

# VILLAGE OF BENTLEYVILLE, OHIO

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**RESOLUTION NO: 2022-04**  
**INTRODUCED BY: KVACEK**

## **A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH CHAGRIN RIVER WATERSHED PARTNERS AND DECLARING AN EMERGENCY**

**WHEREAS**, the Village of Bentleyville, Ohio (the "Village") is a member of the Chagrin River Watershed Program (CRWP); and

**WHEREAS**, CRWP is a non-profit corporation formed by communities in the Chagrin River Watershed to assist those communities with the management of storm water runoff and related resource management issues. CRWP, through its staff, is a recognized expert in storm water management issues; and

**WHEREAS**, the Village of Bentleyville is required to obtain a permit from Ohio for storm water discharge from its municipal separate storm water sewer system; and

**WHEREAS**, the Village of Bentleyville is desirous of having CRWP assist in fulfilling its duties.

**NOW, THEREFORE, BE IT RESOLVED** by the Council for the Village of Bentleyville, County of Cuyahoga and State of Ohio, that:

**Section 1.** That the Mayor is authorized to enter into the Memorandum of Understanding ("MOU") with CRWP for the period April 1, 2021 - March 31, 2026 in substantially similar form as the MOU appended hereto.

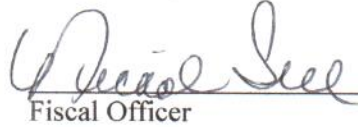
**Section 2.** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in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

**Section 3.** This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health or safety of the inhabitants of the Village of Bentleyville and for the further reason set forth in the preamble hereof, and this Resolution shall, therefore, take effect and be in full force immediately from and after the date of its passage and approval.

*January 19, 2022*  
Date Passed

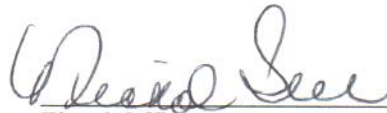
*Remar Apremull*  
Mayor

I, the undersigned Fiscal Officer of the Village of Bentleyville, Ohio, hereby certify that there is no newspaper published or having an office of publication in the same Village and that I published the foregoing Resolution by posting the same in five (5) of the most public places of said Village, as defined by Ordinance of Council, for a period of fifteen (15) days, beginning the date following the passage and signature of the Mayor.

A handwritten signature in cursive script, appearing to read "David See", written over a horizontal line.

Fiscal Officer

I, the undersigned Fiscal Officer of the Village of Bentleyville, Ohio, hereby certify that the foregoing is a true copy of Resolution 2022-04 duly enacted by the Council of said Village on this 19<sup>th</sup> day of January, 2022.

A handwritten signature in cursive script, appearing to read "David See", written over a horizontal line.

Fiscal Officer



**MEMORANDUM OF UNDERSTANDING  
Chagrin River Watershed Partners, Inc. & the Village of Bentleyville**

This Memorandum of Understanding (MOU) is between Bentleyville and Chagrin River Watershed Partners, Inc. (CRWP). The duration of this agreement shall be from April 1, 2021, to March 31, 2026, subject to annual review and modification as provided below.

**Section A**

The purpose of this MOU is to acknowledge certain duties undertaken by Bentleyville in fulfillment of a permit from the Ohio Environmental Protection Agency, (Ohio EPA) authorizing discharges of stormwater from a municipal separate storm sewer system (MS4), and to define the role of the CRWP in assisting Bentleyville to fulfill those duties. The parties to this MOU hereby recognize the following background to this MOU:

1. CRWP is a non-profit corporation formed by communities in the Chagrin River watershed to assist those communities in the management of stormwater runoff and related resource management issues. CRWP, through its staff, is a recognized expert in stormwater management issues.
2. Bentleyville is a member in good standing of CRWP.
3. Bentleyville is required to obtain a permit from Ohio EPA under General National Pollution Discharge and Elimination System (NPDES) Permit No.: OHQ000004 for stormwater discharges from its MS4, as defined in the permit.

