



HAMILTON TOWNSHIP

HAMILTON TOWNSHIP ADMINISTRATION

Darryl Cordrey – *Board Chair*

Joe Rozzi – *Trustee*

Mark Sousa – *Trustee*

Kurt Weber- *Fiscal Officer*

7780 South State Route 48

Maineville, Ohio 45039

Phone: (513) 683-8520

Fax: (513) 683-4325

Township Administrator

Brent Centers

(513) 239-2372

Finance Coordinator

Ellen Horman

(513) 239-2377

Human Resources

Kellie Krieger

(513) 239-2461

Economic Development and Zoning

Alex Kraemer

(513) 683-8520

Community Development Coordinator

Nicole Earley

(513) 683-5320

Public Works

Kenny Hickey – Director

Phone: (513) 683-5360

Police Department

Scott Hughes – Police Chief

(513) 683-0538

Fire and Emergency Services

Brian Reese – Fire Chief

69 West Foster-Maineville Rd.

Maineville, Ohio 45039

(513) 683-1622

(513) 899-1967

TRUSTEE MEETING AGENDA 7/1/2020

6:30 PM

- Roll Call
- Pledge of Allegiance
- Approve of the Clerk's Journal and Accept the tapes as the Official Minutes of the July 1, 2020 Township Trustee Meeting
- Bills before the Board

Public Comments

Human Resources

- Cemetery Deed

Public Hearing

- **Resolution 20-0701**: Adopting Zoning Code Text Amendment for CBD Establishments

New Business

- **Resolution 20-0701A**: Authorizing Administrator to Execute and Record Environmental Covenant for Certain Real Estate Owned by the Township

Work Session

Fiscal Officer's Report

Administrator's Report

Trustee Comments

Adjournment

The agenda is to give an idea of the various discussions before the Board. The time and order of Agenda items is subject to change in order to maintain efficiency and timeliness of the meetings. Citizens may address the Board under the Public Comment section of the agenda.

The following guidelines protect your rights as well as those of others:

1. *Speakers must state their name and full address for the record.*
2. *The Board Chair will recognize each speaker, and only one person may speak at a time.*
3. *Speakers will address any and all comments to the Board of Trustees and Fiscal Officer. The Board may request further information from staff at their discretion.*
4. *Anyone who willfully disrupts a Board meeting may be barred from speaking further, or may be removed from the meeting and detained by officers of the Hamilton Township Police Department. (ORC 505.09; ORC 2917.12)*

Hamilton Township Trustees Meeting

June 17, 2020

Trustee Board Chairman, Darryl Cordrey, called the meeting to order at 6:30 pm. Mr. Cordrey, Mr. Rozzi, and Mr. Sousa were present.

The *Pledge of Allegiance* was recited by all.

Motion made by Mr. Cordrey with a second by Mr. Rozzi to approve of the clerk's journal and accept the tapes as the Official Meeting Minutes of the June 3, 2020 Trustee Meeting.

Roll call as follows:

Darryl Cordrey	Yes
Joe Rozzi	Yes
Mark Sousa	Yes

Motion made by Mr. Cordrey with a second by Mr. Rozzi to approve billing invoices for payment cycle June 8, 2020 - June 12, 2020, checks numbered 81580 - 81586.

Roll call as follows:

Mark Sousa	Yes
Darryl Cordrey	Yes
Joe Rozzi	Yes

Motion made by Mr. Cordrey with a second by Mr. Rozzi to approve billing invoices for payment cycle June 15, 2020 – June 19, 2020, checks numbered 81587 - 81627.

Roll call as follows:

Joe Rozzi	Yes
Mark Sousa	Yes
Darryl Cordrey	Yes

Public Comments

Mr. Cordrey made a motion with a second from Mr. Rozzi to open the floor to public comments at 6:31 pm.

Roll call as follows:

Darryl Cordrey	Yes
Joe Rozzi	Yes
Mark Sousa	Yes

No comments were made therefore Mr. Cordrey closed the floor to public comments at 6:31 pm.

