@SCPlumb.com

Quantity	Scope of Project
	<p>Civic Center—Change kitchen faucet to a motion sensing faucet. Must use handle to adjust flow and temperature.</p> <p>Men's Room—Change the urinals and the flush valves to be an auto flush sensor flush valve. This will require us to open the wall and do some rough-in type work. Someone else will need to repair the wall prior to installing the new urinals. Wall repairs is not included. Replace the two toilets with touch-less flush units. Replace the two lavatory faucets with new sensor type lavatory faucets with thermostatic mixing valve under sink.</p> <p>Women's Room— Replace the four toilets with touch-less flush units. Replace the two lavatory faucets with new sensor type lavatory faucets with thermostatic mixing valve under sink.</p> <p>Quote assumes that the shut off valves to the fixtures are functioning and not in need of replacement. Quote assumes that the closet flanges on the toilets are in satisfactory shape and not in need of repair/replacement.</p> <p>If valves or flanges need work, this would be an addition cost.</p> <p>Not quoted in pervailing wage.</p>

Terms: Payment due 15 days from date of invoice. Past Due Accounts will be charged 2% per month, minimum of \$15.00 per month fee.

Estimate for work described above is: This estimate is valid for 15 days.

**\$9,445.00**

Acceptance of Proposal- the above specifications and conditions are satisfactory and are accepted. You are authorized to do work specified. Payment will be made as outlined above.

Signature \_\_\_\_\_

Date \_\_\_\_\_



330-527-4819

Ohio License #18483

## Estimate

Estimate # 000006756

Date 9/30/2020

**Estimate For:**

Village of Windham Administration  
9083 North Main Street  
Windham OH 44288

**Project Location:**

Village of Windham Administration  
9083 North Main Street  
Windham OH 44288

Admin 330-326-2622

Phone 2

Estimate By: Russell Hammel E-Mail Russ@SCPlumb.com

Quantity Scope of Project

Clinic Area— Lavatory faucets (2) one in each bathroom to have faucets removed and sensor faucets installed with thermostatic mixing valve under sink, Toilets are to remain and seats stay also, but units will have touch-less flush system added to them. Small stainless steel hand wash sink is to have sensor type faucet installed with thermostatic mixing valve below sink. No work in exam rooms.

Not quoted in prevailing wage.

Terms: Payment due 15 days from date of invoice.  
Past Due Accounts will be charged 2% per month,  
minimum of \$15.00 per month fee.

Estimate for work described above is:

**\$2,610.00**

This estimate is valid for 15 days.

Acceptance of Proposal- the above specifications and conditions are satisfactory and are accepted. You are authorized to do work specified.  
Payment will be made as outlined above.

Signature \_\_\_\_\_

Date \_\_\_\_\_



**330-527-4819**  
Ohio License #18483

### Estimate

**Estimate #** 000006751

**Date** 9/30/2020

**Estimate For:**

**Project Location:**

Village of Windham Administration  
9083 North Main Street  
Windham OH 44288

Village of Windham Administration  
9083 North Main Street  
Windham OH 44288

**Admin** 330-326-2622

**Phone 2**

**Estimate By:** Russell Hammel **E-Mail:** Russ@SCPlumb.com

**Quantity:** **Scope of Project**

Maintenance Building. Existing toilet to remain and have touch-less flush system added to it. Install new open front white seat less cover on existing toilet. Remove existing utility tub and install new wall hung tub with lavatory sensor type faucet with under mount thermostatic mixing valve.

If you want to change this toilet. The additional cost would be \$330.00

Quote assumes that the shut off valves to the fixtures are functioning and not in need of replacement. Quote assumes that the closet flanges on the toilets are in satisfactory shape and not in need of repair/replacement.

If valves or flanges need work, this would be an addition cost.

Not quoted in Prevailing Wage.

**Terms:** Payment due 15 days from date of invoice.  
Past Due Accounts will be charged 2% per month,  
minimum of \$15.00 per month fee.

**Estimate for work described above is:**

**\$1,145.00**

This estimate is valid for 15 days.

**Acceptance of Proposal-** the above specifications and conditions are satisfactory and are accepted. You are authorized to do work specified.  
Payment will be made as outlined above.

**Signature** \_\_\_\_\_

**Date** \_\_\_\_\_



**330-527-4819**

Ohio License #18483

### Estimate

**Estimate #** 000006761

**Date** 10/1/2020

**Estimate For:**

**Village of Windham Administration  
9083 North Main Street  
Windham OH 44288**

**Project Location:**

**Village of Windham Administration  
9083 North Main Street  
Windham OH 44288**

**Admin** 330-326-2622

**Phone 2**

**Estimate By:** Russell Hammel **E-Mail** Russ@SCPlumb.com

**Quantity** **Scope of Project**

Water Treatment Building-- Change lavatory sink faucet to sensor type faucet with thermostatic mixing valve below sink. Snake lavatory sink drain. Install touch-less flush system existing toilet. Replace the cartridge in shower faucet, and anchor better.

Quote assumes that the shut off valves to the fixtures are functioning and not in need of replacement. If valves need work, this would be an addition cost.

Not quoted in prevailing wage.

**Terms:** Payment due 15 days from date of invoice.  
Past Due Accounts will be charged 2% per month,  
minimum of \$15.00 per month fee.

**Estimate for work described above is:**

**\$1,506.08**

This estimate is valid for 15 days.

**Acceptance of Proposal-** the above specifications and conditions are satisfactory and are accepted. You are authorized to do work specified.  
Payment will be made as outlined above.

