

MINUTES OF MEETING HELD JANUARY 27, 2011

At a regular meeting of the Board of Trustees of the ABC Water & Storm Water District, Mahoning County, Ohio, held on the above date at 1:00 p.m., the following members were present: Mr. Michael Dockry, Mr. Daniel V. Bienko, and Mr. Jason Loree. The public and news media were given proper notice regarding this meeting.

RESOLUTION 11-1-27-01: Motion was made by Mr. Loree to approve the Minutes of the Regular Meeting held December 16, 2010.

Seconded by Mr. Dockry.

Roll Call	Aye	Nay
Mr. Dockry	X	
Mr. Loree	X	
Mr. Bienko	X	

Under Old Business, Ms. Landers updated the board regarding a meeting she has scheduled to discuss the website and a flyer she made regarding the logo contest. Mr. Platton was at a seminar so there was no update on the Errors and Omissions Insurance. The board discussed the budget and would like Mr. Platton to recommend a budget document that has four columns (one column for ABC and one column for each township) in addition to creating and maintaining an accounting of where the ABC Water & Storm Water District is currently.

The Request for Qualifications for Engineering Firms was discussed and the board decided to develop a questionnaire and once the top five firms are identified, those firms will be asked to attend the March 24 meeting to present their qualifications to the board.

Regarding the Status of Addition of Territory to the District, Mr. Bienko requested that Mr. Luckage compose a summary and "To Do" list for each board member to review with their respective boards.

Board Compensation was discussed and tabled for the next meeting.

Under New Business, the following motion was passed:

RESOLUTION 11-1-27-02: Motion was made by Mr. Loree to amend Article 8, Section 1, to state that this board recognizes four positions: President, Vice President, and Secretary/Treasurer.

Seconded by Mr. Dockry.

Roll Call	Aye	Nay
Mr. Dockry	X	
Mr. Loree	X	
Mr. Bienko	X	

MINUTES OF MEETING HELD JANUARY 27, 2011

RESOLUTION 11-1-27-03: Motion was made by Mr. Dockry that the board maintain their current positions with Mr. Bienko as President, Mr. Dockry as Vice President, and Mr. Loree as Secretary/Treasurer.

Seconded by Mr. Loree.

Roll Call	Aye	Nay
Mr. Dockry	X	
Mr. Loree	X	
Mr. Bienko	X	

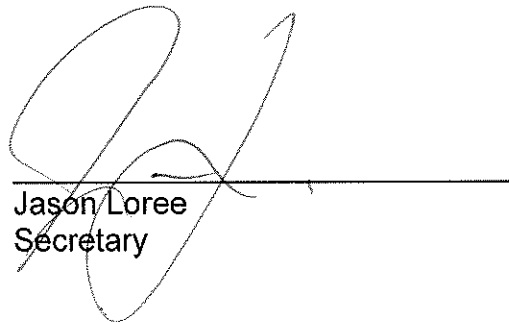
RESOLUTION 11-1-27-04: Motion was made by Mr. Loree to adjourn at 2:30 p.m.

Seconded by Mr. Dockry.

Roll Call	Aye	Nay
Mr. Dockry	X	
Mr. Loree	X	
Mr. Bienko	X	



Daniel V. Bienko
President



Jason Loree
Secretary

MINUTES OF MEETING HELD FEBRUARY 24, 2011

At a regular meeting of the Board of Trustees of the ABC Water & Storm Water District, Mahoning County, Ohio, held on the above date at 1:00 p.m., the following members were present: Mr. Michael Dockry, Mr. Daniel V. Bienko, and Mr. Jason Loree. The public and news media were given proper notice regarding this meeting.

RESOLUTION 11-2-24-01: Motion was made by Mr. Bienko to approve the Minutes of the Regular Meeting held January 27, 2011.

Seconded by Mr. Dockry.

Roll Call	Aye	Nay
Mr. Dockry	X	
Mr. Loree	X	
Mr. Bienko	X	

Under Old Business, Ms. Landers updated the board regarding the website, logo contest, and letterhead. Mr. Platton updated the board regarding the Errors and Omission Insurance and reviewed the budget spreadsheet with them.

RESOLUTION 11-2-24-02: Motion was made by Mr. Dockry to accept the GUA Insurance proposal for \$1,550.00 commencing March 1, 2011, through February 29, 2012.

Seconded by Mr. Bienko.

Roll Call	Aye	Nay
Mr. Dockry	X	
Mr. Loree	X	
Mr. Bienko	X	

Discussion ensued regarding the budget and it was agreed that Mr. Platton will provide the board with a budget spreadsheet detailing all invoices in a monthly report. In addition, the need for a chart from each township regarding its projects was discussed. The format for the next meeting was also discussed in regards to the engineering firms, along with board compensation.

RESOLUTION 11-2-24-03: Motion was made by Mr. Dockry for each ABC board member to be reimbursed \$50.00 for each meeting, starting with the new term.

Seconded by Mr. Loree.

Roll Call	Aye	Nay
Mr. Dockry	X	
Mr. Loree	X	
Mr. Bienko	X	

MINUTES OF MEETING HELD FEBRUARY 24, 2011

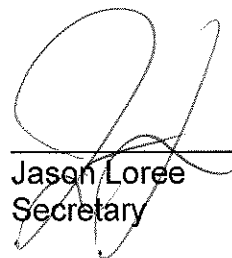
RESOLUTION 11-2-24-04: Motion was made by Mr. Dockry to adjourn at 3:15 p.m.

Seconded by Mr. Loree.

Roll Call	Aye	Nay
Mr. Dockry	X	
Mr. Loree	X	
Mr. Bienko	X	



Daniel V. Bienko
President



Jason Loree
Secretary

MINUTES OF MEETING HELD MARCH 24, 2011

At a regular meeting of the Board of Trustees of the ABC Water & Storm Water District, Mahoning County, Ohio, held on the above date at 1:00 p.m., the following members were present: Mr. Michael Dockry and Mr. Daniel V. Bienko. Mr. Jason Loree did not attend. The public and news media were given proper notice regarding this meeting.

RESOLUTION 11-3-24-01: Motion was made by Mr. Bienko to approve the Minutes of the Regular Meeting held February 24, 2011.

Seconded by Mr. Dockry.

Roll Call	Aye	Nay
Mr. Dockry	X	
Mr. Bienko	X	

Motion passes 2-0.

Discussion ensued and it was agreed that the motion regarding the percentage of expenses assigned to each township would be tabled for the next meeting.

Mr. Bienko then stated that each township must send the ABC Board its project list and a meeting should be scheduled with a representative from each township to discuss those projects.

At this point the Question and Answer session began with the following engineering firms: Michael Benza and Associates; AMEC; Sands & Decker; CDM; and EMH&T.

RESOLUTION 11-3-24-02: Motion was made by Mr. Bienko to adjourn at 3:48 p.m.

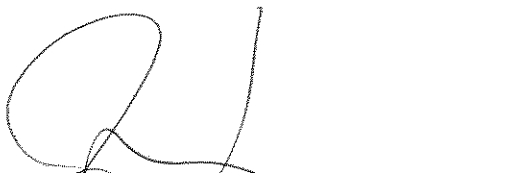
Seconded by Mr. Dockry.

Roll Call	Aye	Nay
Mr. Dockry	X	
Mr. Bienko	X	

Motion passes 2-0.



Daniel V. Bienko
President



Jason Loree
Secretary

MINUTES OF MEETING HELD MAY 26, 2011

At a regular meeting of the Board of Trustees of the ABC Water & Storm Water District, Mahoning County, Ohio, held on the above date at 1:00 p.m., the following members were present: Mr. Michael Dockry, Mr. Jason Loree, and Mr. Daniel V. Bienko. The public and news media were given proper notice regarding this meeting.

RESOLUTION 11-5-26-01: Motion was made by Mr. Dockry to approve the Minutes of the Regular Meeting held March 24, 2011.

Seconded by Mr. Bienko.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	

RESOLUTION 11-5-26-02: Motion was made by Mr. Dockry to approve the membership invoice for the Coalition of Ohio Regional Districts (CORD) for a total of \$150.00 for the calendar year of 2011.

Seconded by Mr. Bienko.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	

RESOLUTION 11-5-26-03: Motion was made by Mr. Dockry to approve the proper sharing of ABC Board costs on a population determined percentage divided over each township, with the percentage breakdown being Austintown at 43% (based on a population of 36,722); Boardman at 47% (based on a population of 40,899); and Canfield at 10% (based on a population of 8,649).

Seconded by Mr. Bienko.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	

Under Old Business, the following motions were passed:

RESOLUTION 11-5-26-04: Motion was made by Mr. Dockry to find that CDM was the highest ranking firm for storm water and to enter into negotiations for a fee structure, scope of work, and other terms and conditions.

Seconded by Mr. Bienko.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	

MINUTES OF MEETING HELD MAY 26, 2011

RESOLUTION 11-5-26-05: Motion was made by Mr. Dockry to find that Sands & Decker was the highest ranking firm for potable water and to enter into negotiations for a fee structure, scope of work, and other terms and conditions.

Seconded by Mr. Bienko.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	

There was no New Business.

RESOLUTION 11-5-26-06: Motion was made by Mr. Dockry to adjourn into Executive Session at 2:58 p.m. for purposes of discussing **Pending Litigation** (Water Contract) with the ABC Water & Storm Water District's lawyer.

Seconded by Mr. Bienko.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	

RESOLUTION 11-5-26-07: Motion was made by Mr. Dockry to adjourn Executive Session at 3:38 p.m. and return to Open Session.

Seconded by Mr. Bienko.


Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	

There was no formal action taken by the Board in Open Session from Executive Session.


RESOLUTION 11-5-26-08: Motion was made by Mr. Dockry to adjourn at 3:39 p.m.

Seconded by Mr. Bienko.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	



Jason Loree
Secretary



Daniel V. Bienko
President

MINUTES OF MEETING HELD JUNE 23, 2011

At a regular meeting of the Board of Trustees of the ABC Water & Storm Water District, Mahoning County, Ohio, held on the above date at 1:00 p.m., the following members were present: Mr. Jason Loree and Mr. Daniel V. Bienko. Mr. Dockry did not attend the meeting. The public and news media were given proper notice regarding this meeting.

RESOLUTION 11-6-23-01: Motion was made by Mr. Loree to approve the Minutes of the Regular Meeting held May 26, 2011.

Seconded by Mr. Bienko.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Bienko	X	

RESOLUTION 11-6-23-02: Motion was made by Mr. Loree to adopt the Resolution attached to these minutes amending the petition to change criteria for eligibility of board appointment such that the appointment of each Township's representative on the Board may be either a resident of that respective Township or on an owner of real property with the District as the District territory is defined at the time of the appointment.

Seconded by Mr. Bienko.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Bienko	X	

Under Old Business, discussion ensued on the township territory status.

There was no New Business.

RESOLUTION 11-6-23-03: Motion was made by Mr. Loree to adjourn into Executive Session at 2:07 p.m. for purposes of discussing **Pending Litigation** (Water Contract) with the ABC Water & Storm Water District's lawyer.

Seconded by Mr. Bienko.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Bienko	X	

RESOLUTION 11-6-23-04: Motion was made by Mr. Loree to revoke Resolution #11-6-23-02.

Seconded by Mr. Bienko.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Bienko	X	

MINUTES OF MEETING HELD JUNE 23, 2011

RESOLUTION 11-6-23-05: Motion was made by Mr. Loree to adjourn Executive Session at 3:36 p.m. and return to Open Session.

Seconded by Mr. Bienko.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Bienko	X	

The following motions were passed by the Board in Open Session from Executive Session:

RESOLUTION 11-6-23-06: Motion was made by Mr. Loree to adopt the Resolution attached to these minutes amending the petition to change criteria for eligibility of board appointment such that the appointment of each Township's representative on the Board may be either a resident of that respective Township or on an owner of real property within the that respective Township.

Seconded by Mr. Bienko.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Bienko	X	

RESOLUTION 11-6-23-07: Motion was made by Mr. Loree to adjourn at 3:57 p.m.

