

VILLAGE OF YELLOW SPRINGS, OHIO

RESOLUTION 2007-27

WHEREAS, the Village of Yellow Springs adopted a Charter on November 7, 1950, which states that public services may be extended beyond the corporate limits of the Village; and

WHEREAS, it is the current policy of the Village today to extend utilities only to areas which have been annexed to the Village as outlined in a policy enacted by the Village on May 12, 1992; and

WHEREAS, an area immediately adjacent to the Village comprising the Glen Helen Nature Preserve and housing the Outdoor Education Center has been identified as an area with a long-term environmental concern due to the aging on-site septic tanks and leaching systems at the Outdoor Education Center that could negatively affect water quality in Birch Creek and Yellow Springs Creek which traverse the Glen Helen Nature Preserve and are located upstream of the Village well field; and

WHEREAS, the Glen Helen Ecology Institute, an operating unit of Antioch University, which owns and operates the Glen Helen Nature Preserve and the Outdoor Education Center, has asked the Village to review the policy of not accepting wastewater from areas outside the Village in the case of the Outdoor Education Center in order for the Village to accept the domestic wastewater from the Outdoor Education Center so as to avoid possible environmental contamination to Birch Creek and Yellow Springs Creek; and

WHEREAS, the Glen Helen Ecology Institute and the Village have negotiated an agreement (Attachment A) regarding the conditions for accepting wastewater from the Outdoor Education Center, which agreement will take affect upon passage of this resolution and the signing of the agreement by both parties; and

WHEREAS, the Village wants to protect the health of the public and the environment in the area by protecting against this potential environmental contamination.

NOW, THEREFORE, THE COUNCIL OF THE VILLAGE OF YELLOW SPRINGS, OHIO, HEREBY RESOLVES THAT:

Section 1. The Village hereby waives its policy against accepting wastewater from areas outside the Village limits in this one instance due to the ongoing long-term environmental and public health concern resulting from the environmental contamination, which could result if the existing on-site systems at the Outdoor Education Center were to fail. The Village policy adopted May 12, 1992 against extending utility service to areas outside the municipal boundary remains the policy of this Village. However, given the potential environmental and public health concern in this case, the Council determines that a one-time waiver of this policy is in the best interest of the citizens of the Village and the surrounding area. The intent of the Council is that this is a one-time waiver only and that the policy is hereby restated and reaffirmed and remains

in full force and effect with regard to any other proposed extensions of utilities outside the Village limits.

Section 2. The affected area outside the Village limits where sewer service may be extended pursuant to this Resolution is the Outdoor Education Center facility including Clayton House and the Mercer Farm House, both of which house Outdoor Education Center staff.

Section 3. Only the property covered by the Agreement in Attachment A is eligible to discharge its wastewater to the Village sanitary sewer system under this resolution.

Section 4. The connection of the Outdoor Education Center to the Village sanitary sewer system shall be done at no cost to the Village. Furthermore, the Outdoor Education Center shall cover all normal costs related to tap-in fees, connection charges, and monthly charges as covered in the Agreement.

Section 5. This resolution takes effect at the earliest date possible.

Karen Wintrow, Vice President of Council

Passed: August 20, 2007

Attest: _____
Deborah Benning, Clerk of Council

Roll Call:

Karen Wintrow __Y__

Bruce Rickenbach __Y__

Judith Hempfling __Y__

Kathryn Chase __Y__

Kathryn Van der Heiden Abstention