

# VILLAGE OF BOSTON HEIGHTS

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

## VILLAGE OF BOSTON HEIGHTS NOTICE OF SPECIAL MEETING WEDNESDAY, MARCH 5, 2013 6:30 PM

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Notice is hereby given of a Special Meeting to be held by the Boston Heights Council, Boston Heights, Ohio on Wednesday March 5, 2014 at 6:30 in the Council Chambers, Village Hall, at 45 East Boston Mills Road to consider the following:.

**ORDINANCE 2014-3-8**

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

Any interested person may attend.

*Bill Goncy*

Bill Goncy, Mayor

*Betty Klingenberg*

Betty Klingenberg, Fiscal Officer

03/04/2014

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**[COUNCIL AGENDA]  
VILLAGE OF BOSTON HEIGHTS  
SPECIAL MEETING  
AGENDA  
MONDAY, MARCH 5, 2014  
6:30PM**

**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**

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**ORDINANCE:**

<p>ORDINANCE 2014-3-8 (Second Reading)</p> <p>The 3-reading rule was not suspended, so the ordinance was continued on to a third reading at the 11 March 2014 regular meeting of Council. Second Reading.</p>	<p>ORDINANCE ESTABLISHING THE 2014-2016 WATER LINE INSTALLATION PROGRAM AND DECLARING AN EMERGENCY</p> <p><b>NOTE: Despite the ordinance not being moved for adoption and placed on the table for debate, Councilor Ron Antal initiated a discussion on the matter.</b></p> <p>Emphasizing that he was in favor of water mains being placed along the five residential streets contemplated in the program plan, Mr. Antal expressed concern about the propriety and precedent of paying for the provisions on and to private property - i.e. the pipes from the street and house hookups. A discussion followed as to the costs and public purpose of this part of the program.</p> <p>Mr. Antal also asked why Brandywine Road was not included in the program; Engineer Dave Krock explained that it was due to the very high additional cost coupled with low housing density, along with the low level of interest expressed there in earlier Village surveys on water service. Mayor Goncy added that the more significant problems with water well service and potential contamination were clustered in the northern neighborhoods.</p>
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**ADJOURN**

VILLAGE OF BOSTON HEIGHTS

ORDINANCE 2014-3-8

Second Reading / **3-READING NOT SUSPENDED, 2ND 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

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#### 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;

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- (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

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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

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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

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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.