Seconded by Mr. Bienko.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Bienko	X	


Daniel V. Bienko
President


Jason Loree
Secretary

ABC Water and Storm Water District

8299 MARKET STREET • BOARDMAN, OHIO 44512 • (330) 726-4177 • FAX: (330) 729-2054

Austintown
Michael Dockry
Vice Chairman
mdockry@austintowntwp.com

Boardman
Jason Loree
Secretary
jlore@twp.boardman.oh.us

Canfield
Daniel Victor Bienko
Chairman
dvbienko@aol.com

Stephanie Landers, Assistant to the Secretary, slanders@twp.boardman.oh.us

RESOLUTION TO AMEND PETITION TO CHANGE CRITERIA FOR ELIGIBILITY OF BOARD APPOINTMENT

RESOLUTION # 11-6-23-02

The ABC Water and Storm Water District Board, of Austintown, Boardman, and Canfield Townships, Mahoning County, Ohio met in Regular Session at the Boardman Township Administration Building, 8299 Market Street, Boardman, Ohio, on June 23, 2011, with the following members present: Jason Loree, Michael Dockry, and Daniel V. Bienko.

Mr. Loree moved to adoption the following Resolution:

Be it resolved:

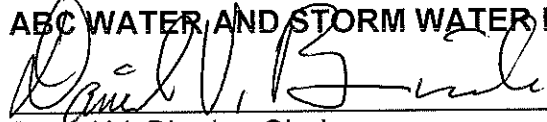
1. The Board of the ABC Water and Storm Water District, of Austintown, Boardman and Canfield Townships, Mahoning County, Ohio, deems it necessary and advisable to approves this Motion (Petition) to Amend Petition which will amend Sections 6, 6(a) and 6 (b) of the District's Petition to change the criteria for eligibility for Board appointment such that the appointment of each Township's representative on the Board may be either a resident of that respective Township or an owner of real property within the District as the District territory is defined at the time of appointment.
2. This Board authorizes Albers and Albers to file the same with the Mahoning County Court of Common Pleas and to do all things necessary in support of such Motion.
3. This Board authorizes the preparation of a notice of the hearing on said Motion to Amend Petition and the publication of such notice in the Vindicator once a week for four consecutive weeks prior to the hearing.

Mr. Bienko seconded the motion, and roll was called on the question of its adoption. The vote was as follows:

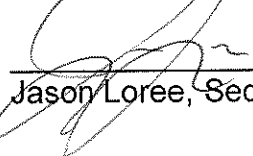
<u>Name</u>	<u>Vote</u>
Mr. Jason Loree	<u>Yea</u>
Mr. Michael Dockry	<u>-</u>
Mr. Daniel V. Bienko	<u>Yea</u>

Adopted: 6-23-11
Date

ABC WATER AND STORM WATER DISTRICT


Daniel V. Bienko, Chairman

—
Michael Dockry, Vice Chairman


Jason Loree, Secretary

ABC Water and Storm Water District

8299 MARKET STREET • BOARDMAN, OHIO 44512 • (330) 726-4177 • FAX: (330) 729-2054

Austintown
Michael Dockry
Vice Chairman

mdockry@austintowntwp.com

Boardman
Jason Loree
Secretary

jloree@twp.boardman.oh.us

Canfield
Daniel Victor Bienko
Chairman

dvbienko@aol.com

Stephanie Landers, Assistant to the Secretary, slanders@twp.boardman.oh.us

RESOLUTION TO AMEND PETITION TO CHANGE CRITERIA FOR ELIGIBILITY OF BOARD APPOINTMENT

RESOLUTION # 11-6-23-06

The ABC Water and Storm Water District Board, of Austintown, Boardman, and Canfield Townships, Mahoning County, Ohio met in Regular Session at the Boardman Township Administration Building, 8299 Market Street, Boardman, Ohio, on June 23, 2011, with the following members present: Jason Loree, Michael Dockry, and Daniel V. Bienko.

Mr. Loree moved to adoption the following Resolution:

Be it resolved:

1. The Board of the ABC Water and Storm Water District, of Austintown, Boardman and Canfield Townships, Mahoning County, Ohio, deems it necessary and advisable to approve this Motion (Petition) to Amend Petition which will amend Sections 6, 6(a) and 6 (b) of the District's Petition to change the criteria for eligibility for Board appointment such that the appointment of each Township's representative on the Board may be either a resident of that respective Township or an owner of real property within that respective Township.
2. This Board authorizes Albers and Albers to file the same with the Mahoning County Court of Common Pleas and to do all things necessary in support of such Motion.
3. This Board authorizes the preparation of a notice of the hearing on said Motion to Amend Petition and the publication of such notice in the Vindicator once a week for four consecutive weeks prior to the hearing.

Mr. Bienko seconded the motion, and roll was called on the question of its adoption. The vote was as follows:

<u>Name</u>	<u>Vote</u>
Mr. Jason Loree	<u>Yea</u>
Mr. Michael Dockry	<u>-</u>
Mr. Daniel V. Bienko	<u>Yea</u>

Adopted: 6-23-11
Date

ABC WATER AND STORM WATER DISTRICT

D.V. Bienko
Daniel V. Bienko, Chairman

Michael Dockry
Michael Dockry, Vice Chairman

Jason Loree
Jason Loree, Secretary

MINUTES OF MEETING HELD AUGUST 3, 2011

At a special meeting of the Board of Trustees of the ABC Water & Storm Water District, Mahoning County, Ohio, held on the above date at 1:00 p.m., the following members were present: Mr. Jason Loree and Mr. Michael Dockry. Mr. Bienko did not attend the meeting. The public and news media were given proper notice regarding this meeting.

RESOLUTION 11-8-3-01: Motion was made by Mr. Loree to approve the Professional Engineering Services Agreement for the ABC Water and Storm Water District from Sands Decker CPS, LLC, as attached to these minutes.

Seconded by Mr. Dockry.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	

RESOLUTION 11-8-3-02: Motion was made by Mr. Loree to approve the Engineering Task Order between ABC Water and Storm Water District and Sands Decker CPS, LLC, for "Professional Engineering Services", as attached to these minutes.

Seconded by Mr. Dockry.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	

RESOLUTION 11-8-3-03: Motion was made by Mr. Loree to adjourn at 1:10 p.m.

Seconded by Mr. Dockry.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	



Michael Dockry
President Pro Tem



Jason Loree
Secretary

**EXHIBIT A
CAMP DRESSER & McKEE INC.
SCHEDULE OF HOURLY BILLING RATES**

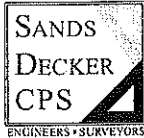
<u>LABOR CLASSIFICATIONS</u>	<u>HOURLY RATES</u>
<u>PROFESSIONAL SERVICES:</u>	
Professional I (Grades 1 and 2)	\$100.00
Professional II (Grades 3 and 4)	\$125.00
Senior Professional (Grades 5 and 6)	\$150.00
Principal/ Associate (Grades 7 and 8)	\$170.00
Officer (Grades 9 and 10)	\$240.00
<u>PROFESSIONAL SUPPORT SERVICES:</u>	
Staff Support Services (Grades 1-4)	\$90.00
Senior Support Services (Grades 5-10)	\$120.00
<u>FIELD SERVICES:</u>	
Professional (Grades 1-4)	\$85.00
Senior Professional (Grades 5-8)	\$115.00
<u>PROJECT SUPPORT SERVICES:</u>	
Project Administration (All Grades)	\$85.00

1. In addition to the above salaries, the OWNER will reimburse ENGINEER for the direct costs applicable for this project as listed below.

All expenses incurred for this project from outside vendors will be invoiced at cost plus 10 percent to cover administrative expenses. These items may include, but are not limited to: shipping charges; printing supplies; air fare; lodging; car rental; equipment; special insurance, licenses; permits; or subcontractors.

2. OWNER's in-house services will be invoiced at the following rates:

- Computers
 - \$6/hour for microcomputers
 - \$12/hour for AutoCAD
- Transportation
 - \$0.51/mile or the latest federal reimbursement rate for personal or company-owned vehicles.



COLUMBUS OFFICE
 1495 Old Henderson Road
 Columbus, Ohio 43220
 614-459-6992
 Fax: 614-459-6987

CORP. OFFICE: LOGAN
 397 West Front Street
 Logan, Ohio 43138
 740-385-2140
 Fax: 740-385-0491

PRINCIPALS
 J. Scott Sands, P.E., NCEES
 Glenn E. Decker, P.E., NCEES
 Mark E. Cameron, P.S.
 Mark W. Antonetz, P.E.
 F. Rick Cox, Associate

2011 FEES AND RATES

Principal Engineer	\$140.00 per hour
Engineer IV	\$110.00 per hour
Engineer III	\$ 87.00 per hour
Engineer II	\$71.00 per hour
Professional Surveyor	\$102.00 per hour
Project Manager II	\$ 84.00 per hour
Project Manager / Designer	\$ 75.00 per hour
Survey Crew Chief	\$ 70.00 per hour
Survey Crew Chief GPS	\$ 95.00 per hour
Survey Technician II	\$ 60.00 per hour
Three-man Survey Crew	\$145.00 per hour
Two-man Survey Crew	\$130.00 per hour
Two-man G.P.S. Survey Crew	\$155.00 per hour
One-man Survey Crew	\$ 90.00 per hour
One-man G.P.S. Survey Crew	\$120.00 per hour
Design Technician IV	\$75.00 per hour
Design Technician III	\$69.00 per hour
Design Technician II	\$60.00 per hour
Design Technician I	\$50.00 per hour
Contract Administrator	\$68.00 per hour
Field Technician	\$45.00 per hour
Plan Review	\$90.00 per hour
Admin. / Clerical	\$50.00 per hour

Professional Engineer / Surveyor - Expert Witness / Litigation	\$285.00 per hour
Weekend and Holiday meetings/services	Rate x 1.5
Sub-consultant services	Cost plus 15%
Reimbursable expenses associated with the project:	
Vehicle Mileage:	\$0.58 per mile
Overnight delivery	Cost plus 15%
Meals/Lodging	Cost plus 15%
Additional Prints (D-size 24"x 36")	\$1.75 per sheet
Additional Prints (E-size 36"x 46")	\$2.50 per sheet
Other expenses not listed	Cost plus 15%



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PRINCIPALS
 J. Scott Sands, P.E., NCEES
 Glenn E. Decker, P.E., NCEES
 Mark E. Cameron, P.S.
 Mark W. Antonetz, P.E.
 F. Rick Cox, Associate

2011 FEES AND RATES

Scott Sands, P.E.	Principal	\$140.00 per hour
Glenn E. Decker, P.E.	Principal	\$140.00 per hour
Mark W. Antonetz, P.E.	Principal	\$140.00 per hour
Mark Cameron, P.S.	Principal	\$140.00 per hour
	Engineer IV	\$110.00 per hour
	Engineer III	\$ 87.00 per hour
	Engineer II	\$71.00 per hour
Tony Sheck, P.S., Mark Cameron, P.S.	Professional Surveyor	\$102.00 per hour
Rick Cox	Project Manager II	\$ 84.00 per hour
Sheila Wolfe	Project Manager II	\$ 84.00 per hour
Edgil Williams	Project Manager / Designer	\$ 75.00 per hour
Larry Neal, Bill Snively	Survey Crew Chief	\$ 70.00 per hour
Bill Rhoad	Survey Technician III	\$ 69.00 per hour
Todd Farmer	Survey Technician II	\$ 60.00 per hour
	Three-man Survey Crew	\$150.00 per hour
	Two-man Survey Crew	\$120.00 per hour
	One-man GPS Survey Crew	\$105.00 per hour
Loretta Armentrout	Design Technician IV	\$75.00 per hour
Shawn Leach, Tim Jewell, Jason Stevens	Design Technician III	\$69.00 per hour
	Design Technician II	\$60.00 per hour
	Design Technician I	\$50.00 per hour
Edgil Williams	Contract Administrator	\$75.00 per hour
	Field Technician	\$45.00 per hour
	Plan Review	\$90.00 per hour
Kathy Zalmon	Admin. / Clerical	\$50.00 per hour
<hr/>		
Professional Engineer / Surveyor - Expert Witness / Litigation		\$285.00 per hour
Weekend and Holiday meetings/services		Rate x 1.5
Sub-consultant services		Cost plus 15%
Reimbursable expenses associated with the project:		
Vehicle Mileage		\$0.58 per mile
Overnight delivery		Cost plus 15%
Meals/Lodging		Cost plus 15%
Additional Prints (D-size 24"x 36")		\$1.75 per sheet
Additional Prints (E-size 36"x 46")		\$2.50 per sheet
Other expenses not listed		Cost plus 15%

We will charge time and mileage for one-way for travel. We will charge time starting when we leave our office until the meeting or services end at the meeting site or project site. We will not charge for the return trip to our offices.

