

**VILLAGE OF CHAGRIN FALLS  
STREETS AND SIDEWALKS COMMITTEE  
February 26, 2018**

Members present: Grube, DeBernardo, Maersch  
Also present: Mayor Tomko, Bloom, Jamieson, Rogoff, Evans, Newell, Lannon

The meeting was called to order at 6:45 p.m. by Chairman Erinn Grube.

**WALTERS ROAD IMPROVEMENTS**

Mrs. Grube said only 39 of the 56 assessment notices that were mailed have been returned to us.

Mr. Bloom said we did get a notice in the paper because this was going so slow. It was published on the 15<sup>th</sup> so the 14 days on that will run out on March 1, 2018.

Mr. Lannon said the Council agenda tonight includes awarding the contract to Mr. Excavator for all of the work except for the \$39,000 in sidewalk items because the assessment is still ongoing.

Moved by Mr. Maersch, seconded by Mrs. DeBernardo that the Streets and Sidewalks Committee recommends the passage of 2018-13 to Council. Carried. Ayes: Grube, DeBernardo, Maersch. Nays: None.

**CARRON ASPHALT CHANGE ORDER**

Mr. Jamieson said this is a change order that came in for additional parking lot pavement work. There were some projects in the pavement program last year that we did not execute. The dollar difference is \$5,279.25.

Moved by Mrs. DeBernardo, seconded by Mr. Maersch to recommend this to Council. Carried. Ayes: Grube, DeBernardo, Maersch. Nays: None.

The meeting adjourned at 6:52. P.m.

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Erinn Grube, Chairman  
lgb

INTRODUCED BY: MS. GRUBE

**AN ORDINANCE  
AUTHORIZING THE MAYOR TO ENTER INTO A  
CONTRACT WITH MR. EXCAVATOR, INC. FOR THE  
WALTERS ROAD IMPROVEMENT PROJECT, WHOSE  
BID IS THE LOWEST BID FOR THE REPAIR OF  
WALTERS ROAD AND THE REPLACEMENT OF THE  
SEWER AND WATER MAINS AND DECLARING AN  
EMERGENCY.**

WHEREAS, the Village has determined that Walters Road and the utilities contained therein are in need of repair and replacement; and

WHEREAS, the Village sought bids for the Walters Road improvement project and after receiving all bids the Village Engineer determined the lowest and best bidder is Mr. Excavator, Inc. in the amount of Eight Hundred and Sixty-One Thousand Six Hundred Dollars and Eighty-Eight Cents (\$861,600.88) which excludes the unit bid for installation of sidewalks on one side of Walters Road, which will be delayed pending notification of all property owners to be assessed for the sidewalks; and

WHEREAS, the Village desires to enter into an agreement with Mr. Excavator, Inc. to perform the Walters Road improvement project as soon as possible.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CHAGRIN FALLS, CUYAHOGA COUNTY, STATE OF OHIO:**

SECTION 1. That the Mayor is authorized and directed to enter into an Agreement with Mr. Excavator, Inc. in the amount of Eight Hundred and Sixty-One Thousand Six Hundred Dollars and Eighty-Eight Cents (\$861,600.88) to provide for Walters Road repair and replacement of the sanitary sewer and water lines within the Walters Road right-of-way as specified on the contract attached hereto and incorporated herein as Exhibit "A".

SECTION 2. The Finance Director is authorized to appropriate to a proper account a sum sufficient to cover the costs of the contract authorized in Section 1 of this Ordinance.

SECTION 3. That actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

**ORDINANCE NO. 2018-13**  
**INTRODUCED BY: MS. GRUBE**

SECTION 4. That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Ordinance shall be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

SECTION 5. That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health and safety of the inhabitants of the Village and for the further reason that this Ordinance is necessary to authorize road repair work to be performed while weather conditions are appropriate for such work to be completed and in order to assure safe use of the Village streets; wherefore provided it receives the affirmative vote of at least two-thirds (2/3) of all members elected to Council, this Ordinance shall be in full force and effect from and immediately upon its passage by this Council and approval by the Mayor; otherwise, it shall take effect and be in force after the earliest period allowed by law.

PASSED: \_\_\_\_\_, 2018

\_\_\_\_\_  
Karl Maersch, Council President

Submitted to the Mayor for  
his approval on this

\_\_\_\_\_ day of \_\_\_\_\_, 2018

Approved by the Mayor

\_\_\_\_\_, 2018

\_\_\_\_\_  
Mayor William Tomko

I hereby certify that Ordinance No. 2018-\_\_ was duly enacted on the \_\_\_ day of \_\_\_\_\_, 2018, by the Council of the Village of Chagrin Falls and posted in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls.

\_\_\_\_\_  
Clerk of Council

## EXHIBIT "A"

### CONTRACT FOR WALTERS ROAD IMPROVEMENT PROJECT

THIS AGREEMENT, made and entered into at Chagrin Falls, Ohio, this \_\_\_\_\_ day of \_\_\_\_\_, 2018 by and between the Village of Chagrin Falls ("OWNER"), Ohio and Mr. Excavator, Inc. ("CONTRACTOR").

