

**ORDINANCE 2020-21
INTRODUCED BY: NEWELL**

**AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO AN
AGREEMENT WITH GEAUGA COUNTY TO MINIMIZE
INFLOW AND INFILTRATION OF STORMWATER INTO
SANITARY SEWER SYSTEMS AND TO PROCEED WITH
ENGINEERING DESIGN AND COMPLETE
CONSTRUCTION OF PHASE I OF FUTURE PLANT
IMPROVEMENTS TO THE SANITARY SEWER
TREATMENT PLANT LOCATED IN THE VILLAGE OF
CHAGRIN FALLS AND DECLARING AN EMERGENCY.**

WHEREAS, the Village of Chagrin Falls and the Geauga County Board of County Commissioners (“Gauga County”) previously entered into an agreement which provided that wastewater from Geauga County would be treated at the sanitary sewer plant owned and operated by the Village;

WHEREAS, Geauga County paid for twenty-two percent (22%) of the cost of the land and the original construction of the treatment plant;

WHEREAS, the Ohio Environmental Protection Agency (“OEPA”) has required the elimination of all sanitary sewer overflows in the sanitary sewer system and replacement of the tertiary filters as conditions of the May 1, 2017 NPDES permit for the sanitary sewer plant;

WHEREAS, the Village and Geauga County have agreed to carry out the Phase I improvements mandated by the OEPA as set forth in the Agreement which is attached hereto and made a part hereof as **Exhibit “1”**.

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

Section 1. The Mayor be and is hereby authorized to enter into an Agreement with Geauga County in accordance with the Agreement attached hereto and made a part hereof as **Exhibit “1”** to minimize inflow and infiltration of stormwater into the sanitary sewer system and to proceed with engineering design and complete construction of Phase I of the future plan improvements (as itemized in the Agreement) including the replacement of tertiary filters.

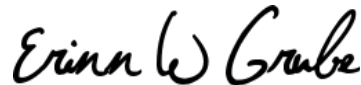
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Section 2. That actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

Section 3. 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 4. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the Village and for the further reason that it is necessary to have this Ordinance immediately effective so that infiltration and inflow can be eliminated as soon as possible and to carry out the Phase I mandates imposed by the OEPA; 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 and approval by the Mayor, otherwise it shall take effect and be in force after the earliest period allowed by law.

PASSED: **June 8, 2020**



Erinn Grube, Council President

Submitted to the Mayor for
his approval on this

9th day of June, 2020

Approved by the Mayor

06/10/2020, 2020



Mayor William Tomko

I hereby certify that **Ordinance No. 2020-21** was duly enacted on the **8th** day of **June, 2020**, 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.



David Bloom, Clerk of Council

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EXHIBIT "1"

SUPPLEMENTAL AGREEMENT

This Supplemental Agreement ("Supplement") made this 9th day of June, 2020 modifies the previously existing Agreement of the parties entered into 21st day of December, 1971 ("Agreement"). This Supplement is made pursuant to Section 5, Paragraph (C) of the Agreement.

WHEREAS, the Geauga County Board of Commissioners (Gauga County) and the Village of Chagrin Falls (Village) as a result of entering into the Agreement provided that waste water from Gauga County is treated at the Meadow Lane Treatment Plant owned and operated by the Village, and;

WHEREAS, Gauga County paid for 22% of the cost of land and original construction of the Meadow Lane Treatment Plant ("Plant") to build capacity for use by Gauga County and;

WHEREAS, the Meadow Lane plant is 47 years old and in need of substantial rehabilitation, and the Village and County agree that the best course of action is to phase in the improvements in two phases. This Supplement addresses only Phase 1 consisting of the most urgent improvements necessary to maintain compliance with the National Pollutant Discharge Elimination System (NPDES) operating permit.