Effective Jan. 1, 2011

**EXHIBIT A
CAMP DRESSER & McKEE INC.
SCHEDULE OF HOURLY BILLING RATES**

<u>LABOR CLASSIFICATIONS</u>	<u>HOURLY RATES</u>
<u>PROFESSIONAL SERVICES:</u>	
Professional I (Grades 1 and 2)	\$105.00
Professional II (Grades 3 and 4)	\$130.00
Senior Professional (Grades 5 and 6)	\$150.00
Principal/ Associate (Grades 7 and 8)	\$175.00
Officer (Grades 9 and 10)	\$200.00
<u>PROFESSIONAL SUPPORT SERVICES:</u>	
Staff Support Services (Grades 1-4)	\$95.00
Senior Support Services (Grades 5-10)	\$120.00
<u>FIELD SERVICES:</u>	
Professional (Grades 1-4)	\$90.00
Senior Professional (Grades 5-8)	\$120.00
<u>PROJECT SUPPORT SERVICES:</u>	
Project Administration (All Grades)	\$85.00

Notes:

1. The rates set forth herein are valid through January 1, 2012, and shall be subject to adjustment at that time subject to approval by OWNER. These rates, if revised and agreed upon, will be subject to further adjustment again in July 2012 and then again in January and July of subsequent years.
2. In addition to the above salaries, the OWNER will reimburse CDM for transportation charges at \$0.51/mile or the latest federal reimbursement rate for personal or company-owned vehicles. Note that hourly billing rates will not apply while in travel status. While in travel status, OWNER will reimburse CDM for transportation charges only.
3. In addition to the above salaries, the OWNER will reimburse CDM for shipping charges (e.g., FedEx). These charges will be invoiced at cost.

4. Other direct costs omitted: in-house reproduction, printing supplies, in-house computer usage, and administering subcontractors.
5. Laboratory charges - Unit prices for sample testing, handling, and storage will be established for individual assignments, if appropriate.
6. Equipment charges - A schedule of usage rates for specialty equipment will be established for field assignments, if appropriate.

**MASTER SERVICES AGREEMENT BETWEEN THE
ABC WATER AND STORM WATER DISTRICT
AND
SANDS DECKER CPS, LLC**

**FOR PROFESSIONAL ENGINEERING SERVICES
FOR
ABC WATER AND STORM WATER DISTRICT**

SECTION I:

This AGREEMENT entered into this 3rd day of August, 2011, by and between the ABC WATER AND STORM WATER DISTRICT, hereafter designated as the "DISTRICT", and SANDS DECKER CPS, LLC, hereinafter designated as the "ENGINEER".

WHEREAS the DISTRICT wishes to obtain Professional Engineering Services for potential water resource projects of the DISTRICT.

NOW, THEREFORE, the DISTRICT and the ENGINEER, in consideration of the mutual covenants hereinafter set forth, agree as follows:

SECTION II: ENGINEERING SERVICES

- 2.1. The ENGINEER shall provide such professional engineering services as are requested by the DISTRICT and generally described herein, including, but not limited to, the following:
- A. Prepare preliminary engineering feasibility studies, including cost analysis, for the DISTRICT's potential potable water resource projects.
 - B. Consult with and advise the DISTRICT regarding the design, property acquisition, bidding and inspection of potable water projects, including raw water sources, treatment plants and distribution systems, in a cost-effective manner.
 - C. Consult with and advise the DISTRICT regarding the examination and evaluation of existing potable water distribution systems, the viability of use of such systems to provide potable water to the DISTRICT and contractual issues related thereto.

- D. Managing the exploration and development of new raw water sources, including wells, reservoirs and any other options.
 - E. Assist the DISTRICT in drafting potable water rules, regulations and policies, including those related to EPA water permitting and other rules and regulations.
 - F. Conduct research related to applying for, coordinating and successfully securing water project financing loans and grants from the various sources of funding for such projects.
 - G. Attend the DISTRICT's day or evening meetings, as needed.
 - H. Any other matters related to the DISTRICT's potable water purposes, as requested by the DISTRICT
- 2.2. Further, ENGINEER shall provide such additional professional engineering services as the DISTRICT may request upon such terms and conditions as the parties shall agree at that time.
- 2.3. ENGINEER's specific scope of work, the time schedule, not-to-exceed charges, and payment conditions for any task are to be set forth in written Task Order(s). Each Task Order shall be executed by authorized representative of the DISTRICT and the ENGINEER. The Fees for each Task Order shall be based on the Engineer's Fees and Rates attached to this AGREEMENT as Exhibit A, and incorporated herein by reference, or such adjusted Fees and Rates as the parties may mutually agree upon in the future. The period of service of each individual Task Order shall be specified and mutually agreed to in the specific Task Order.
- 2.4. The terms and conditions of this Agreement shall apply to each Task Order, except to the extent expressly modified. When a Task Order is to modify a provision of this Agreement, the Section of this Agreement to be modified shall be specifically referenced in the Task Order, and the modification shall be precisely described.

SECTION III: ENGINEER'S RESPONSIBILITIES

- 3.1. Throughout the period of this AGREEMENT, the ENGINEER shall:
- A. Consult with and advise the DISTRICT on matters concerning engineering.
 - B. Advise the DISTRICT when it appears necessary to obtain services not covered by this AGREEMENT including but not limited to soil boring or testing, material testing, subsurface investigations, or other investigations as may be required during the planning, design, construction or operation of the services described herein, and assist in arranging for these services.
 - C. Manage, oversee and inspect construction projects and perform any related tasks involving the competitive bidding process.
 - D. Keep the DISTRICT apprised of project costs and engineering costs.
 - E. Consult with and advise the DISTRICT'S staff, attorney and other professional consultants of the DISTRICT.
 - F. Consult with the DISTRICT to clarify and define the DISTRICT'S requirements for each Task Order and review available data.
 - G. Provide analyses of the DISTRICT's needs with evaluation and comparative studies of prospective solutions.
 - H. The ENGINEER will keep the DISTRICT apprised of project and engineering/Task Order costs as requested by the DISTRICT.

SECTION IV: THE DISTRICT'S RESPONSIBILITIES

In support of the engineering services described herein, the DISTRICT will:

- 4.1. Provide all criteria and full information regarding to project requirements as may be reasonable under the circumstances.
- 4.2. Assist the ENGINEER by placing at its disposal all available information the DISTRICT processes relative to the services required of the ENGINEER, including previous reports; property, right-of-way, topographic, and utility surveys; soil reports; hydrographic surveys; laboratory tests; and inspections of samples and materials, all of which the ENGINEER will consider in performing its services.

- 4.3. To the extent the DISTRICT is permitted under Ohio law, make all provisions for the ENGINEER to enter upon private lands as required for the ENGINEER to perform its work under this AGREEMENT.
- 4.4. Acquire all land and rights-of-way which it determines are necessary.
- 4.5. Examine all studies, reports, sketches, estimates, specifications, drawings, proposals, and other documents presented by the ENGINEER and render decisions pertaining thereto within a reasonable time.
- 4.6. Provide for itself such accounting, insurance counseling, and legal services as it may require for the DISTRICT and the District Systems at its own expense.
- 4.7. Provide the ENGINEER and its authorized agents access to all property and easements owned by the DISTRICT which contain or support the District Systems.
- 4.8. At its own expense, furnish such additional services not provided by the ENGINEER under the terms of this AGREEMENT as the DISTRICT deems necessary and advisable.
- 4.9. Pay fees and deposits required by any governmental agency or department or other political subdivision, but the DISTRICT shall not be responsible for any fees or deposits caused by the negligent acts, or errors or omissions of the ENGINEER.

SECTION V: PAYMENT TO THE ENGINEER

- 5.1. For the services detailed in Section 2.1. above, the DISTRICT shall pay ENGINEER based on the Engineer's Fees and Rates attached to this AGREEMENT as Exhibit A and incorporated herein by reference, or such adjusted Fees and Rates as the parties may mutually agree in the future.
- 5.2. For engineering services rendered in addition to those described in Section 2.1., all engineering services must first be authorized by the DISTRICT pursuant to a Task Order. Said Task Order shall be prepared by the Engineer, shall describe the services to be rendered, and shall describe the Engineering Fees to be paid for the same based on the Rate Schedule attached hereto as Exhibit A, or such

adjusted Fees and Rates as the parties may mutually agree in the future, including a "not-to-exceed" limitation on such fees.

- 5.3. The compensation provided for in this SECTION shall be billed and paid on a monthly basis or by such other arrangement as is mutually agreed to by the DISTRICT and ENGINEER.

SECTION VI: GENERAL CONSIDERATIONS

- 6.1. The lead representative of the ENGINEER shall be Scott Sands, unless it is mutually agreed otherwise by the DISTRICT and the ENGINEER.
- 6.2. **DISTRICT PROPERTY:** All documents, including original drawings, plans, studies, computer disks, electronic files of any kind, estimates, specifications, field notes and data of any kind, format or media prepared or possessed by the ENGINEER for a designated project or Task Order under this Agreement are and will be the property of the DISTRICT and the ENGINEER shall return the same to the DISTRICT upon request. However, the ENGINEER assumes no liability for any unauthorized use of the documents. Use of these documents which requires further time and efforts on the part of the ENGINEER shall entitle the ENGINEER to further compensation as agreed upon between the DISTRICT and ENGINEER. The ENGINEER makes no warranties regarding the use of said documents by any other engineering firm.
- 6.3. **COST CONTROL:** As the ENGINEER has no control over the cost of labor, materials, or equipment; or over a contractor's method of determining prices, or over competitive bidding or market conditions, the estimates of construction costs provided for pursuant to this Agreement are to be made on the basis of its experience and qualifications and such estimates represent its best judgment as a design professional familiar with the construction industry. The ENGINEER cannot, and does not, guarantee that construction bids or a project construction cost will not vary from cost estimates prepared by it.
- 6.4. **STANDARD OF CARE:** Subject to sub-section 6.5 herein, the services provided by ENGINEER shall be performed in accordance with generally accepted

professional engineering practices at the time when and the place where the services are rendered.

- 6.5. **NEGLIGENCE:** ENGINEER assumes no liability for the latent defects or omissions which occur in relation to any construction project which said defects or omissions are caused or occasioned by any person who is not an employee or agent of the ENGINEER; except that ENGINEER shall be liable for such defects and omissions where they have been caused by or contributed to by the negligent acts, errors or omissions of the ENGINEER, its employees or agents, and the ENGINEER specifically agrees that such liability accrues on the date that the DISTRICT discovers or becomes aware of any such negligent act(s).
- 6.6. **FORCE MAJEURE:** The ENGINEER will perform its service in a timely manner but it is agreed between the parties to this AGREEMENT that the ENGINEER cannot be responsible for delays occasioned by factors reasonably beyond its control, including acts of God or the public enemy, orders of a government authority, changes in law, act of war, terrorism, sabotage, floods or riots.
- 6.7. **CONFIDENTIALITY:** All information collected and provided to the ENGINEER pursuant to this Agreement, and all items prepared by the ENGINEER in behalf of the DISTRICT pursuant to this Agreement as well as all oral communications between the parties, shall be considered to be confidential in nature. Accordingly, the ENGINEER shall not disclose, or permit the disclosure, of any confidential information except to its employees and other consultants who need such confidential information in order to properly prepare authorized services. No information shall be released by the ENGINEER for publication, advertising or for any other purpose without prior written approval of the DISTRICT.
- 6.8. **INSURANCE REQUIRMENTS OF ENGINEER:** The ENGINEER will secure and maintain such insurance as will protect it and the DISTRICT from claims under Worker's Compensation laws, claims for damages because of bodily injury or personal injury, sickness or disease, or death of any of its employees, agents or other person working at its direction, and from claims for damages because of injury to or destruction of property as a result of performing responsibilities

covered in this AGREEMENT. Further, ENGINEER shall secure and maintain such insurance with the minimum limits of coverage for claims for bodily injury, death, and property damage as follows:

- (a) Auto liability coverage limits shall be at least \$1,000,000.00 per person, for bodily injury \$2,000,000.00 per occurrence, and \$100,000.00 per occurrence for property damage.
- (b) General Liability: \$1,000,000.00 bodily injury and property damage - combined single limit.
- (c) Umbrella Liability: \$1,000,000.00 (bodily injury and property damage combined, single limit).