**Section B**

Under this MOU, Bentleyville agrees to the following:

1. It will use its best faith efforts to provide CRWP with information about its obligations under the permit, issues pertinent to stormwater management, and the plans, programs, and resources that it has committed to fulfilling its obligations under the permit.
2. It will consider in good faith each year its decision to retain membership in CRWP and will continue such membership as long as it is deemed in the best interests of Bentleyville. Nothing in this agreement shall be construed to commit Bentleyville to continuing membership in CRWP.
3. Its permit obligations are solely its responsibility and will continue in accordance with the terms of the permit whether or not Bentleyville remains a member of the CRWP.

**Section C**

Under this MOU, CRWP agrees to the following:

1. It will use best faith efforts to collect information, consult with Bentleyville on its program and plans, and assist Bentleyville in review and implementation of its Stormwater Management Program and fulfilling its obligations under the permit.
2. All time spent by staff on the Membership Benefit Services listed in this MOU will be





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covered by Bentleyville's annual dues to CRWP or other funding secured by CRWP. Any increases to CRWP Member dues are determined by the CRWP Board of Directors, on which Bentleyville is represented. Bentleyville shall reimburse CRWP for all out-of-pocket costs incurred on its behalf. Any additional work for specific materials, consulting, or programs may be offered through fee for service at CRWP's discounted member rate. All additional work will be mutually agreed upon. Nothing in the MOU shall be construed to commit Bentleyville to any specific expenditure.

**Section D**

Under this MOU, CRWP further agrees to provide the following services to Bentleyville upon request:

1. **Minimum Control Measures #1: Public Education and Outreach.**
  - a. **Membership Benefit Services:** Services offered as part of CRWP's membership benefits supported by Bentleyville's annual dues to CRWP or other funding secured by CRWP:
    - i. Provide two (2) articles per year via e-blast notification to Bentleyville to be used for print media, digital media, or social media related to stormwater and watershed management issues.
    - ii. Assist in the preparation and presentation of public educational materials and presentations offered through the Northeast Ohio Public Involvement and Public Education workgroup.
  - b. **Additional Services Available:** Additional services can be offered in addition to the membership benefits. In some cases, these additional services can be supported by grants and service agreements awarded to CRWP. If not, CRWP may be able to assist at our discounted member rate. These additional services include:
    - i. Provide individualized educational materials to be used for print media, digital media, or social media related to stormwater and watershed management issues.
    - ii. Participate as a speaker and offer technical advice for public meetings and events as requested by Bentleyville. CRWP's participation may include developing presentations and related handouts and researching and recommending other speakers as dictated by the topic. CRWP will also notify Bentleyville of meetings outside of Bentleyville and assist Bentleyville in advertising these to residents. Bentleyville, or sponsoring organization, will organize and advertise these public meetings. This service will be coordinated with and complimentary to any other service providers.
    - iii. CRWP can provide direct outreach and educational resources to landowners at Bentleyville's request.
2. **Minimum Control Measures #2: Public Involvement and Participation.**
  - a. **Membership Benefit Services:** Services offered as part of CRWP's membership benefits supported by Bentleyville's annual dues to CRWP or other funding secured by CRWP:



