

RESOLUTION NO. 32-95
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER James Singer ON THE
15th DAY OF May, 1995.

A RESOLUTION AMENDING THE FIRST AMENDMENT
TO THE WASTE DELIVERY AND DISPOSAL AGREEMENT
BETWEEN THE COUNTY OF MONTGOMERY AND THE
CITY OF CENTERVILLE AUTHORIZED BY RESOLUTION
NUMBER 20-95.

WHEREAS, Resolution Number 20-95, passed by the Council of the City of
Centerville on February 20, 1995 provided for the execution of a first amendment to the waste
delivery and disposal agreement with the County of Montgomery, Ohio, and

WHEREAS, it is necessary at this time to make changes to the first amendment to
provide for the upgrading and retrofitting of the North Incinerator, expand the transfer station
operation and deactivate (mothball) the South Incinerator.

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY
RESOLVES:


SECTION 1. That sections of the First Amendment To Waste Delivery Disposal
Agreement between the County of Montgomery and the City of Centerville attached to
Resolution Number 20-95 as Exhibit "A" be changed to read as follows:

- 1.2 In order to continue to incinerate solid waste, it will be necessary to upgrade and retrofit certain of the Incinerators, as defined in the Agreement, and to make certain transfer station improvements, so as to enable the County and the District to achieve compliance with the federal Clean Air Act Amendments/MWC Guidelines and with the consent order entered in Case No. 95-0046, Montgomery County Common Pleas Court, on January 5, 1995.
- 2.1 (last paragraph) "1995 Project" means the construction and installation of new air pollution control systems, combustion improvements and site alterations, ash handling equipment, ash disposal facilities, monitoring equipment and all ancillary equipment and improvements as needed for the three Incinerator units at the North Reduction Plant, along with transfer station improvements including transport equipment at the North and South Reduction Plants. New air pollution control systems shall include, but not be limited to, such items as spray dryer units and baghouses for each unit at the North Reduction Plant.

4.1 The County and the District Member recognize and acknowledge that the 1995 Project will, if undertaken, have a capital cost in excess of 20% of the undepreciated value of all of the Solid Waste Disposal Facilities, and expressly waive the restriction on the financing or construction of such facilities and improvements contained in Section 17.3 of the Agreement; provided however, that this waiver is effective only in the event that the total cost of the 1995 Project, including any capitalized interest and financing costs (as described in the definition of Financing Requirements) does not exceed \$70,000,000.


SECTION 2. That this Resolution shall become effective at the earliest date allowed by law.

PASSED this 15th day of May, 1995.



Mayor of the City of Centerville, Ohio

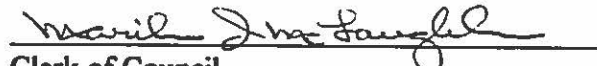
ATTEST:



Clerk of the Council of the
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of the Council of the City of Centerville, Ohio, hereby certifies that the foregoing is a true and correct copy of Resolution Number 36-95, passed by the Council of the City of Centerville, Ohio, on the 15th day of May, 1995.



Clerk of Council

Approved as to form, consistency
with the Charter and Constitutional Provisions.

Department of Law
Robert N. Farquhar
Municipal Attorney