ENGINEER shall furnish proof of such insurance at any time upon request of the DISTRICT.

- 6.9. **INDEMNIFICATION:** ENGINEER shall indemnify and hold harmless the DISTRICT and each member of the Board of Trustees of the DISTRICT (and their heirs, executors, and administrators) who is made a party or who is threatened to be made a party to any litigation, action, suit, demand or proceeding, whether civil, criminal, investigative, administrative or other, by reason of the negligent acts, errors or omissions of the ENGINEER or any of ENGINEER's employees, agents or persons under its direction, and ENGINEER shall provide legal representation and pay the cost thereof and pay any claim or judgment obtained or growing out of said claims or liabilities. In addition, ENGINEER shall maintain professional malpractice insurance for all personnel employed by ENGINEER insuring the DISTRICT against any malpractice of ENGINEER, or any of its employees, in an amount not less than one million dollars (\$1,000,000.00).
- 6.10. **TERM & TERMINATION:** The period of service of this Agreement shall be indefinite, subject to the termination procedures herein. Either the ENGINEER or the DISTRICT may, at any time, prior to the completion of full performance by the ENGINEER of any engineering services rendered under this AGREEMENT or Task Order, terminate this AGREEMENT or any part thereof by giving written notice of its intention to do so by registered mail not less fifteen (15) days prior to the effective date of such termination. In the event that the DISTRICT should

terminate this AGREEMENT, payment to the ENGINEER will be made promptly for any fees earned prior to the date that the ENGINEER receives notice of such termination. The ENGINEER shall make no claim for additional compensation against the DISTRICT by reason of such termination. In the event of termination by either party, ENGINEER shall promptly return to DISTRICT all files, documents, plans, electronic or computer data, drawings, and all other items related to the DISTRICT.

- 6.11. **SUCCESSORS AND PROHIBITION OF ASSIGNMENT:** The DISTRICT and the ENGINEER each binds itself and its partners, successors, executors, administrators and assigns to the other party of this AGREEMENT and to the partners, successors, executors, administrators and assigns of such other party to this AGREEMENT, in respect to all covenants of this AGREEMENT; except as above, neither the DISTRICT nor the ENGINEER shall assign, sublet, or transfer its interest in this AGREEMENT without the written consent of the other.
- 6.12. **NO THIRD PARTY BENEFICIARIES:** Nothing herein shall be construed as creating any personal liability on the part of any officer or agent of any public body which may be a party hereto, nor shall it be construed as giving any rights or benefits hereunder to anyone other than the DISTRICT and the ENGINEER.
- 6.13. **NOTICES:** Any notice required by this AGREEMENT shall be conclusively presumed to have been received if in writing and if delivered personally or sent by registered or certified mail, postage prepaid, to the party to be notified at that party's usual place of business.
- 6.14. **LEGAL INTERPRETATION:** This AGREEMENT shall be construed and interpreted in accordance with the law of the State of Ohio.
- 6.15. **NONDISCRIMINATION:** In connection with the performance of work under this Agreement and related Task Order(s), the ENGINEER agrees not to discriminate against any employee or applicant for employment because of race, religion, sex, sexual orientation, color, Vietnam Era and disabled veterans, age, handicap, or national origin. The aforesaid provision shall include, but not be limited to, the following: employment, up-grading, demotion or transfer, forms of compensation, and selection for training, including apprenticeship. The ENGINEER agrees to

post hereafter in conspicuous places, available for employees or applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the non-discrimination clause. The ENGINEER further agrees to insert the foregoing provisions in all contracts hereunder except sub-contracts for standard commercial supplies or raw materials.

- 6.16. **WAIVER:** The waiver by either party of a breach or violation of any provision of this AGREEMENT shall not operate as or be construed to be a waiver of any subsequent breach hereof.
- 6.17. **ENTIRE AGREEMENT:** This AGREEMENT contains the entire AGREEMENT of the parties and any Task Orders are incorporated herein. It may not be modified orally, but only by an agreement or Task Order in writing signed by both parties.
- 6.18. **DISPUTE RESOLUTION:** In case of any dispute, claim, questions, or disagreement arising from or relating to the Project or arising out of this Agreement or the breach thereof, the parties shall first attempt resolution through mutual discussion. If the parties cannot resolve any dispute, claim, question, or disagreement arising from or related to the a Task Order, or arising out of this Agreement or the breach thereof through mutual discussion, the parties shall, in good faith, participate in private, non-binding facilitative mediation seeking a just and equitable solution satisfactory to the parties. The parties shall not be required to mediate for a period greater than ninety (90) days unless otherwise agreed to in writing by the parties. However, either party may institute litigation at any time so as to avoid the expiration of a statute of limitations. The parties shall provide to the others copies of essential documentation relevant to the support or defense of the matter being mediated.

IN WITNESS WHEREOF, the parties hereto have made and executed this AGREEMENT this day and year first above written.

ENGINEER

DISTRICT

SANDS DECKER CPS, LLC

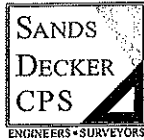
ABC WATER AND STORM WATER DISTRICT

BY: _____
President

BY: _____
Chairman, Board of Trustees

Date: _____

Date: _____



COLUMBUS OFFICE
 1495 Old Henderson Road
 Columbus, Ohio 43220
 614-459-6992
 Fax: 614-459-6987

CORP. OFFICE: LOGAN
 397 West Front Street
 Logan, Ohio 43138
 740-385-2140
 Fax: 740-385-0491

PRINCIPALS
 J. Scott Sands, P.E., NCEES
 Glenn E. Decker, P.E., NCEES
 Mark E. Cameron, P.S.
 Mark W. Antonetz, P.E.
 F. Rick Cox, Associate

2011 FEES AND RATES

Principal Engineer	\$140.00 per hour
Engineer IV	\$110.00 per hour
Engineer III	\$ 87.00 per hour
Engineer II	\$71.00 per hour
Professional Surveyor	\$102.00 per hour
Project Manager II	\$ 84.00 per hour
Project Manager / Designer	\$ 75.00 per hour
Survey Crew Chief	\$ 70.00 per hour
Survey Crew Chief GPS	\$ 95.00 per hour
Survey Technician II	\$ 60.00 per hour
Three-man Survey Crew	\$145.00 per hour
Two-man Survey Crew	\$130.00 per hour
Two-man G.P.S. Survey Crew	\$155.00 per hour
One-man Survey Crew	\$ 90.00 per hour
One-man G.P.S. Survey Crew	\$120.00 per hour
Design Technician IV	\$75.00 per hour
Design Technician III	\$69.00 per hour
Design Technician II	\$60.00 per hour
Design Technician I	\$50.00 per hour
Contract Administrator	\$68.00 per hour
Field Technician	\$45.00 per hour
Plan Review	\$90.00 per hour
Admin. / Clerical	\$50.00 per hour

Professional Engineer / Surveyor - Expert Witness / Litigation	\$285.00 per hour
Weekend and Holiday meetings/services	Rate x 1.5
Sub-consultant services	Cost plus 15%
Reimbursable expenses associated with the project:	
Vehicle Mileage:	\$0.58 per mile
Overnight delivery	Cost plus 15%
Meals/Lodging	Cost plus 15%
Additional Prints (D-size 24" x 36")	\$1.75 per sheet
Additional Prints (E-size 36" x 46")	\$2.50 per sheet
Other expenses not listed	Cost plus 15%

MINUTES OF MEETING HELD SEPTEMBER 22, 2011

At a regular meeting of the Board of Trustees of the ABC Water & Storm Water District, Mahoning County, Ohio, held on the above date at 1:00 p.m., the following members were present: Mr. Jason Loree, Mr. Michael Dockry, and Mr. Daniel V. Bienko. The public and news media were given proper notice regarding this meeting.

RESOLUTION 11-9-22-01: Motion was made by Mr. Loree to approve the Minutes of the Regular Meeting held June 23, 2011.

Seconded by Mr. Dockry.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	

RESOLUTION 11-9-22-02: Motion was made by Mr. Loree to approve the Minutes of the Special Meeting held August 3, 2011.

Seconded by Mr. Dockry.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	

RESOLUTION 11-9-22-03: Motion was made by Mr. Bienko to adopt the Resolution attached to the minutes herein, accepting the application from Austintown Township to the ABC Water and Storm Water District to include within the territory of the ABC Water and Storm Water District all remaining unincorporated territory in Austintown Township not presently included in the District as originally established by Court action on November 30, 2009.

Seconded by Mr. Loree.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	

RESOLUTION 11-9-22-04: Motion was made by Mr. Bienko to adopt the Resolution attached to the minutes herein, accepting the application from Boardman Township to the ABC Water and Storm Water District to include within the territory of the ABC Water and Storm Water District all remaining unincorporated territory in Boardman Township not presently included in the District as originally established by Court action on November 30, 2009.

Seconded by Mr. Dockry.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	

MINUTES OF MEETING HELD SEPTEMBER 22, 2011

RESOLUTION 11-9-22-05: Motion was made by Mr. Bienko to modify Resolution # 11-05-26-03 and return to the original ABC Board reimbursement rate of 33 1/3% for each township for expenses incurred to begin October 1, 2011.

Seconded by Mr. Loree.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko		X

Motion passes 2-1.

Under Old Business, discussion ensued regarding the CDM Water Contract and copies of the CDM agreement were distributed for final review. In addition, it was discussed that the Canfield Township Administrator will work on the inclusion of the Canfield territory. Lastly, Mr. Luckage will send a letter regarding the water supply.

Under New Business, Mr. Bienko reminded each township that the ABC Board needs a list of their storm water projects so the Board can begin reviewing them.

RESOLUTION 11-9-22-06: Motion was made by Mr. Loree to adjourn at 2:56 p.m.

Seconded by Mr. Bienko.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	



Daniel V. Bienko
President



Jason Loree
Secretary

RESOLUTION NO. 11-09-22-03

ABC Water and Storm Water District
Mahoning County, Ohio

The Board of Trustees of the ABC Water and Storm Water District, Mahoning County, Ohio met in regular session, pursuant to notice, on the 22nd day of September 2011 at 1:00 p.m. at the Boardman Township Government Center, 8299 Market Street, Boardman, Ohio 44512, with the following members present: Daniel Bienko, Michael Dockry and Jason Loree.

Mr. Daniel Bienko moved the adoption of the following Resolution:

BE IT RESOLVED by the Board of Trustees as follows:

WHEREAS, pursuant to Ohio Revised Code Section 6119.05, the Austintown Township Board of Trustees has submitted an application (hereinafter, the "Application") to the ABC Water and Storm Water District (hereinafter, the "District") to include within the territory of the District all remaining unincorporated territory in Austintown Township not presently included in the District as originally established by Court action on November 30, 2009 (hereinafter, the "Territory"); and,

WHEREAS, Austintown Township's Application is based on the Engineering Study completed by the engineering firm of Thomas Fok & Associates, Inc. (the "Feasibility Study") which established the feasibility of including said Territory within the District; and,

WHEREAS, the Austintown Township Board of Trustees, based upon the conclusions of said Feasibility Study, determined in said Application that including said Territory within the District is necessary and conducive to the public health, safety, convenience, or welfare, and that it is practical and feasible for said Territory to be included within the District; now, therefore,

BE IT RESOLVED by the Board of Trustees of the ABC Water and Storm Water District:

1. That, pursuant to Ohio Revised Code Section 6119.05, the Board of Trustees of the ABC Water and Storm Water District hereby approves the application of the Board of Trustees of Austintown Township in Mahoning County, Ohio, attached hereto as "Exhibit 1" and incorporated herein, to include within the District all of the Territory described in said Application.
2. That said Territory, consisting of all of the unincorporated territory of Austintown Township, and further described in said Application and the exhibits attached thereto, is now a part of and included within the borders of the ABC Water and Storm Water District.