Human Resources

Human Resources Manager Ms. Kellie Krieger requested a motion to off roll Seasonal Park Crew member Mr. Allen Grapevine effective June 9, 2020 and Mr. Christopher Walker effective June 9, 2020. He had submitted a formal resignation to Public Works Director, Kenny Hickey.

Mr. Cordrey made a motion with a second from Mr. Rozzi to make the above mentioned roster updates.

Roll call as follows:

Darryl Cordrey	Yes
Mark Sousa	Yes
Joe Rozzi	Yes

Ms. Krieger requested a motion to move Josh Myer from fulltime Fire Fighter/Paramedic to Lieutenant effective June 28, 2020 and move Lt. Justin Cormany to Captain effective June 28, 2020. We will have a formal ceremony for these gentlemen at a later date.

Mr. Cordrey made a motion with a second from Mr. Rozzi to approve the above mentioned promotional changes.

Roll call as follows: Joe Rozzi Yes
Mark Sousa Yes
Darryl Cordrey Yes

Ms. Krieger requested a motion to allow Public Works Director, Kenny Hickey, to post a vacant Mechanic's position effective June 17, 2020 until this position is filled.

Mr. Cordrey made a motion with a second from Mr. Rozzi to approve of the job posting for the Mechanic position.

Roll call as follows: Darryl Cordrey Yes
Mark Sousa Yes
Joe Rozzi Yes

New Business

-Resolution 20-0617: Adopting the Annual Tax Budget

This Resolution will adopt the Annual Tax Budget based upon the projections of each Department-head and Administrator.

Mr. Centers and Ms. Horman sat down with each Department-head and went through each line item of all 15 budgets and justified each increase or decrease in funding. These projections are based upon last year's spending and will generally be reflected in the Capital budget once we get our second draw from Warren County.

Mr. Centers thoroughly explained each budget. A copy of the proposed budget is available at our Administration office and can also be found on our website

Mr. Sousa asked if the discussion of possibly refinancing the bond for the new Station 76 in the current economic environment has gone anywhere?

Mr. Centers responded that they have had the discussion to look into it but there has not been any movement.

Mr. Cordrey commented that this is a good blueprint for the rest of the year as they get in line with the Capital Budget.

Mr. Weber commented that the budgets that are "in the red" are just comparisons of projected revenue versus projected expenses and it does not take into account the carry over. The money is there, it's just a comparison of expenditures versus revenue.

Mr. Centers also reminded them that each fund has a healthy amount of unencumbered.

Mr. Cordrey made a motion with a second from Mr. Rozzi to approve Resolution 20-0617.

Roll call as follows: Mark Sousa Yes
Darryl Cordrey Yes
Joe Rozzi Yes

Work Session

-Fire Engine 77 Replacement

Mr. Centers explained that when we had the truck in for service, they came back with two options. The first option is to replace damaged pieces, get a new chassis with the warranty, remove and install the original pump with no warranty, remove and repair the body damage, and remove and install the damaged components. Except for our \$500 deductible, those would be covered by insurance. We would essentially get a new chassis but we would be putting our ten year old pump back into the truck. There are maintenance concerns however that option is completely covered by insurance.

Option two would be a completely new fire engine and we would pay the difference. So insurance will cover up to the cost of repair which is \$458,305.47. We would pay the difference of roughly \$140,000-170,000 and get a new truck. That new truck would carry more water because we would get a bigger tank, it would be completely covered under warranty and it would have a new chassis with a 20-25 year life span. There would also be fewer maintenance concerns. We also have the option to have a rental vehicle covered for the amount of time it would take to repair/replace the truck.

Mr. Cordrey stated that he really likes option two. It seems like a no brainer to get a new unit at less than \$200,000 and have it last us for 20-25 instead of repairing the one we have and turning around and shelling out another half of a million dollars in ten or so years when we would need a new one. From a budget stand point, are there any concerns with this money coming out of our fire reserves?