WITNESSETH: That the said CONTRACTOR has agreed and by this presents does agree with the OWNER for the consideration hereinafter mentioned and contained, and under penalty expressed in a bond given with these presents, and herein contained or hereunto annexed, to furnish at its own cost and expense, all the necessary tools, equipment, materials, labor, and tests in an expeditious, substantial and workmanlike manner, the equipment and appurtenances herein contemplated, commencing work within twenty (20) days from the date of the Notice to Proceed and executing the work within the time and in the manner specified and in conformity with the requirements set forth in this Contract.

The following form essential parts of the Contract:

1. Advertisement for Bids/Public Notice to Bidders
2. Instruction to Bidders
3. Bid Forms and Proposal
4. Contract Forms and Exhibits
5. Contract Bond – ORC 153.571 or ORC 153.57
6. Contract Provisions
7. General Conditions
8. Supplementary Conditions
9. Specifications
10. Specific Project Requirements
11. Prevailing Wage Rate Schedule
12. Contract Drawings dated December 13, 2017

The CONTRACTOR agrees and understands that the work on this contract shall be subject to the acceptance of the OWNER based upon and in accordance with the contract specifications and contract plans and drawings on file in the office of the OWNER.

The Contractor agrees that each individual employed by the Contractor or any Subcontractor and engaged in work on the project under this contract shall be paid by prevailing wage established by the Department of Industrial Relations of the State of Ohio or the U.S. Department of Labor (Davis-Bacon Act) as detailed in the section titled "Wage Rates." This shall occur regardless of any contractual relationship which may be said to exist between the Contractor or any Subcontractor and such individual.

The CONTRACTOR shall proceed with the said work in a prompt and diligent manner and shall do the several parts thereof. Further he shall complete the whole of said work in accordance with the specifications and contract drawings to the satisfaction of the

OWNER on or before the time stated, and in default of completion within the time as fixed, the CONTRACTOR shall pay to the OWNER as liquidated damages, an amount equal to Eight Hundred Dollars (\$800.00) Per Day, for each and every day (Sundays and legal holidays excepted) the completion of the work may be delayed beyond the date fixed in the manner and as stipulated.

It is hereby mutually agreed that the OWNER is to pay and the CONTRACTOR is to receive, as full compensation for furnishing all materials and labor in building, constructing and testing and in all respect completing the herein described work and appurtenances in the manner and under the conditions herein specified, the prices stipulated in the proposal herein contained or hereto annexed and the total contract sum is Eight Hundred and Sixty-One Thousand Six Hundred Dollars and Eighty-Eight Cents (\$861,600.88).

This Contract shall be in full force and effect from the date of execution by the parties.

IN WITNESS WHEREOF: The parties hereunto affixed their signature the day and year first mentioned above.

MR. EXCAVATOR, INC.

BY: \_\_\_\_\_  
Thomas J. Flesher, Vice President

VILLAGE OF CHAGRIN FALLS

By: \_\_\_\_\_  
William Tomko, Mayor

I hereby certify that the funds in the amount of Eight Hundred and Sixty-One Thousand Six Hundred Dollars and Eighty-Eight Cents (\$861,600.88) necessary for the foregoing Contract have been appropriated and are in the Treasury, or are in the process of collection, or are available through grants and/or loans from other funding sources.

\_\_\_\_\_  
David B. Bloom, Director of Finance

APPROVED AS TO FORM:

\_\_\_\_\_  
Dale Markowitz, Director of Law

**THE CONTRACTOR SHALL FURNISH THE FOLLOWING ITEMS  
WITHIN TEN (10) DAYS OF NOTIFICATION OF AWARD:**

- A) CERTIFICATE OF INSURANCE FOR CONTRACTOR'S PUBLIC LIABILITY INSURANCE POLICY AND AUTOMOTIVE INSURANCE POLICY**
  
- B) CERTIFICATE OF INSURANCE FOR OWNER'S AND CONTRACTOR'S PROTECTIVE POLICY**
  
- C) CERTIFICATE OF WORKER'S COMPENSATION**
  
- D) CONTRACT BOND THAT COMPLIES WITH ORC 153.54 AND 153.57**

\*D above is not required if a bond complying with ORC 153.54 and 153.571 (rollover bond) was submitted at time of bid.



**AFFIDAVIT**  
OF COMPLIANCE WITH OHIO REVISED CODE SECTION 3517.13

STATE OF OHIO

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ being duly sworn  
deposes and states as follows:

1. I am duly authorized to make the statements contained herein on behalf of \_\_\_\_\_ (the "Contracting Party").
2. The Contracting Party is a/an (select one):
  - Individual, partnership, or other unincorporated business association (including without limitation, a professional association organized under Ohio Revised Code Chapter 1787), estate, or trust
  - Corporation organized and existing under the laws of the State of \_\_\_\_\_
  - Labor organization
1. I hereby affirm that the Contracting Party and each of the individuals specified in R.C. 3517.13(I) (with respect to non-corporate entities and labor organizations) or R.C. 3517.13(J) (with respect to corporations) are in full compliance with the political contribution limitations set forth in R.C. 3517.13(I) and (J), as applicable.
2. I understand that a false representation on this certification will incur penalties pursuant to 3517.992(R)(3).