3. That it is found and determined that all formal actions of this Board concerning and relating to the passage of this resolution were passed in an open meeting of this Board, and that all deliberations of this Board 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.

Mr. Jason Loree moved to second the above.

As to the above, vote resulting as follows:

Daniel Bienko

AYE

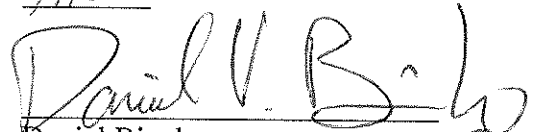
Michael Dockry


AYE


Jason Loree

AYE

Adopted the 22nd day of September, 2011.


Daniel Bienko


Michael Dockry


Jason Loree

Attest:


Secretary, Board of Trustees

RESOLUTION NO. 11-09-22 03

ABC Water and Storm Water District
Mahoning County, Ohio

The Board of Trustees of the ABC Water and Storm Water District, Mahoning County, Ohio met in regular session, pursuant to notice, on the 22nd day of September 2011 at 1:00 p.m. at the Boardman Township Government Center, 8299 Market Street, Boardman, Ohio 44512, with the following members present: Daniel Bienko, Michael Dockry and Jason Loree.

Mr. Daniel Bienko moved the adoption of the following Resolution:

BE IT RESOLVED by the Board of Trustees as follows:

WHEREAS, pursuant to Ohio Revised Code Section 6119.05, the Austintown Township Board of Trustees has submitted an application (hereinafter, the "Application") to the ABC Water and Storm Water District (hereinafter, the "District") to include within the territory of the District all remaining unincorporated territory in Austintown Township not presently included in the District as originally established by Court action on November 30, 2009 (hereinafter, the "Territory"); and,

WHEREAS, Austintown Township's Application is based on the Engineering Study completed by the engineering firm of Thomas Fok & Associates, Inc. (the "Feasibility Study") which established the feasibility of including said Territory within the District; and,

WHEREAS, the Austintown Township Board of Trustees, based upon the conclusions of said Feasibility Study, determined in said Application that including said Territory within the District is necessary and conducive to the public health, safety, convenience, or welfare, and that it is practical and feasible for said Territory to be included within the District; now, therefore,

BE IT RESOLVED by the Board of Trustees of the ABC Water and Storm Water District:

1. That, pursuant to Ohio Revised Code Section 6119.05, the Board of Trustees of the ABC Water and Storm Water District hereby approves the application of the Board of Trustees of Austintown Township in Mahoning County, Ohio, attached hereto as "Exhibit 1" and incorporated herein, to include within the District all of the Territory described in said Application.
2. That said Territory, consisting of all of the unincorporated territory of Austintown Township, and further described in said Application and the exhibits attached thereto, is now a part of and included within the borders of the ABC Water and Storm Water District.

3. That it is found and determined that all formal actions of this Board concerning and relating to the passage of this resolution were passed in an open meeting of this Board, and that all deliberations of this Board 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.

Mr. Jason Loree moved to second the above.


As to the above, vote resulting as follows:

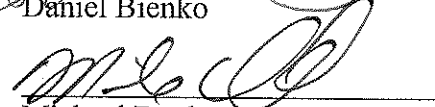
Daniel Bienko AYE

Michael Dockry AYE

Jason Loree AYE

Adopted the 22nd day of September, 2011.


Daniel Bienko


Michael Dockry


Jason Loree

Attest:


Secretary, Board of Trustees

RESOLUTION NO. 11-09-20-04

ABC Water and Storm Water District
Mahoning County, Ohio

The Board of Trustees of the ABC Water and Storm Water District, Mahoning County, Ohio met in regular session, pursuant to notice, on the 22nd day of September 2011 at 1:00 p.m. at the Boardman Township Government Center, 8299 Market Street, Boardman, Ohio 44512, with the following members present: Daniel Bienko, Michael Dockry and Jason Loree.

Mr. Daniel Bienko moved the adoption of the following Resolution:

BE IT RESOLVED by the Board of Trustees as follows:

WHEREAS, pursuant to Ohio Revised Code Section 6119.05, the Boardman Township Board of Trustees has submitted an application (hereinafter, the "Application") to the ABC Water and Storm Water District (hereinafter, the "District") to include within the territory of the District all remaining unincorporated territory in Boardman Township not presently included in the District as originally established by Court action on November 30, 2009 (hereinafter, the "Territory"); and,

WHEREAS, Boardman Township's Application is based on the Engineering Study completed by the engineering firm of MS Consultants, Inc. (the "Feasibility Study") which established the feasibility of including said Territory within the District; and,

WHEREAS, the Boardman Township Board of Trustees, based upon the conclusions of said Feasibility Study, determined in said Application that including said Territory within the District is necessary and conducive to the public health, safety, convenience, or welfare, and that it is practical and feasible for said Territory to be included within the District; now, therefore,

BE IT RESOLVED by the Board of Trustees of the ABC Water and Storm Water District:

1. That, pursuant to Ohio Revised Code Section 6119.05, the Board of Trustees of the ABC Water and Storm Water District hereby approves the application of the Board of Trustees of Boardman Township in Mahoning County, Ohio, attached hereto as "Exhibit 1" and incorporated herein, to include within the District all of the Territory described in said Application.
2. That said Territory, consisting of all of the unincorporated territory of Boardman Township, and further described in said Application and the exhibits attached thereto, is now a part of and included within the borders of the ABC Water and Storm Water District.

RESOLUTION NO. 11-09-22-01
ABC Water and Storm Water District
Mahoning County, Ohio
September 22, 2011
Page 2 of 2

3. That it is found and determined that all formal actions of this Board concerning and relating to the passage of this resolution were passed in an open meeting of this Board, and that all deliberations of this Board 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.

Mr. Jason Loree moved to second the above.

As to the above, vote resulting as follows:

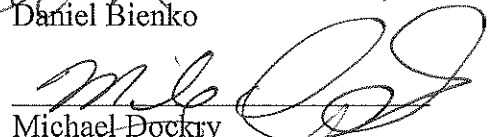
Daniel Bienko AYE

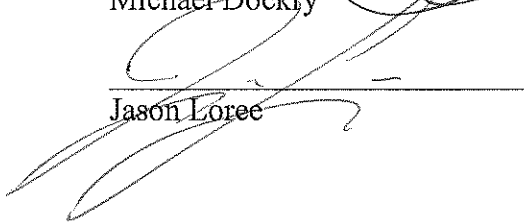
Michael Dockry AYE

Jason Loree AYE

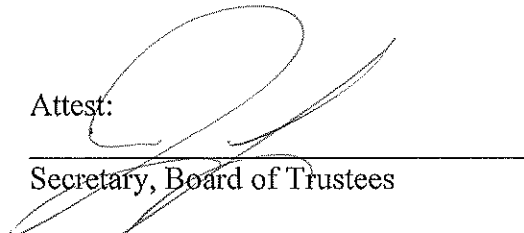
Adopted the 22nd day of September, 2011.


Daniel Bienko


Michael Dockry


Jason Loree

Attest:


Secretary, Board of Trustees

RESOLUTION NO. 11-09-22-04

ABC Water and Storm Water District
Mahoning County, Ohio

The Board of Trustees of the ABC Water and Storm Water District, Mahoning County, Ohio met in regular session, pursuant to notice, on the 22nd day of September 2011 at 1:00 p.m. at the Boardman Township Government Center, 8299 Market Street, Boardman, Ohio 44512, with the following members present: Daniel Bienko, Michael Dockry and Jason Loree.

Mr. Daniel Bienko moved the adoption of the following Resolution:

BE IT RESOLVED by the Board of Trustees as follows:

WHEREAS, pursuant to Ohio Revised Code Section 6119.05, the Boardman Township Board of Trustees has submitted an application (hereinafter, the "Application") to the ABC Water and Storm Water District (hereinafter, the "District") to include within the territory of the District all remaining unincorporated territory in Boardman Township not presently included in the District as originally established by Court action on November 30, 2009 (hereinafter, the "Territory"); and,

WHEREAS, Boardman Township's Application is based on the Engineering Study completed by the engineering firm of MS Consultants, Inc. (the "Feasibility Study") which established the feasibility of including said Territory within the District; and,

WHEREAS, the Boardman Township Board of Trustees, based upon the conclusions of said Feasibility Study, determined in said Application that including said Territory within the District is necessary and conducive to the public health, safety, convenience, or welfare, and that it is practical and feasible for said Territory to be included within the District; now, therefore,

BE IT RESOLVED by the Board of Trustees of the ABC Water and Storm Water District:

1. That, pursuant to Ohio Revised Code Section 6119.05, the Board of Trustees of the ABC Water and Storm Water District hereby approves the application of the Board of Trustees of Boardman Township in Mahoning County, Ohio, attached hereto as "Exhibit 1" and incorporated herein, to include within the District all of the Territory described in said Application.
2. That said Territory, consisting of all of the unincorporated territory of Boardman Township, and further described in said Application and the exhibits attached thereto, is now a part of and included within the borders of the ABC Water and Storm Water District.

RESOLUTION NO. 11-09-22-04
ABC Water and Storm Water District
Mahoning County, Ohio
September 22, 2011
Page 2 of 2

3. That it is found and determined that all formal actions of this Board concerning and relating to the passage of this resolution were passed in an open meeting of this Board, and that all deliberations of this Board 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.

Mr. Jason Loree moved to second the above.

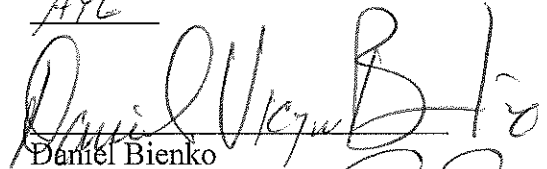
As to the above, vote resulting as follows:

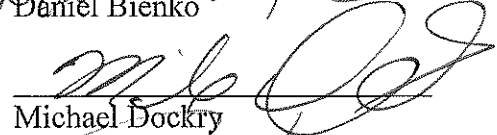
Daniel Bienko AYE

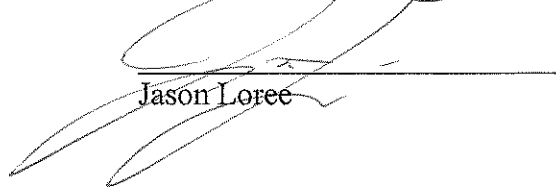
Michael Dockry AYE

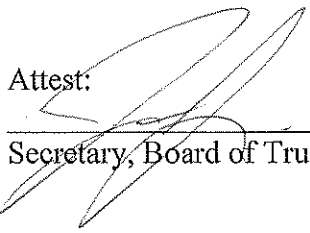
Jason Loree AYE

Adopted the 22nd day of September, 2011.


Daniel Bienko


Michael Dockry


Jason Loree

Attest:

Secretary, Board of Trustees

Austintown Township
Mahoning County, Ohio

The Board of Trustees of Austintown Township, Mahoning County, Ohio met in regular session, pursuant to notice, on the 12th day of September, 2011 at 6PM at the Austintown Township Building at 82 Ohltown Road, Austintown, Ohio, 44515, with the following members present: David C. Ditzler, Lisa L. Oles and James C. Davis.

Re: Application to the ABC Water and Storm Water District for Inclusion of Certain Territory Located within Austintown Township into the District.