Mr. Centers explained that he does not have any concerns with the purchase as this very reason is why we have unencumbered funds.

Mr. Rozzi agreed that we would get a brand new truck that will last us another 20-25 years. He asked what the standard replacement is for a new engine.

Chief Reese commented that it is every 20-25 years and to replace this truck today would cost \$680,000. All numbers that he has run are in the low 600,000's for a new one.

Mr. Sousa commented that we are closing in on half the life of the vehicle and we have an opportunity to reset the clock for a fraction of the cost. A newer truck with a larger tank will be better prepared to fight a fire.

Mr. Centers explained that our current unencumbered is 2.4 million with ten months of reserve. Splitting the cost at right between 140,000 and 170,000, that moves us to 2.2 million and nine and a half months of reserve.

Mr. Centers clarified that he has the direction he needed which is to move forward with option 2 and to let the insurance company know.

Fiscal Officer's Report

Mr. Weber stated that this is the May financial report. We are currently 42% through the year. To date we have received 54.6% of our budgeted revenue. We received the first property tax settlement in April and in May we received part of the homestead tax settlement. We are a little over 40% of our projected expenses as of May.

Year to date revenue is a little over \$6.6 million. Year to date expenditures is a little over \$5.4 million. Total cash balance of all funds is a little over \$12.36 million.

Mr. Weber broke down a cash flow analysis of the funds available in each department. From his perspective, everything looks really good.

Administrator's Report

Mr. Centers explained that the Warren County Community Block Development Grants came out. We did not qualify for any. We tried but due to our resident's median income, we did not qualify. We are always looking and trying.

The sale of the Fire House has snagged a little hiccup regarding some old fuel tanks that were there prior to. The lending agent needs a phase one environmental inspection done. If we do it, it will cost \$2,150. If it goes further it would be a phase two. He needs to make sure the Board is okay with that. They came late this afternoon and said they can pay for it on their end. If it does go into Phase Two, anything over \$5,000 would have to go before the Board anyway.

All Trustee's commented that they are okay with it.

Our Director of Economic Development and Zoning along with his wife, welcomed their new baby boy on June 16th. All are well.

Trustee Comments

Mr. Rozzi recognized our police department for the community outreach due to the recent events taking place.

Mr. Cordrey congratulated the Kraemer's on their new addition. He passed along a kudo's to Sergeant Rector for his community engagement. He also recognized Mr. Centers for his work on mowing at Mounts Park when we needed the help.

Mr. Sousa congratulated the Kraemer's as well. He also mentioned that Striker Road reopened and the new bridge work on Overbrook should start soon. He stated that as things have re-opened and we are trying to get back to normal, to remember to social distance and keep your head down. He also brought up a surprise message for Mr. Centers; not only is he our Administrator but he is a member of the Ohio Air National Guard and a few months back he received a promotion. Due to some training he will be leaving us for a bit but we have a few videos from his family to share and a gift. So thank you for everything that Mr. Centers does for our community, his community, his family and the country.

Mr. Cordrey thanked Mr. Centers for his service to our country and his sacrifices of leaving his family.

Mr. Rozzi also thanked Mr. Centers for his service and stated that he should be proud of his accomplishments.

A round of applause was given by all for Mr. Centers.

Adjournment

With no further business to discuss, Mr. Cordrey made a motion with a second from Mr. Rozzi to adjourn at 7:02 pm.

Roll call as follows:	Darryl Cordrey	Yes
	Joe Rozzi	Yes
	Mark Sousa	Yes

LEGISLATIVE COVER MEMORANDUM

Introduction: July 1, 2020

Effective Date: Next available date after passage

Agenda Item: **Resolution 20-0701**
A RESOLUTION ADOPTING ZONING CODE TEXT AMENDMENT
CREATING ZONING AND LAND USE REGULATIONS FOR CBD
ESTABLISHMENTS

Submitted By: Alex Kraemer

Scope / Description: This resolution will adopt the Zoning Code Text Amendment creating Zoning and Land Use Regulations for CBD Establishments.