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- i. CRWP in partnership with Cuyahoga SWCD, and Lake County Soil and Water Conservation District (Lake SWCD) has launched and implemented Northeast Ohio Master Rain Gardener Program to train residents and professional landscapers to design, install, and maintain residential rain gardens. This program is available to Bentleyville's residents. CRWP's work on the Master Rain Gardener Program has been supported through partial funding by the Northeast Ohio Regional Sewer District, Lake County Stormwater Management Department, Ohio EPA Section 319 Program, Western Reserve Land Conservancy Dominion Watershed Mini-Grant Program, William Bingham Foundation, CRWP Member Dues, participant registration fees, and in-kind support from the Northern Ohio Watershed Corps. This service is contingent on available funding to support CRWP's work on this program.
  - b. **Additional Services Available:** In some cases, this additional service can be supported by grants and service agreements awarded to CRWP. If not, CRWP may be able to assist Bentleyville at our discounted member rate. These additional services include:
    - i. CRWP can assist Bentleyville and other service providers with public participation events and programs at Bentleyville's request. This service will be coordinated with and complimentary to any other service providers such as Soil and Water Conservation Districts.
3. **Minimum Control Measures #3: *Illicit Discharge Detection and Elimination.***
  - a. **Membership Benefit Services:** Services offered as part of CRWP's membership benefits supported by Bentleyville's annual dues to CRWP or other funding secured by CRWP:
    - i. CRWP will provide a model code for Illicit Discharge Detection and Elimination.
  - b. **Additional Services Available:** Additional services can be offered in addition to the membership benefits. In some cases, these additional services can be supported by grants and service agreements awarded to CRWP. If not, CRWP may be able to assist at our discounted member rate. These additional services include:
    - i. CRWP can provide additional technical assistance for meeting the requirements of this MCM.
    - ii. CRWP can provide employee training on illicit discharge detection and elimination topics. This service will be coordinated with and complimentary to any other service providers.
4. **Minimum Control Measure #4: *Construction Site Stormwater Runoff Control.***
  - a. **Membership Benefit Services:** Services offered as part of CRWP's membership benefits supported by Bentleyville's annual dues to CRWP or other funding secured by CRWP:





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- i. CRWP will provide a model erosion and sediment control code for Bentleyville use to be compliant with Ohio EPA's most recent MS4 and Construction General permits.
  - b. **Additional Services Available:** Additional services can be offered in addition to the membership benefits. In some cases, these additional services can be supported by grants and service agreements awarded to CRWP. If not, CRWP may be able to assist at our discounted member rate. These additional services include:
    - i. CRWP can provide individualized assistance to Bentleyville with updating its erosion and sediment control code to be compliant with Ohio EPA's most recent MS4 and Construction General permits. CRWP can also support Bentleyville in implementing its erosion and sediment control code.
    - ii. CRWP can provide additional technical assistance for meeting the requirements of this MCM such as construction site visits, recommendations for improving erosion and sediment control on development sites, recommendations to assist communities with interpreting and enforcing ordinances, or review of site plans.
- 5. **Minimum Control Measure #5:** *Post-Construction Stormwater Runoff Control on New Development and Redevelopment.*
  - a. **Membership Benefit Services:** Services offered as part of CRWP's membership benefits supported by Bentleyville's annual dues to CRWP or other funding secured by CRWP:
    - i. CRWP will provide model codes to implement Bentleyville's Stormwater Management Program under this MCM.
    - ii. CRWP will assist in the preparation and presentation of educational materials and presentations on post-construction stormwater management.
  - b. **Additional Services Available:** Additional services can be offered in addition to the membership benefits. In some cases, these additional services can be supported by grants and service agreements awarded to CRWP. If not, CRWP may be able to assist at our discounted member rate. These additional services include:
    - i. CRWP can provide individualized assistance to Bentleyville with updating its comprehensive stormwater management code to be compliant with Ohio EPA's most recent MS4 and Construction General Permits. CRWP can also support Bentleyville in implementing its comprehensive stormwater management code.
    - ii. At Bentleyville's request, review development plans and advise on effective post-construction stormwater management techniques including stormwater control measures that address water quality problems noted in the U.S. EPA approved Total Maximum Daily Loads for the Chagrin River Watershed  
([http://www.epa.ohio.gov/portals/35/tmdl/ChagrinRiverTMDL\\_final\\_may07.pdf](http://www.epa.ohio.gov/portals/35/tmdl/ChagrinRiverTMDL_final_may07.pdf)).