Lisa Oles made a motion, which was seconded by David Ditzler

WHEREAS, the territory of Austintown Township, Mahoning County, Ohio is not wholly included within the ABC Water and Storm Water District (hereinafter, "District"); and

WHEREAS, the Trustees of Austintown Township have found that certain territory, which is described in the Engineering Study For Including All Properties of Austintown Township in the ABC Water and Storm Water District attached hereto and incorporated herein, in Austintown Township is among the territory not currently within the District; and

WHEREAS, the Engineering Study For Including All Properties of Austintown Township in the ABC Water and Storm Water District, dated July 26, 2011, attached hereto and incorporated herein, was completed to, among other things, determine the feasibility of the inclusion of said territory within the District; and

WHEREAS, the Trustees of Austintown Township, pursuant to Ohio Revised Code Section 6119.05, desire to make application to the District for inclusion within the District of all remaining unincorporated Township territory not presently included in the District and as further described in the Engineering Study For Including All Properties of Austintown Township in the ABC Water and Storm Water District; now, therefore,

BE IT RESOLVED by the Board of Trustees of Austintown Township, Mahoning County, Ohio:

1. That the Board hereby makes application to the ABC Water and Storm Water District (the "District") to include within the territory of the District all remaining unincorporated Township territory not presently included in the District as originally established, all as further described in the Engineering Study For Including All Properties of Austintown Township in the ABC Water and Storm Water District attached hereto and incorporated herein.
2. That the Board, basing their decision upon the conclusions of the Engineering Study For Including All Properties of Austintown Township in the ABC Water and Storm Water District, hereby declares that the inclusion of said territory, as described in the Engineering Study For Including All Properties of Austintown Township in the ABC Water and Storm Water District, within the District to be necessary and conducive to the public health, safety, convenience, or welfare, and that it is practical and feasible for such territory to be included within the District.

RESOLUTION NO. 11-09-12-06
Austintown Township
Board of Township Trustees
Mahoning County, Ohio

Page 2 of 2

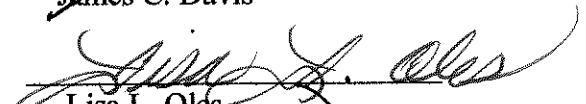
3. That the Board hereby authorizes Michael Kurish to submit to the District this Resolution, with the Engineering Study For Including All Properties of Austintown Township in the ABC Water and Storm Water District, as a complete application for inclusion of said territory within the District, and to take any additional action or to execute any additional documents subsequently deemed necessary to complete such application to the District for inclusion of said territory within the District and to effectuate the inclusion of said territory in the District.
4. That it is found and determined that all formal actions of this Board of Township Trustees concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board of Trustees and of any of its committees resulting in such formal action, were in meetings open to the public, in compliance with the law, including Section 121.22 of the Revised Code of Ohio.

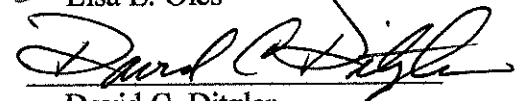
As to the above, vote resulting as follows:

James C. Davis	YES
Lisa L. Oles	YES
David C. Ditzler	YES

Adopted the ~~12th~~ day of ~~August~~, 2011.
September


James C. Davis


Lisa L. Oles


David C. Ditzler

Attest:


Michael J. Kurish, Fiscal Officer

The State of Ohio, Mahoning County, ss.

I, Michael J. Kurish, Fiscal Officer of Austintown Township, do hereby certify that the foregoing is taken and copied from the Record of the Proceedings of said Board of Trustees, and that the same has been compared by me with the Resolution on said Record, and that it is a true and correct copy thereof.

Witness my signature, this 12th day of SEPTEMBER, 2011.


Michael J. Kurish, Fiscal Officer

ENGINEERING STUDY
IN SUPPORT OF THE AUSTINTOWN TOWNSHIP APPLICATION
TO THE ABC WATER AND STORM WATER DISTRICT TO
INCLUDE WITHIN THE DISTRICT ALL TERRITORY WITHIN
AUSTINTOWN TOWNSHIP WHICH WAS NOT IN THE
BOUNDARIES OF THE DISTRICT WHEN ORIGINALLY
ORGANIZED ON NOVEMBER 30, 2009

FOR

AUSTINTOWN TOWNSHIP TRUSTEES

MR. DAVID DITZLER

MS. LISA OLES

MR. JIM DAVIS

and

THE ABC WATER AND STORM WATER DISTRICT TRUSTEES:

MR. DANIEL V. BIENKO

MR. JASON LOREE

MR. MICHAEL DOCKRY

Submitted by

Thomas Fok & Associates, Inc.
3896 Mahoning Avenue
Youngstown, OH 44515

September, 2011

ENGINEERING STUDY

Page 1 of 7

**IN SUPPORT OF THE AUSTINTOWN TOWNSHIP APPLICATION TO THE ABC
WATER AND STORM WATER DISTRICT TO INCLUDE WITHIN THE DISTRICT
ALL TERRITORY WITHIN AUSTINTOWN TOWNSHIP WHICH WAS NOT IN THE
BOUNDARIES OF THE DISTRICT WHEN ORIGINALLY ORGANIZED ON
NOVEMBER 30, 2009**

PURPOSE:

It is the desire and intent that all of the unincorporated territory in Austintown Township (hereinafter, the "Austintown Township Inclusion Area") be added to the ABC Water and Storm Water District per the Application of the Board of Trustees of Austintown Township. Such Territory is described and delineated in the map attached hereto as Exhibit A. This Engineering study was performed to determine the feasibility of including such territory within the boundaries of the ABC Water and Storm Water District.

BACKGROUND:

After evaluating, for over one year, the potable water and storm water needs within Austintown Township, the Board of Trustees of the ABC Water and Storm Water District and the Board of Trustees of Austintown Township have determined that there exists multiple storm water problems within the Township and that in order to help finance such projects, it may, at some point, be necessary to establish a Storm Water Utility for all properties of Austintown Township to generate revenues through fees to design and construct necessary priority projects to control and / or eliminate storm water flooding. Such Utility concept was discussed and contemplated in the District's Plan for the Operation of the District (the "Plan") approved by the Mahoning County Court of Common Pleas on November 30, 2009.

Austintown Township is located in the central northern portion of Mahoning County. The Township is divided into three distinct watersheds/drainage basins: Meander Creek (which drains to Meander Reservoir); Mill Creek (which drains to Mill Creek Park); and the Mahoning River. See the attached Alliance for Watershed Action & Resource Education (AWARE) map.

Austintown Township is comprised of rolling to gently rolling terrain. See the attached Mahoning County Engineers' GIS soil map for soil compositions. A large portion of the Township has bedrock located several feet below the ground surface (i.e. Silica Road).

Austintown Township is zoned for residential, commercial, and industrial. The main highway system is 1-80, 1-680, 1-76 (Ohio Turnpike), USR62, SR46; and the local collector is Mahoning Avenue (CRI8). There are 114 miles of roads maintained by the Township. These roads are both Type A (curb and gutter) and Type B (open ditch). The Mahoning County Engineer currently maintains 52 miles of county roads within Austintown Township.

Further causing the necessity for the addition of territory is the ongoing threat that the City of Youngstown will condition the continued provision of water services to Township residents on unreasonable demands. Such conditions may result in the discontinuation of water services and warrant the exploration for or acquisition of alternate water services within and without the territory of the District.

Further causing the necessity for the addition of territory is the Federal Clean Water Act (CWA), which requires certain political entities to implement storm water management programs within prescribed time frames. In this case, the establishment of the ABC Storm Water Utility may assist Mahoning County in meeting the requirements of the Ohio Environmental Protection Agency to address storm water quantity issues and storm water quality requirements in Austintown Township. Any fees which might be collected by the District could also help fund those CWA-related expenses of Austintown Township and the District.

In 2009, Austintown, Boardman and Canfield Townships, all located in Mahoning County, Ohio, petitioned the Court of Common Pleas of Mahoning County to establish the ABC Water and Storm Water District. In furtherance of such petition, they submitted the Plan for the Operation of the District (the "Plan") to serve the District, as well as other territories in the three Townships. Only certain Austintown Township territory was originally included within the boundaries of the ABC District upon its organization on November 30, 2009. This study is to evaluate the addition of the Austintown Township Inclusion Area within the territory of the ABC District. The addition of such territory was discussed and contemplated in the original Plan and approved by the Court the same day. According to the Plan, only the "Phase 1" areas are included in the original District. The Plan also contemplated the addition of "Phase 2" territory, and potentially all other territory within the Township, after the formation of the District and after a further evaluation of needs within the Townships was performed. According to the Plan, specific improvements were contemplated and discussed for both Phase 1 and Phase 2 areas, and the provision of services throughout the Township were also contemplated. Phase 1, Phase 2 and the full Austintown Township Inclusion Area are all depicted in the map attached hereto as "Exhibit A".

In addition, the District Board of Trustees will, on an ongoing basis, make a final determination of necessity and feasibility of any project to be undertaken by the District within such territory.

BOUNDARY:

It is intended to include within the ABC District all of that territory of unincorporated Austintown Township which is not currently within the ABC District (the "Austintown Township Inclusion Area"), which territory is more fully described below:

Starting at the southeast corner of Austintown Township (Mahoning County) located at an intersection of Canfield Township, City of Youngstown, and Austintown Township at Tippecanoe Road known as Cornersburg; then heading north toward the northeast corner of Austintown Township along Tippecanoe Road and Meridian Road which separates Austintown Township and the City of Youngstown to the Trumbull County Line (Weathersfield Township)/Mahoning County Line known as Riblets Corner; then heading west toward the northwest corner of Austintown Township along the Mahoning County/Trumbull County Line to the intersection of Austintown Township and Corporation Limit of the Mahoning Valley Sanitary District; then heading south toward the southwest corner of Austintown Township along the jagged Corporation Limit of the Mahoning Valley Sanitary District and Austintown Township to the intersection of Canfield Township with the Mahoning Valley Sanitary District and Austintown Township; then heading in an easterly direction along a line that separates Canfield Township and Austintown Township to the point of beginning. The total area is 22.6 square miles (14,468 acres).

Excluded from this Boundary are the internal Austintown Township areas previously defined in Section 5 of the "PLAN FOR THE OPERATION OF THE ABC WATER AND STORM WATER DISTRICT", as shown on MAP SA-I of the Plan. This territory is already within the boundaries of the District and should continue to be within the District.

CRITERIA:

Under the Ohio Revised Code, that territory in Austintown Township which is not presently in the District (the "Austintown Township Inclusion Area"), may be added to the District if Austintown Township files an application with the District setting forth a general description of the territory it desires to have included within the District, the necessity for the inclusion of such territory within the District, that it will be conducive to the public health, safety, convenience, or welfare to do so, and that it will be practical and feasible for such territory to be included within the District.

DISCUSSION:

At the time of preparation of this study, the only Austintown Township territory within the boundaries of the ABC District is that which was included in the organization of the District on November 30, 2009. This study is to evaluate the addition of the Austintown Township Inclusion Area within the territory of the ABC District, which additionally was contemplated in the original Plan for the Operation of the District and approved by the Court the same day.

Austintown Township is making application to the ABC District, pursuant to R.C. 6119.05, to include all properties of the unincorporated Township (the Austintown Township Inclusion Area) within the ABC District. The Austintown Township Inclusion Area is depicted on the attached "Exhibit A" and consists of all properties within the unincorporated area of Austintown Township and which are not presently included within the boundaries of the District approved by the Court on November 30, 2009.

Including the entire Austintown Township into the ABC Water and Storm District is beneficial. By means of Austintown Township's current Ohio EPA's MS4 General Storm Water Permit, the Township is responsible for the overseeing and self governing of the pre and post construction actions of its own Township property owners. In short, the Township is already committed to safe guarding the storm water prior to the water entering the local storm sewers, drainage courses, ponds, and lake (Meander Reservoir, the drinking water source for the Mahoning Valley Sanitary District). There are numerous storm water facilities that have met their useful life. For example: corrugated metal storm conduit that was placed in the residential neighborhoods more than 50 years ago; the dam at Woodside Lake is in need of rehabilitation due to the fact that the dam was constructed as part of the WPA in the 1930s; and numerous other neighborhoods which have houses that are inundated with storm water during higher year event storms. Note that some of these drainage facilities not only impact Austintown but may also affect those communities directly downstream.

The District was created, in part, to help correct these problems and address certain other storm water issues and to help meet the requirements of the Federal Clean Water Act. Because of its narrow purpose of addressing storm water issues and potable water issues, the ABC District is the preferred entity to focus on providing for the effective management and financing of a storm water collection system within all of Austintown Township and for addressing the requirements of the CWA. All residents of a Township are benefitted through compliance with the CWA and the implementation of a Storm Water Utility which manages storm water issues. Individual storm water projects are, ultimately, all connected to a larger, community-wide storm water system. A proper and functional storm water system helps to protect and preserve property, property values and the health of all of the Township's residents. Thus, the establishment of a Storm Water Utility is necessary for the continuing health, safety, convenience and welfare of all of the citizens of Austintown Township, including the Austintown Township Inclusion Area.