**Signature** \_\_\_\_\_

**Date** \_\_\_\_\_



**330-527-4819**  
 Ohio License #18483

**Estimate**

**Estimate #** 000006758

**Date** 9/30/2020

**Estimate For:**

Village of Windham Administration  
 9083 North Main Street  
 Windham OH 44288

**Project Location:**

Village of Windham Administration  
 9083 North Main Street  
 Windham OH 44288

**Admin** 330-326-2622

**Phone 2**

**Estimate By:** Russell Hammel **E-Mail** Russ@SCPlumb.com

Quantity	Scope of Project
	<p>Sewer Plant—Rebuild existing flush valve on toilet and install auto flush mechanism on flush valve.            Replace lavatory sink faucet with sensor type faucet with thermostatic mixing valve under sink.</p> <p>Quote assumes that the shut off valves to the fixtures are functioning and not in need of replacement.            If valves need work, this would be an addition cost.</p> <p>Not quoted in prevailing wage.</p>

**Terms:** Payment due 15 days from date of invoice.  
 Past Due Accounts will be charged 2% per month,  
 minimum of \$15.00 per month fee.

**Estimate for work described above is:**  
 This estimate is valid for 15 days.

**\$935.00**

**Acceptance of Proposal-** the above specifications and conditions are satisfactory and are accepted. You are authorized to do work specified.  
 Payment will be made as outlined above.

**Signature** \_\_\_\_\_ **Date** \_\_\_\_\_





**330-527-4819**

Ohio License #18483

**Estimate**

**Estimate #** 000006754

**Date** 9/30/2020

**Estimate For:**

**Village of Windham Administration  
 9083 North Main Street  
 Windham OH 44288**

**Project Location:**

**Village of Windham Administration  
 9083 North Main Street  
 Windham OH 44288**

**Admin** 330-326-2622

**Phone 2**

**Estimate By:** Russell Hammel **E-Mail:** Russ@SCPlumb.com

Quantity	Scope of Project
	<p>Administrative Office Existing toilets (2) to remain and have touch-less flush system added to them. Install new open front white seat less cover on two existing toilets. Remove existing lavatory faucets from sinks (2) and install lavatory sensor type faucets with under mount thermostatic mixing valve.</p> <p>If you want to change these two toilets. The additional cost would be \$660.00</p> <p>Quote assumes that the shut off valves to the fixtures are functioning and not in need of replacement. Quote assumes that the closet flanges on the toilets are in satisfactory shape and not in need of repair/replacement.</p> <p>If valves or flanges need work, this would be an addition cost.</p> <p>Not quoted in prevailing wage.</p>

**Terms:** Payment due 15 days from date of invoice.  
 Past Due Accounts will be charged 2% per month,  
 minimum of \$15.00 per month fee.

**Estimate for work described above is:**

**\$1,840.00**

This estimate is valid for 15 days.

**Acceptance of Proposal-** the above specifications and conditions are satisfactory and are accepted. You are authorized to do work specified.  
 Payment will be made as outlined above.

**Signature** \_\_\_\_\_

**Date** \_\_\_\_\_



**330-527-4819**  
Ohio License #18463

### Estimate

**Estimate #** 000006762  
**Date** 10/1/2020

**Estimate For:**

**Village of Windham Administration**  
9083 North Main Street  
Windham OH 44288

**Project Location:**

**Village of Windham Administration**  
9083 North Main Street  
Windham OH 44288

**Admin** 330-326-2622 **Phone 2**

**Estimate By:** Russell Hammel **E-Mail:** Russ@SCPlumb.com

Quantity	Scope of Project
	Concession Stand & Restrooms. Change toilets (2) to ADA elongated, with touchless flush system, Change lavatory faucets (2) to sensor type faucets, cold water only. Add a single bowl stainless steel sink with faucet to be of motion sensor type. Must use handle to adjust flow there is no hot water in this building. Sink is to be mounted in existing cabinet and top.  Not quoted in prevailing wage.

**Terms:** Payment due 15 days from date of invoice. **Estimate for work described above is:** **\$4,675.00**  
Past Due Accounts will be charged 2% per month, minimum of \$15.00 per month fee. This estimate is valid for 15 days.

**Acceptance of Proposal-** the above specifications and conditions are satisfactory and are accepted. You are authorized to do work specified. Payment will be made as outlined above.

**Signature** \_\_\_\_\_ **Date** \_\_\_\_\_



**330-527-4819**

Ohio License #18483

### Estimate

**Estimate #** 000006755

**Date** 9/30/2020

**Estimate For:**

Village of Windham Administration  
9083 North Main Street  
Windham OH 44288

**Project Location:**

Village of Windham Administration  
9083 North Main Street  
Windham OH 44288

**Admin** 330-326-2622

**Phone 2**

**Estimate By:** Russell Hammel **E-Mail:** Russ@SCPlumb.com

**Quantity:** **Scope of Project:**

Police Station--1st floor only. Replace existing toilet with elongated ADA toilet with touch-less flush system and open front white seat. Will require special rough-in toilet due to distance from wall to flange. Replace faucet on lavatory sink with sensor type faucet with thermostatic mixing valve below sink.

Quote assumes that the shut off valves to the fixtures are functioning and not in need of replacement. Quote assumes that the closet flanges on the toilets are in satisfactory shape and not in need of repair/replacement.

If valves or flanges need work, this would be an addition cost.

Not quoted in Prevailing Wage.

**Terms:** Payment due 15 days from date of invoice.  
Past Due Accounts will be charged 2% per month,  
minimum of \$15.00 per month fee.

**Estimate for work described above is:**

**\$1,460.00**

This estimate is valid for 15 days.

**Acceptance of Proposal-** the above specifications and conditions are satisfactory and are accepted. You are authorized to do work specified.  
Payment will be made as outlined above.

**Signature**

**Date**