WHEREAS, the Ohio Environmental Protection Agency (OEPA) has required the elimination of all Sanitary Sewer Overflows (SSO) in the sanitary sewer system and replacement of the tertiary filters as conditions of the May 1, 2017 NPDES permit for the Plant, and

WHEREAS, the Village submitted a plan to OEPA, "Village of Chagrin Falls WWTP Bypass and Sanitary Sewer Overflow Elimination Plan," dated October 2013 as required by the May 1, 2012 NPDES permit, and;

WHEREAS, on March 27, 2008 the Village and Gauga County entered into a Satellite Sewer Discharge Control Program (SSDCP) agreement (SSDCP Agreement") for the purpose of the control of all bypasses and overflows in the combined sewer system in accordance with Ohio EPA Combined Sewer Overflow Control Policy, and/or elimination of all bypasses and overflows from separate collection systems; and;

WHEREAS, it is in the best economic interests of both the Village and Gauga County and consistent with sound engineering considerations and OEPA mandates to make the Phase 1 improvements itemized in this Supplement, and;

WHEREAS, the Village has made application for an Ohio Public Works Commission grant and loan and a Water Pollution Control Loan Fund construction loan. Execution of this Supplement will serve as an inducement for the execution and awarding of these grants and loans, and;

WHEREAS, the Gauga County, acting under authority of Revised Code Sections 307.15 et seq.; and 6117.01 et seq., and the Village, acting pursuant to Article XVIII of the Ohio

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Constitution and Revised Code Sections 307.15 et seq., are fully authorized to enter into this Supplement;

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the Village and Geauga County further agree as follows:

Section 1. The Village and Geauga County agree that it is the best economic interests of both parties to minimize inflow and infiltration (I/I) of storm water into the sanitary sewer system and optimize the peak flow through the Plant to minimize the necessity and/or size of mandated additional equalization structures. The Village and Geauga County agree that they will test their respective collection systems in their entirety, for I/I that flow into the Plant and make every reasonable effort to eliminate storm water from their respective sanitary sewer collection systems. Where I/I occurs on private property, the parties shall use their police powers to enforce ordinances, resolutions and statutes to eliminate these illicit discharges. The Village and Geauga County shall separately bear the cost of I/I removal in their respective sanitary sewer collection systems.

Section 2. Subject to the covenants and conditions set forth in this Supplement, the Village promises and agrees with the Geauga County to proceed with the engineering design and complete construction of Phase 1 of the Future Plant Improvements (itemized in Exhibit A) including replacement of the tertiary filters. Existing filters are at end of life and new filters will reduce recycling of wash water and will be sized for 3.75 MGD to increase wet weather throughput of the Plant and reduce the need for additional equalization.

Section 3. The Geauga County shall pay to the Village in each calendar year, commencing with the calendar year 2021, an aggregate sum equal to twenty-two percent (22%) of the total loan repayment for each such year required to be made by the Village for the Phase 1 loan(s) used for design and construction of this project. Payment shall be made by the Geauga County to the Village in each such year at such time or times as are consistent with the obligations assumed by the Village under the loan agreements and upon receipt of documentation of the payment obligations of the Village.

Section 4. All capitalized terms used but not defined herein shall have the same meanings as defined in the Agreement.

Section 5. In the event of any inconsistencies between the Agreement and the Supplement, the terms of the Supplement shall control. Except as expressly set forth in the Supplement, the Agreement otherwise is unmodified and remains in full force and effect. Each reference in the Agreement to itself shall be deemed also to refer to this Supplement.

Section 6. This Amendment may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

[Signatures appear on the following page]

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The parties have executed this Supplemental Agreement as of the day and year written below by each of Geauga County and the Village of Chagrin Falls.

Village of Chagrin Falls



By: William Tomko, Mayor

Date: 06/10/2020

Legal form and correctness of this instrument are approved by:



Dale H. Markowitz, Law Director

Board of County Commissioners
Geauga County

By: Ralph Spidalieri

Date: _____

By: Timothy C. Lennon

Date: _____

By: James W. Dvorak

Date: _____

Legal form and correctness of this instrument are approved by:

James R. Flaiz,
Geauga County Prosecutor

By: Assistant Prosecutor for Geauga
County