The three Townships have invested substantial sums of money and devoted substantial time to establishing the District, and continue to expend substantial sums of money to support the District financially in its effort to provide needed services within the Townships.

The ABC District has been established and functioning as a regional water and storm water district for almost two years and is being administered by an appointed Board of Trustees. The District Board has devoted substantial time, money and effort in furtherance of achieving service projects in Austintown Township (and Boardman and Canfield) including the hiring of the engineering firm of Sands, Decker CPS for potable water needs and is also, at the time of this Study, in contract negotiations with the engineering firm, CDM Inc., for storm water needs.

The District was established to serve any areas within Austintown, Boardman, and Canfield Townships which the District deems necessary or which the Township Trustees of those Townships request. Not all areas of Austintown Township are currently in need of such services, but the District is ready to provide such services, and has worked steadily toward that goal since its inception.

The Austintown Township Inclusion Area is not currently serviced, for storm water purposes, by any other entity, and, to our knowledge, no other entity currently has plans to provide such services.

The District Board of Trustees has also worked diligently to achieve service contracts to obtain water services from neighboring entities.

The District Board of Trustees feels as though it is the entity most ready, willing, and able to provide storm water services in Austintown Township and is willing to provide potable water services within Austintown Township if necessary.

For economic and legal reasons, the District will be better able to achieve the goal of providing needed services if it includes the Austintown Township Inclusion Area. This includes the potential for levying charges and fees on residents and businesses, as well as levying special assessments, to achieve the financing of projects. Additionally, including the Austintown Township Inclusion Area improves economies of scale for determining and funding construction projects. Also, including the Austintown Township Inclusion Area enables the District to achieve the acquisition of lands and easements, by eminent domain, if necessary, which enables the District to plan for future projects, acquire water sources, and achieve funding for the same, to a much greater degree. Administratively, including the Austintown Township Inclusion Area will enable the District to more quickly react to problems, develop solutions and implement remedies as new issues arise.

In addition, the District Board of Trustees will, on an ongoing basis, need to make a final determination of necessity and feasibility of any project to be undertaken by the District within such territory.

CONCLUSION:

Including within the ABC District all of that territory of unincorporated Austintown Township which is not currently within the ABC District (the Austintown Township Inclusion Area) is necessary and conducive to the public health, safety, convenience, or welfare by providing an effective way to fund and address storm water quantity issues and storm water quality requirements in Austintown Township that meets the requirements of the Ohio Environmental Protection Agency and the Federal CWA. Inclusion of such territory within the ABC District is also conducive to the public health, safety, convenience, or welfare by furthering efforts to develop and provide an alternative potable water supply for residents of the Township and the District, if needed.

For all of the foregoing reasons, the inclusion of the Austintown Township Inclusion Area within the boundaries of the ABC Water and Storm Water District (thereby including within the District all of the unincorporated territory of Austintown Township) is practical and feasible and in furtherance of the purposes of the District.

Therefore, to fulfill its mission as outlined and approved by the Court in the Plan of Operations, as well as authorized under Chapter 6119 of the Ohio Revised Code, it is hereby found and determined that the addition of the Austintown Township Inclusion Area is necessary, that it will be practical and feasible to add such Territory to the District, and that it will be conducive to the public health, safety, convenience or welfare of the District or the Austintown Township Inclusion Area being added.

RECOMMENDATION: It is recommended that the Austintown Township Inclusion Area be included in the ABC Water and Storm Water District.

Submitted by,

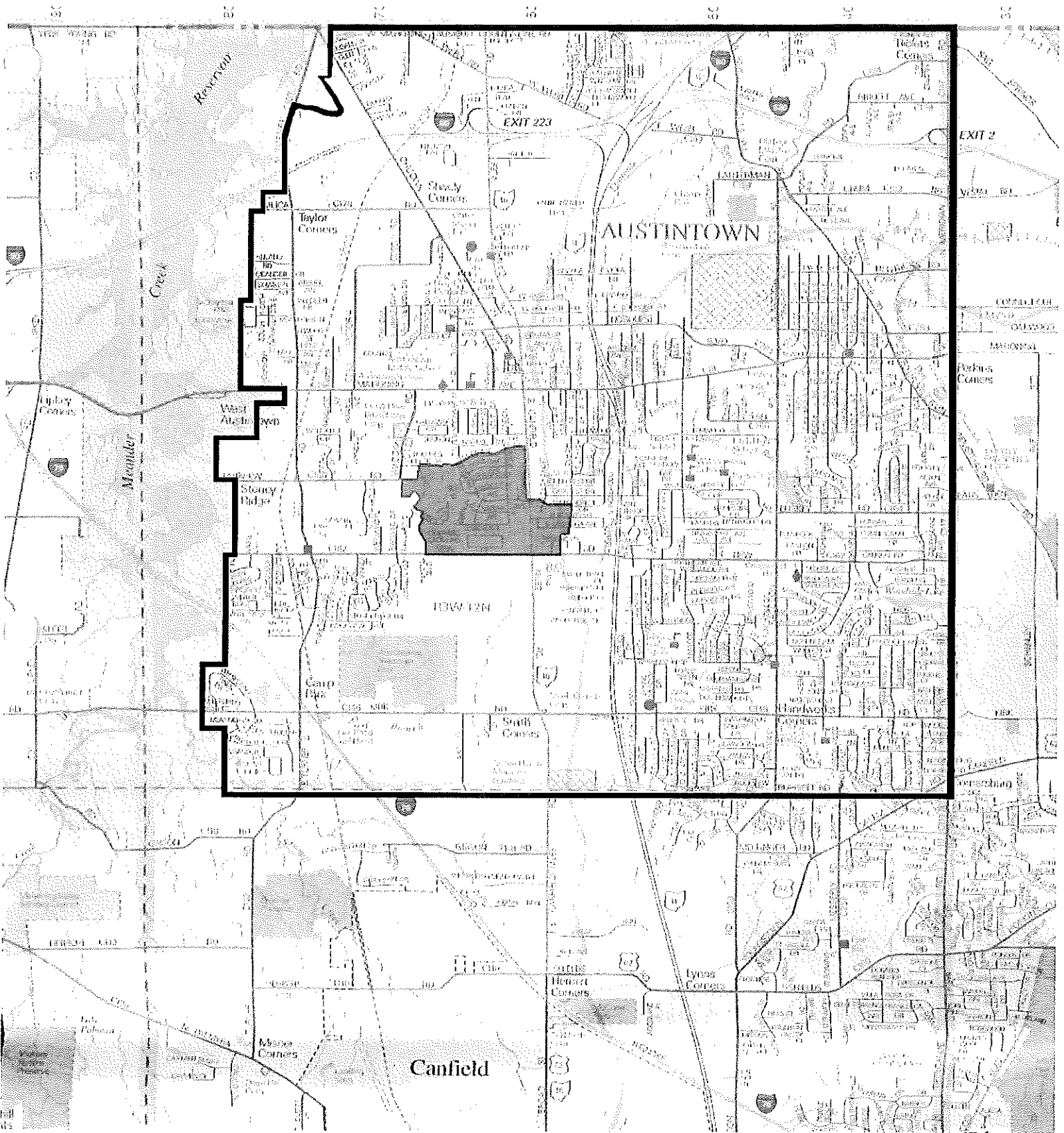
THOMAS FOK & ASSOCIATES, INC.



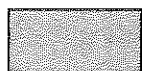
David T. Bakalar, PE
Managing Partner
Ohio PE #57911



Exhibit A



Austintown Township Inclusion Area



Excluded Area - MAP SA-I

RESOLUTION NO. 11-9-12-13

Boardman Township
Mahoning County, Ohio

The Board of Trustees of Boardman Township, Mahoning County, Ohio met in regular session, pursuant to notice, on the 12th day of September, 2011 at 5:30 p.m. at the special location of the Fire Prevention Office, 136 Boardman-Poland Road, Boardman, Ohio, with the following members present;

Larry Motisano, Brad Calhoun, Thomas P. Costello

Re: Application to the ABC Water and Storm Water District for Inclusion Within the District of all of the Unincorporated Territory of Boardman Township

_____ made a motion, which was seconded by _____

WHEREAS, the territory of Boardman Township, Mahoning County, Ohio is not wholly included within the ABC Water and Storm Water District (hereinafter, "District"); and

WHEREAS, the Trustees of Boardman Township have found that certain territory, which is described in the "Exhibit A" attached hereto and incorporated herein, in Boardman Township is among the territory not currently within the District; and

WHEREAS, the ENGINEERING STUDY IN SUPPORT OF THE BOARDMAN TOWNSHIP APPLICATION TO THE ABC WATER AND STORM WATER DISTRICT TO INCLUDE WITHIN THE DISTRICT ALL TERRITORY WITHIN BOARDMAN TOWNSHIP WHICH WAS NOT IN THE BOUNDARIES OF THE DISTRICT WHEN ORIGINALLY ORGANIZED ON NOVEMBER 30, 2009, dated September 2011, which is "Exhibit 1" attached hereto and incorporated herein, was completed to, determine the feasibility of the inclusion of said territory within the District; and

WHEREAS, the Trustees of Boardman Township, pursuant to Ohio Revised Code Section 6119.05, desire to make application to the District for inclusion within the District of all remaining unincorporated Township territory not presently included in the District and as further described in "Exhibit A"; now, therefore,

BE IT RESOLVED by the Board of Trustees of Boardman Township, Mahoning County, Ohio:

1. That the Board hereby makes application to the ABC Water and Storm Water District (the "District") to include within the territory of the District all remaining unincorporated Township territory not presently included in the District as originally established, all as further described in "Exhibit 1" and its "Exhibit A", both attached hereto and incorporated herein.

2. That the Board, basing their decision upon the conclusions of the ENGINEERING STUDY IN SUPPORT OF THE BOARDMAN TOWNSHIP APPLICATION TO THE ABC WATER AND STORM WATER DISTRICT TO INCLUDE WITHIN THE DISTRICT ALL TERRITORY WITHIN BOARDMAN TOWNSHIP WHICH WAS NOT IN THE BOUNDARIES OF THE DISTRICT WHEN ORIGINALLY ORGANIZED ON NOVEMBER 30, 2009, dated September 2011 and attached hereto as "Exhibit 1", hereby declares that the inclusion of said territory, as described in "Exhibit 1" and its "Exhibit A", within the District to be necessary and conducive to the public health, safety, convenience, or welfare, and that it is practical and feasible for such territory to be included within the District.
3. That the Board hereby authorizes Stephanie Landers to submit to the District this Resolution, with "Exhibit 1" and its "Exhibit A", as a complete application for inclusion of said territory within the District, and to take any additional action or to execute any additional documents subsequently deemed necessary to complete such application to the District for inclusion of said territory within the District and to effectuate the inclusion of said territory in the District.
4. That it is found and determined that all formal actions of this Board of Township Trustees concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board of Trustees and of any of its committees resulting in such formal action, were in meetings open to the public, in compliance with the law, including Section 121.22 of the Revised Code of Ohio.

As to the above, vote resulting as follows:

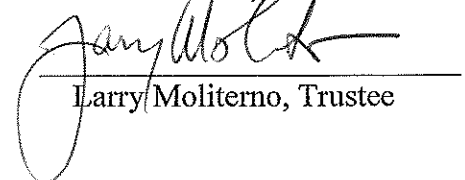
Adopted the 12th day of September, 2011.