Affiant further sayeth naught.

By: \_\_\_\_\_

Title: \_\_\_\_\_

SWORN TO BEFORE ME and subscribed in my presence this \_\_\_\_\_ day  
of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_



ESCROW WAIVER

In accordance with a certain Contract between the Village of Chagrin Falls, Ohio, (hereinafter referred to as "the Owner") and Mr. Excavator, Inc., (hereinafter referred to as "the Contractor") it is mutually agreed by and between the parties hereto that because of the short-term duration of the within Contract, no escrow account will be established pursuant to Sections 153.13, 153.14 and 153.63 of the Ohio Revised Code nor shall any interest be paid on any retainage.

MR. EXCAVATOR, INC.

By:

\_\_\_\_\_  
Thomas J. Flesher, Vice President

VILLAGE OF CHAGRIN FALLS

\_\_\_\_\_  
David B. Bloom, Director of Finance

NOTICE TO PROCEED

Project: The Walters Road Improvement Project

Owner: Village of Chagrin Falls  
21 West Washington Street  
Chagrin Falls, Ohio 44022

To: Mr. Excavator, Inc.  
8616 Euclid Chardon Road  
Kirtland, Ohio 44094

Date: \_\_\_\_\_, 2018

You are hereby notified to commence work in accordance with the Contract. All work shall be completed by October 15, 2018.

VILLAGE OF CHAGRIN FALLS

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Rob Jamieson, Chief Administrative Officer

**AN ORDINANCE  
AMENDING ORDINANCE NO. 2017-45 TO AUTHORIZE THE  
MAYOR TO EXECUTE AN AMENDMENT TO THE  
CONTRACT WITH CARRON ASPHALT PAVEMENT, INC.,  
FOR AN INCREASE IN THE CONTRACT AMOUNT DUE TO  
ADDITIONAL PARKING LOT PAVING COMPLETED BY  
CARRON ASPHALT PAVING, INC. AND DECLARING AN  
EMERGENCY.**

WHEREAS, Ordinance No. 2017-45 was adopted by the Village Council authorizing the Mayor to enter into a contract with Carron Asphalt Paving, Inc. ("Carron") in the amount of Three Hundred and Eighty-Eight Thousand Eight Hundred and Four Dollars and Ninety Cents (\$388,804.90) for the 2017 pavement resurfacing program; and

WHEREAS, the Village Engineer and Chief Administrative Officer determined that additional work was required to be performed by Carron for paving of a Village owned parking lot; and

WHEREAS, the Village desires to execute Change Order #1 with Carron in order to authorize payment of the sum of Five Thousand Two Hundred and Seventy-Nine Dollars and Twenty-Five Cents (\$5,279.25) for additional parking lot paving by Carron.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE  
VILLAGE OF CHAGRIN FALLS, CUYAHOGA COUNTY, STATE OF OHIO:**

SECTION 1. That the Mayor be and is hereby authorized and directed to enter into Change Order #1 with Carron in the amount of Five Thousand Two Hundred and Seventy-Nine Dollars and Twenty-Five Cents (\$5,279.25) to provide for payment for the additional parking lot paving performed by Carron.

SECTION 2. The Finance Director is authorized to appropriate to a proper account a sum sufficient to cover the cost of Change Order #1 authorizing Section 1 of this Ordinance.

SECTION 3. Ordinance No. 2017-45 is hereby amended to increase the contract amount to be paid to Carron pursuant to Change Order #1.

SECTION 4. That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Ordinance shall be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

SECTION 5. That actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

ORDINANCE NO. 2018-17  
INTRODUCED BY: MS. GRUBE

SECTION 6. That this Ordinance be and is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the habitants of the Village and for the further reason that it is necessary to authorize payment for parking lot paving already performed by Carron, which work has been approved by the Village Engineer and the Chief Administrative Officer. Wherefore, provided it receives two-thirds (2/3) of the votes of all members elected to Council, this Ordinance shall be in full and effect from and immediately upon its passage by this Council and approval by the Mayor; otherwise it shall take effect and be in force after the earliest period allowed by law.

PASSED: \_\_\_\_\_  
Karl Maersch, Council President

Submitted to the Mayor for  
his approval on this

\_\_\_\_ day of \_\_\_\_\_, 2018

Approved by the Mayor

\_\_\_\_\_, 2018

\_\_\_\_\_  
Mayor William Tomko

I hereby certify that Ordinance No. 2018-\_\_ was duly enacted on the \_\_\_\_ day of \_\_\_\_\_, 2018, by the Council of the Village of Chagrin Falls and posted in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls.

\_\_\_\_\_  
Clerk of Council