

**VILLAGE OF CHAUNCEY
RESOLUTION NO. 2017 -6**

AN RESOLUTION DECLARING A NECESSITY FOR THE TRANSFER OF FUNDS FROM THE WATER FUND TO THE SEWER FUND AND AUTHORIZING THE SOLICITOR TO PREPARE AND FILE A PETITION FOR TRANSFER IN THE COURT OF COMMON PLEAS PURSUANT TO O.R.C. §§ 5705.14 -16.

WHEREAS, Council has been previously informed in the February meeting that a portion of the sewer line running beneath Converse Street (Ohio Route 13) has been blocked causing sewage to backup into homes and the manholes upstream from the blockage; and,

WHEREAS, Council has been informed at the March meeting by the former (now consultant) Village Administrator that a video camera sent into the sewage line beneath Converse Street (Ohio Route 13) reveals several breaks, cave-ins and collapses that have caused sewage to back up into the basements of people's homes and into the manholes on Lexington Street and Converse Street in the approximate location of 99 Converse Street and 107 Converse Street; and,

WHEREAS, Council has been informed by the former Village Administrator and Village Solicitor that the search for emergency funding for repair of the sewer line in question from government sources is not immediately available; and,

WHEREAS, the damaged sewer line has been temporarily and partially opened by "jetting" but is in imminent danger of collapse and clogging again at any time causing a public health and environmental emergency; and,

WHEREAS, the estimated cost of emergency repair of the collapsed section and the longer section of cracked or broken pipe by use of an epoxy/fibre sleeve inserted and inflated through the damaged portion of the sewer line is \$81,562.80; and,

WHEREAS, the only fund which has sufficient funds to pay for the emergency repairs is the Water Fund which cannot be used until the funds are transferred from the Water Fund into the Sewer Fund by court order as required by ORC 5705.14-16:

NOW THEREFORE, BE IT RESOLVED by the Council of the Village of Chauncey, State of Ohio, as follows:

Section One: The engineer's estimate of \$81,562.80 (attached hereto) is accepted as a good faith and reasonable estimate for the emergency repairs of the damaged portion of the sewer line under Converse Street.

Section Two: The efforts to obtain immediate funding for emergency repairs from governmental agencies of the State and County has been unsuccessful necessitating the use of Village funds.

Section Three: The only fund which has sufficient funds for the emergency repair of the sewage line is the Water Fund, which funds are surplus and are not immediately necessary for the operation and functioning of the water plant and water delivery system and therefore can be made available to pay for repair of the damaged sewer line.

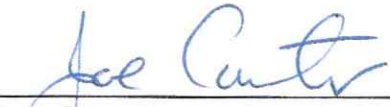
Section Four: State law prohibits using designated special funds for expenditures unrelated to the special fund requirements except upon transfer of the needed funds from one special fund to another fund upon tax commissioner and court approval as set forth in ORC 5705.14-16.

Section Five: Upon careful deliberation and the consideration of the pertinent facts regarding the damaged sewer line and the requirements of law, Council approves the transfer of \$81,562.80 from the Water Fund and into the Sewer Fund and authorizes the Solicitor to file a Petition to Transfer and take all necessary steps as required by ORC 5705.14-16 to effectuate said transfer and further authorizes the Fiscal Officer to make said transfer on the books of the Village. Thereafter Council authorizes the Village Administrator, Mayor and Fiscal Officer to enter into a contract for the emergency repairs of the Converse Street sewer line as described herein and authorizes the Fiscal Officer to pay for the repairs once they are completed, invoiced and approved for payment by the Village Administrator and Mayor.


Section Six: Because of the imminent danger posed by raw sewage being blocked if there is a cave-in or collapse in the damaged portion of the Converse Street sewage line and by raw sewage being caused to backup into the homes of the Village residents, and the public health hazard that discharge of raw sewage from overflowing manholes poses to the Village residents, and the environment, this Resolution is declared to be an emergency enactment necessary to the

health, safety and welfare of the residents of the Village and shall take effect immediately upon passage.

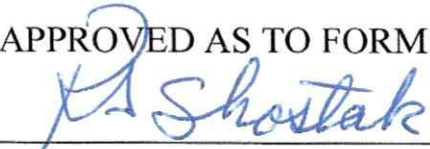
Enacted this 15th day of March, 2017, as an emergency Resolution upon suspension of the rules requirement for three readings.



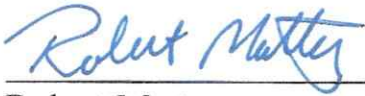
Joe Canter
Council President

ATTEST:


Leslie Nicholson
Fiscal Officer

APPROVED AS TO FORM:


Robert J. Shostak, Esq.
Solicitor

APPROVED


Robert Matthey
Mayor

CERTIFICATION OF FISCAL OFFICER
AS TO POSTING OF RESOLUTION

The foregoing is a true copy of the original RESOLUTION No. 2017 - 6.

Publication of this Resolution was made by posting a copy of the same in the following five locations within the Village, beginning on March 20, 2017, and concluding on April 4, 2017 (at least 15 days later):

Location	Date Posted
<u>Village Hall</u>	<u>3/20/17</u>
<u>Post Office</u>	<u>3/20/17</u>
<u>Cee Dee's</u>	<u>3/20/17</u>
<u>T's Quick Stop</u>	<u>3/20/17</u>
<u>Library</u>	<u>3/20/17</u>

Date: 3/18/17

ATTEST:

Leslie Nicholson
Leslie Nicholson
Fiscal Officer