Brad Calhoun, Trustee




Tom Costello, Trustee



Larry Moliterno, Trustee

Attest:


William Leicht, Fiscal Officer

ENGINEERING STUDY
IN SUPPORT OF THE BOARDMAN TOWNSHIP APPLICATION
TO THE ABC WATER AND STORM WATER DISTRICT TO
INCLUDE WITHIN THE DISTRICT ALL TERRITORY WITHIN
BOARDMAN TOWNSHIP WHICH WAS NOT IN THE
BOUNDARIES OF THE DISTRICT WHEN ORIGINALLY
ORGANIZED ON NOVEMBER 30, 2009

FOR

BOARDMAN TOWNSHIP TRUSTEES

MR. BRAD CALHOUN
MR. TOM COSTELLO
MR. LARRY MOLITERNO

and

THE ABC WATER AND STORM WATER DISTRICT TRUSTEES:

MR. DANIEL V. BIENKO
MR. JASON LOREE
MR. MICHAEL DOCKRY

BY:

ms consultants, inc.
ARCHITECTS, ENGINEERS, PLANNERS
333 EAST FEDERAL STREET
YOUNGSTOWN, OH 44503

September 2011

**ENGINEERING STUDY
IN SUPPORT OF THE BOARDMAN TOWNSHIP APPLICATION TO THE ABC
WATER AND STORM WATER DISTRICT TO INCLUDE WITHIN THE DISTRICT
ALL TERRITORY WITHIN BOARDMAN TOWNSHIP WHICH WAS NOT IN THE
BOUNDARIES OF THE DISTRICT WHEN ORIGINALLY ORGANIZED ON
NOVEMBER 30, 2009**

PURPOSE:

It is the desire and intent that all of the unincorporated territory in Boardman Township (hereinafter, the "Boardman Township Inclusion Area") be added to the ABC Water and Storm Water District per the Application of the Board of Trustees of Boardman Township. Such Territory is described and delineated in the map attached hereto as Exhibit A. This Engineering study was performed to determine the feasibility of including such territory within the boundaries of the ABC Water and Storm Water District.

BACKGROUND:

After evaluating, for over one year, the potable water and storm water needs within Boardman Township, the Board of Trustees of the ABC Water and Storm Water District and the Board of Trustees of Boardman Township have determined that there exists multiple storm water problems within the Township and that in order to help finance such projects, it is necessary to establish a Storm Water Utility for all properties of Boardman Township to generate revenues through fees to design and construct necessary priority projects to control and / or eliminate storm water flooding. Such Utility concept was discussed and contemplated in the District's Plan for the Operation of the District (the "Plan") approved by the Mahoning County Court of Common Pleas on November 30, 2009.

Further causing the necessity for the addition of territory is the Federal Clean Water Act (CWA), which requires certain political entities to implement storm water management programs within prescribed time frames. In this case, the establishment of the ABC Storm Water Utility may assist Mahoning County in meeting the requirements of the Ohio Environmental Protection Agency to address storm water quantity issues and storm water quality requirements in Boardman Township. The fees collected by the District may also help fund those CWA-related expenses of Boardman Township and the District.

The revenues generated by a Storm Water Utility from the properties in Boardman Township would only be used to fund, in full or part, projects approved by the ABC Water and Storm Water District which are either within Boardman Township or which benefit Boardman Township, Federal Clean Water Act-related expenses of Boardman Township and the

District, administrative costs, and for reimbursement of monies advanced by Boardman Township to the District.

A Storm Water Utility established by the ABC Water and Storm Water District could formulate a means to organize, operate, and manage the utility. It could establish and provide for the collection of storm water fees and provide for the calculation and implementation of applicable rates and delineate all things necessary for the full implementation of a Storm Water Utility.

Further causing the necessity for the addition of territory is the ongoing threat that the City of Youngstown will condition the continued provision of water services to Township residents on unreasonable demands. Such conditions may result in the discontinuation of water services and warrant the exploration for or acquisition of alternate water services within and without the territory of the District.

In 2009, Austintown, Boardman and Canfield Townships, all located in Mahoning County, Ohio, petitioned the Court of Common Pleas of Mahoning County to establish the ABC Water and Storm Water District. In furtherance of such petition, they submitted the Plan for the Operation of the District (the "Plan") to serve the District, as well as other territories in the three Townships. Only certain Boardman Township territory was originally included within the boundaries of the ABC District upon its organization on November 30, 2009. This study is to evaluate the addition of the Boardman Township Inclusion Area within the territory of the ABC District. The addition of such territory was discussed and contemplated in the original Plan and approved by the Court the same day. According to the Plan, only the "Phase 1" areas are included in the original District. The Plan also contemplated the addition of "Phase 2" territory, and potentially all other territory within the Township, after the formation of the District and after a further evaluation of needs within the Townships was performed. According to the Plan, specific improvements were contemplated and discussed for both Phase 1 and Phase 2 areas, and the provision of services throughout the Township were also contemplated. Phase 1, Phase 2 and the full Boardman Township Inclusion Area are all depicted in the map attached hereto as "Exhibit A".

CRITERIA:

Under the Ohio Revised Code, that territory in Boardman Township which is not presently in the District (the "Boardman Township Inclusion Area"), may be added to the District if Boardman Township files an application with the District setting forth a general description of the territory it desires to have included within the District, the necessity for the inclusion of such territory within the District, that it will be conducive to the public health, safety, convenience, or welfare to do so, and that it will be practical and feasible for such territory to be included within the District.

DISCUSSION:

Boardman Township is making application to the ABC District, pursuant to R.C. 6119.05, to include within the ABC District the Plan's Phase 2 territory and all other properties of the unincorporated Township (the Boardman Township Inclusion Area). The Boardman Township Inclusion Area encompasses an area of approximately 23.33 square miles, is depicted on the attached "Exhibit A" and consists of all properties within the unincorporated area of Boardman Township, Township 1, Range 2, of the Connecticut Western Reserve (excepting those properties which lie within the corporate limits of the City of Youngstown and the Village of Poland), and which are not presently included within the boundaries of the District approved by the Court on November 30, 2009.

The three Townships have invested substantial sums of money and devoted substantial time to establishing the District, and continue to expend substantial sums of money to support the District financially in its effort to provide needed services within the Townships.

The ABC District has been established and functioning as a regional water and storm water district for almost two years and is being administered by an appointed Board of Trustees. The District Board has devoted substantial time, money and effort in furtherance of achieving service projects in Boardman Township (and Austintown and Canfield) including the hiring of the engineering firm of Sands, Decker CPS for potable water needs and is also, at the time of this Study, in contract negotiations with the engineering firm, CDM Inc., for storm water needs.

The District was established to serve any areas within Austintown, Boardman and Canfield Townships which the District deems necessary or which the Township Trustees of those Townships request. Not all areas of Boardman Township are currently in need of such services, but the District is ready to provide such services, and has worked steadily toward that goal since its inception.

The Boardman Township Inclusion Area is not currently serviced, for storm water purposes, by any other entity, and, to our knowledge, no other entity currently has plans to provide such services.

The District Board of Trustees has also worked diligently to achieve service contracts to obtain water services from neighboring entities.

The District Board of Trustees feels as though it is the entity most ready, willing and able to provide storm water services in Boardman Township and is willing to provide potable water services within Boardman Township if necessary.

For economic and legal reasons, the District will be better able to achieve the goal of providing needed services if it includes the Boardman Township Inclusion Area. This includes the potential for levying charges and fees on residents and businesses, as well as levying special assessments, to achieve the financing of projects. Additionally, including the Boardman Township Inclusion Area improves economies of scale for determining and funding construction projects. Also, including the Boardman Township Inclusion Area enables the District to achieve the acquisition of lands and easements, by eminent domain, if necessary, which enables the District to plan for future projects, and achieve funding for the same, to a much greater degree.

Also, the Boardman Township Trustees have experienced continuous instances of limited or lack of finances to address the overall scope of the storm water problems in the Township and storm water management program required by the Federal Clean Water Act. Boardman Township has experienced significant storm events over the last ten years. These events have exceeded the capacity of the existing public collection system, causing significant amounts of flooding to occur in Boardman Township. In 2004, the Boardman Township Trustees completed a study that created several "Priority Projects" and associated "Service Areas" within Boardman Township that became the general plan of flooding mitigation in Boardman Township. The District was created, in part, to help implement that general plan, address certain other storm water issues and the requirements of the CWA. Because of its narrow purpose of addressing storm water issues and potable water issues, the ABC District is the preferred entity to focus on providing for the effective management and financing of a storm water collection system within Boardman Township and for addressing the requirements of the CWA. All residents of a Township are benefitted through compliance with the CWA and the implementation of a Storm Water Utility which manages storm water issues. Individual storm water projects are, ultimately, all connected to a larger, community-wide storm water system. A proper and functional storm water system helps to protect and preserve property, property values and the health of all of the Township's residents. Thus, the establishment of a Storm Water Utility is necessary for the continuing health, safety,

convenience and welfare of all of the citizens of Boardman Township, including the Boardman Township Inclusion Area.

As discussed in the Plan, typically, such utilities include a storm water fee on all properties with impervious surface. The rates are typically based on 1) the classification of the property being charged (residential or non-residential), 2) the contribution of the property to runoff into the storm water system, and 3) the amount of impervious area contained on the property. All properties having impervious area are typically assigned an Equivalent Residential Unit (ERU) or a multiple thereof.

Typically, a Storm Water Utility fee is established for each ERU. The base rate could be calculated to ensure adequate revenues could be generated for the ABC District to fund the expenditures of storm water management projects and to provide the operation, maintenance, and capital improvements of the storm water system that is the responsibility of Boardman Township or the District, and other purposes as described herein. It is also possible that other financing options such as assessments and loans and grants could be implemented.

In addition, the District Board of Trustees will, on an ongoing basis, need to make a final determination of necessity and feasibility of any project to be undertaken by the District within such territory.

CONCLUSION:

Including within the ABC District all of that territory of unincorporated Boardman Township which is not currently within the ABC District (the Boardman Township Inclusion Area) is necessary and conducive to the public health, safety, convenience, or welfare by providing an effective way to fund a Storm Water Utility to address storm water quantity issues and storm water quality requirements in Boardman Township that meets the requirements of the Ohio Environmental Protection Agency and the Federal CWA. Inclusion of such territory within the ABC District is also conducive to the public health, safety, convenience, or welfare by furthering efforts to develop and provide an alternative potable water supply for residents of the Township and the District, if needed.

For all of the foregoing reasons, the inclusion of the Boardman Township Inclusion Area within the boundaries of the ABC Water and Storm Water District (thereby including within the District all of the unincorporated territory of Boardman Township) is also practical and feasible and in furtherance of the purposes of the District.

Therefore, to fulfill its mission as outlined and approved by the Court in the Plan of Operations, as well as authorized under Chapter 6119 of the Ohio Revised Code, it is hereby found and determined that the addition of the Boardman Township Inclusion Area is necessary, that it will be

practical and feasible to add such Territory to the District, and that it will be conducive to the public health, safety, convenience or welfare of the District or the Boardman Township Inclusion Area being added.

RECOMMENDATION: It is recommended that the Boardman Township Inclusion Area be included in the ABC Water and Storm Water District.

MINUTES OF MEETING HELD OCTOBER 27, 2011

At a regular meeting of the Board of Trustees of the ABC Water & Storm Water District, Mahoning County, Ohio, held on the above date at 1:00 p.m., the following members were present: Mr. Jason Loree, Mr. Michael Dockry, and Mr. Daniel V. Bienko. The public and news media were given proper notice regarding this meeting.

RESOLUTION 11-10-27-01: Motion was made by Mr. Loree to approve the Minutes of the Regular Meeting held September 22, 2011.

Seconded by Mr. Dockry.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	

RESOLUTION 11-10-27-02: Motion was made by Mr. Dockry to approve and authorize the CDM contract as attached to these minutes and have Mr. Bienko sign it.

Seconded by Mr. Loree.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	

Under Old Business, the water supply issue was discussed. Mr. Bienko revisited the issue of Canfield reimbursing the ABC Board for 10% of its expenses. Mr. Platton is to do an extensive accounting and review of all expenses billed to Canfield from 2006 to the present.

There was no New Business.

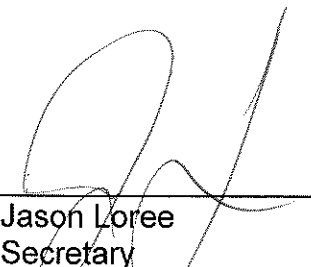
RESOLUTION 11-10-27-03: Motion was made by Mr. Bienko to adjourn at 2:26 p.m.

Seconded by Mr. Dockry.

Roll Call	Aye	Nay
Mr. Loree	X	
Mr. Dockry	X	
Mr. Bienko	X	



Daniel V. Bienko
President



Jason Loree
Secretary