

RESOLUTION NO. 69 -2013

Offered by All of Council

A RESOLUTION AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO ENTER INTO A COOPERATION AGREEMENT FOR THE INSTALLATION OF RAIN GAUGE EQUIPMENT WITH THE NORTHEAST OHIO REGIONAL SEWER DISTRICT; AND DECLARING AN EMERGENCY

WHEREAS, the Northeast Ohio Regional Sewer District ("NEORS") has requested permission from the Village to install a precipitation gauge on the Village's Service Garage facility at 4450 West Streetsboro Road, which will register and transmit information related to precipitation to the NEORS;

WHEREAS, the information gathered from the equipment will be reported back to the Village Service Director daily and will be helpful in quantifying the amounts of stormwater traveling through the Village's stormwater system and gathering snowfall statistics relevant to snow plowing; and

WHEREAS, there is no cost to the Village for the installation and maintenance of this equipment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Richfield, Summit County, State of Ohio:

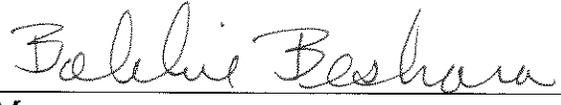
SECTION 1. That the Mayor and the Finance Director be, and hereby are, authorized to enter into a Cooperation Agreement for the Installation of Rain Gauge Equipment with the Northeast Ohio Regional Sewer District, with substantially the same terms as that attached hereto as "Exhibit A" and incorporated fully herein, and as approved by the Law Director.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 3. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and for the further reason that it is immediately necessary based on the need to install the equipment prior to winter weather onset; wherefore, provided this Resolution receives the affirmative vote of two-thirds of the members of Council elected or appointed, it shall take effect immediately upon its passage and execution by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: October 15, 2013


President of Council


Mayor

Dated: October 15, 2013

ATTEST:


Clerk of Council

COOPERATIVE AGREEMENT FOR THE INSTALLATION
OF RAIN GAGE EQUIPMENT

THIS AGREEMENT, made this _____ day of _____, 20____, by and between the NORTHEAST OHIO REGIONAL SEWER DISTRICT, 3900 Euclid Avenue, Cleveland, Ohio, 44115, a regional sewer district organized and existing as a political subdivision of the State of Ohio under chapter 6119 of the Ohio Revised Code, by authority of Resolution No. 58-74, adopted by the Board of Trustees of the District on May 16, 1974 (hereinafter referred to as "DISTRICT") and the VILLAGE OF RICHFIELD, an Ohio municipal corporation (hereafter referred to as the "VILLAGE").

WITNESSETH:

WHEREAS, the DISTRICT desires to gather certain data about the effect of weather conditions on sewer flows.

WHEREAS, VILLAGE is in possession of property in a location where DISTRICT needs to gather said data.

NOW, THEREFORE, IT IS AGREED AND UNDERSTOOD, between the DISTRICT and the VILLAGE;

The VILLAGE agrees to permit the DISTRICT to install, maintain, dismantle, and remove certain meteorological equipment on the premises described herein. The DISTRICT shall at all times remain responsible for the equipment located on VILLAGE's property. VILLAGE shall assume no liability or responsibility for said equipment, but will not take any action or fail to act in any manner which would result in negligence on the part of the VILLAGE as it relates to DISTRICT's equipment. During the term of this agreement, authorized representative of the

DISTRICT shall be permitted free ingress and egress to said equipment at reasonable times for the purpose of taking readings, repairing, adjusting, maintaining, or dismantling the equipment.

The VILLAGE shall be held harmless for any liability resulting from injuries which might occur to representatives of the DISTRICT while on the premises.

The VILLAGE shall permit the DISTRICT to install on VILLAGE's premise, at a mutually satisfactory site, located at 4410 W. Streetsboro Road, Richfield, a rain gage, telemetry cabinet, conduits from the rain gage to the telemetry cabinet, 110 volt AC power line to the rain gage and a 110 volt AC power and telephone line to the telemetry cabinet, and an access ladder. VILLAGE shall be given a key to the access ladder.

VILLAGE shall allow the DISTRICT to tie into VILLAGE's electrical supply for DISTRICT's rain gage and telemetry cabinet at no charge to the DISTRICT.

The installation, maintenance and removal of all materials and equipment covered in this cooperative agreement shall be at the expense of, and at all times remain the property of, the DISTRICT.

This cooperative agreement shall be in effect from the date of execution, subject to cancellation by either party hereto upon fifteen (15) days written notice to the other party.

The following attachments are included and made a part of this agreement:

District Resolution No. 58-74

IN WITNESS WHEREOF, the parties have hereunto set their hands on the day
and date first above written.

NORTHEAST OHIO REGIONAL
SEWER DISTRICT

By:

Julius Ciaccia, Executive Director

VILLAGE OF RICHFIELD

By:

The legal form and correctness
of the within instrument are hereby
approved.

MARLENE SUNDHEIMER
Director of Law

By: _____
Julie A. Blair
Assistant Director of Law

Date: _____

CLEVELAND REGIONAL SEWER DISTRICT
RESOLUTION NO. 58-74

Authorizing the Director to enter into agreements with various persons, corporate entities or political subdivisions for the placing of certain types of meteorological and sewer monitoring equipment in specific locations throughout the Metropolitan Area.

WHEREAS, the Systems Control Group is responsible for sewer flow monitoring; and

WHEREAS, it is now necessary to gather certain data by means of placing meteorological and sewer monitoring instruments in specific locations throughout the Metropolitan Area; and

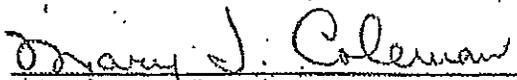
WHEREAS, said data will provide important information about the effect of weather conditions on sewer flows coming into the Cleveland Regional Sewer District's system; and

WHEREAS, it has been determined by the Department of Law that in order to place said instruments it is necessary to enter into agreements for the placing of said instruments:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE CLEVELAND REGIONAL SEWER DISTRICT that the Director be and he is hereby authorized to enter into agreements with various persons, corporate entities or political subdivisions for the placing of certain types of meteorological and sewer monitoring equipment in specific locations throughout the Metropolitan Area.

On Motion of Mr. Hruby, seconded by Mr. DeVito, the foregoing resolution was unanimously adopted.

I, Mary J. Coleman, Secretary of the Board of Trustees of the Cleveland Regional Sewer District, do hereby certify that the foregoing is a true, correct and exact copy of the original of a resolution duly adopted by said Board on the 16th day of May, 1974.


(Mrs.) Mary J. Coleman, Secretary
Board of Trustees, Cleveland
Regional Sewer District