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- iii. CRWP can assist Bentleyville with identifying stormwater basin retrofit and restoration projects that qualify as a performance standard required under Permit No.: OHQ000004.
6. **Minimum Control Measure #6:** Pollution Prevention and Good Housekeeping on Community Operations.
- a. **Membership Benefit Services:** Services offered as part of CRWP's membership benefits supported by Bentleyville's annual dues to CRWP or other funding secured by CRWP:
    - i. At Bentleyville's request, CRWP can provide one annual walk-through of municipal facilities.
    - ii. CRWP has developed a virtual staff training on Pollution Prevention and Good Housekeeping on Community Operations for Bentleyville's use.
      - 1. Additional information regarding this training can be found here: <https://crwp.org/staff-training-video-mcm-6/>
  - b. **Additional Services Available:** Additional services can be offered in addition to the membership benefits. In some cases, these additional services can be supported by grants and service agreements awarded to CRWP. If not, CRWP may be able to assist at our discounted member rate. These additional services include:
    - i. CRWP can assist in the preparation and presentation of educational materials and presentations on this MCM.
    - ii. CRWP can provide additional quarterly walk-throughs of municipal facilities and provide recommendations regarding implementing this MCM to assist with meeting permit requirements.
      - 1. For small MS4 facilities that do not require NPDES industrial storm water general permit coverage but require a SWPPP in accordance with Part III.B.6.c of the Permit No.: OHQ000004, routine facility inspections for these facilities must be conducted at least quarterly.
7. CRWP will cooperate with other providers of services to Bentleyville in fulfillment of permit requirements including, but not limited to, local health districts and soil and water conservation districts.
8. CRWP can assist Bentleyville in the preparation of grant proposals as requested to improve stormwater management. In some cases, this assistance can be supported by grants and service agreements awarded to CRWP. If not, CRWP may be able to assist at our discounted member rate.
9. CRWP will provide a list of services rendered to Bentleyville to aid in the preparation of its Phase II annual report to Ohio EPA.





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10. CRWP may provide other services, as appropriate, as requested by Bentleyville. In some cases, these additional services can be supported by grants and service agreements awarded to CRWP. If not, CRWP may be able to assist at our discounted member rate.

**Section E**

It is intended by the parties that this MOU clearly express the intentions and understandings of the parties that will govern their best faith efforts to cooperate in the fulfillment of Bentleyville's obligations under the Ohio EPA Permit. Nothing herein shall be considered a contractual commitment by either party.

Bentleyville's binding obligations shall be limited to the terms of the permit and to decisions that may be made by the appropriate officials, acting in accordance with Ohio law.

CRWP's good faith efforts to provide the assistance described herein shall continue only as long as Bentleyville remains a member in good standing of CRWP, in accordance with the ordinances of the corporation. CRWP's provision of services under this MOU shall also be consistent with its mandate to provide similar services to its other member communities and park districts on a fair and equitable basis.

**Section F**

This MOU may be reviewed on an annual basis and modified to the extent necessary to effectively meet the goals of each of the parties. Either party may terminate this agreement upon 30 days written notice. Upon termination, the parties will seek to fulfill pending projects and commitments based upon mutual agreement.

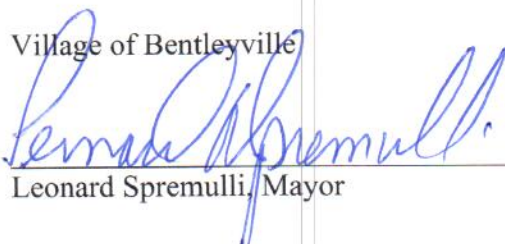
This memorandum and the understandings contained herein are hereby accepted by Bentleyville and CRWP.

Chagrin River Watershed Partners, Inc.

\_\_\_\_\_  
Heather Elmer, Director

\_\_\_\_\_  
Date

Village of Bentleyville

  
\_\_\_\_\_  
Leonard Spremulli, Mayor

1-21-2022  
\_\_\_\_\_  
Date