

RESOLUTION R-2020-17

A RESOLUTION TO AUTHORIZE CANCELATION OF THE CONTRACT WITH THE PORTAGE COUNTY SOLID WASTE MANAGEMENT DISTRICT FOR COLLECTION OF RECYCLABLES AND DECLARING AN EMERGENCY.

WHEREAS, the Village Council authorized the Village of Windham to enter into a contract jointly with Windham Township for recycling services on behalf of its residents with the Portage County Solid Waste Management District on December 17, 2019 ; and

WHEREAS, individuals have regularly and consistently deposited garbage in the recycling containers, so much so that it is no longer economically feasible to collect recyclable materials; and

WHEREAS, as a result the Village of Windham, Windham Township and the Portage County Solid Waste Management District have mutually agreed to cancel the contract.

NOW THEREFORE BE IT RESOLVED by the Council of the Village of Windham, County of Portage, State of Ohio, a majority or more of its members thereto concurring that:

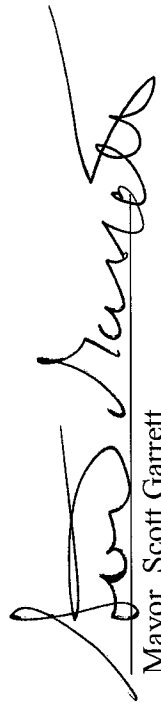
Section 1: The Mayor and the Fiscal Officer are hereby authorized to execute on behalf of the Village a cancellation agreement with the Portage County Solid Waste Management District and Windham Township to terminate all recycling of materials within the Village of Windham in substantial conformity with the agreement set forth in the attached Exhibit A.

Section 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this council and 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 Revised Code of the State of Ohio.

Section 3: This Resolution is hereby declared to be an emergency measure necessary to preserve the public health, safety, morals and general welfare of the inhabitants of the Village and it is essential that the Village Council authorize the cancellation of the agreement with the Portage County Solid Waste Management District and Windham Township to avoid further financial liability resulting from the cancelled contract, for which reason this Resolution shall go into full force and effect immediately upon its passage by two-thirds (2/3's) of the members of Council.


Passed as an Emergency this 25th day of August 2020.

Vote of Council: Ayes: 6
 Nays: 0



Mayor, Scott Garrett

ATTEST:



Fiscal Officer, Chere Taylor

Approved as to form:



Thomas Reitz, Solicitor

CANCELATION AGREEMENT

THIS CANCELATION AGREEMENT is entered into this 26th day of Aug., 2020 by and between the District Commissioners of the Portage County Solid Waste Management District (hereinafter "District Commissioners") and Village of Windham and Windham Township,

WHEREAS, the Village of Windham, Windham Township, and the Portage County Solid Waste Management District (hereinafter the "Parties") entered into an Agreement (hereinafter the "Agreement") for recycling services on December 17, 2019.

WHEREAS, the Parties have mutually agreed to cancel the Agreement pursuant to Section 13.1 of the Agreement and hereby release all of their right, title, and interest in and to the Agreement, and any and all claims arising out of the transaction; and

WHEREAS, the Parties agree that if circumstances change in the Village of Windham or Windham Township the Agreement can be reinstated upon mutual consent and approval of all of the Parties.

NOW, THEREFORE, the Village of Windham, Windham Township and the District Commissioners do hereby agree to cancel in full the Agreement in full as soon as possible, and that the Agreement shall hereafter be of no force and effect and no longer binding on the parties.

IN WITNESS WHEREOF, the parties have caused this Cancellation Agreement to be executed by their duly authorized representatives as of the day and year first written above.

PORTAGE COUNTY SOLID WASTE DISTRICT COMMISSIONERS:

_____ Date: _____

Vicki A. Kline

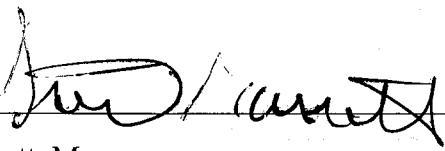
_____ Date: _____

Kathleen Clyde

_____ Date: _____

Sabrina Christian-Bennett

VILLAGE OF WINDHAM

 Date: 8/26/2020
Scott Garrett, Mayor

 Date: 8/26/2020
Cheree Taylor, Fiscal Officer


WINDHAM TOWNSHIP

_____ Date: _____
Dan Burns, Trustee

_____ Date: _____
Brian Miller, Trustee

_____ Date: _____
Rich Gano, Trustee

APPROVED AS TO FORM:


Thomas Reitz, Windham Village Solicitor