Budget Impact: \$0

Vote Required for Passage: 2 of 3

The Board of Township Trustees of Hamilton Township, County of Warren, Ohio, met at its regular, 6:30 pm meeting on July 1, 2020 at Hamilton Township, Warren County, Ohio, with the following Trustees present:

- Darryl Cordrey – Trustee, *Board Chair*
- Joseph Rozzi – Trustee
- Mark Sousa – Trustee

Mr. _____ introduced the following resolution and moved for its adoption:

**HAMILTON TOWNSHIP, WARREN COUNTY OHIO
RESOLUTION NUMBER 20-0701**

**RESOLUTION ADOPTING ZONING CODE TEXT AMENDMENT
CREATING ZONING AND LAND USE REGULATIONS
FOR CBD ESTABLISHMENTS**

WHEREAS, Ohio Revised Code 519.02 authorizes the Hamilton Township Board of Trustees to regulate the zoning and use of real property located within its territorial boundaries in order to promote the public convenience, comfort, prosperity and general welfare of the Township;

WHEREAS, Ohio Revised Code 928.01 defines “cannabidiol” (“CBD”) as the cannabidiol compound derived from the hemp plant and containing a delta-9 tetrahydrocannabinol concentration of not more than three-tenths per cent (0.3%);

WHEREAS, Ohio Revised Code 928.02 permits any person, without a license, to possess, buy, or sell products consisting of or infused with CBD;

WHEREAS, on December 4, 2020, the Board of Trustees passed Resolution 19-1204B, placing a one-year moratorium on the issuance of zoning permits and approvals for the principal and conditional use of land for hemp-related purposes, such as retail establishments offering CBD for sale, and certified the Resolution to the Hamilton Township Zoning Commission to study the potential need for zoning regulations and, if necessary, develop reasonable regulations regarding the location and operation of CBD establishments within Hamilton Township;

WHEREAS, during three (3) public hearings held on January 13, March 9 and May 11, 2020, respectively, the Zoning Commission considered whether zoning regulations for CBD establishments were necessary in Hamilton Township and ultimately recommended approval of a text amendment to the Hamilton Township Zoning Resolution to provide for appropriate and reasonable zoning regulations for CBD establishments;

WHEREAS, the Board of Trustees held the requisite hearing on the proposed Zoning Resolution text amendment on July 1, 2020 and

WHEREAS, based on the information contained in the staff report pertaining to the proposed text amendment, the recommendation of the Zoning Commission and the Board's own independent judgment as the legislative body for Hamilton Township, the Board of Trustees finds adoption of the proposed text amendment is necessary to promote the public convenience, comfort, prosperity and general welfare.

NOW THEREFORE, BE IT RESOLVED, that the Board of Township Trustees of Hamilton Township, Warren County, Ohio hereby adopts the proposed text amendment to the Hamilton Township Zoning Code, setting forth zoning and land use regulations for CBD establishments, in the manner provided in the attached "Exhibit A."

BE IT FURTHER RESOLVED, that all formal actions of the Board of Trustees concerning and relating to the passage of this Resolution were taken in an open meeting of the Board and that all deliberations of the Board which resulted in formal action pertaining to this matter occurred in meetings open to the public and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Mr. _____ seconded the Resolution and the following being called upon the question of its adoption, the vote resulted as follows:

Darryl Cordrey –	Aye _____	Nay _____
Joseph Rozzi –	Aye _____	Nay _____
Mark Sousa –	Aye _____	Nay _____

Resolution adopted this 1st day of July, 2020.

Attest:

Kurt Weber, *Fiscal Officer*

Approved as to form:

Benjamin J. Yoder, *Law Director*

I, Kurt Weber, Fiscal Officer of Hamilton Township, Warren County, Ohio, hereby certify

that this is a true and accurate copy of a Resolution duly adopted by the Board of Township Trustees of Hamilton Township, County of Warren, Ohio, at its regular meeting on July 1, 2020.

Date: _____

Kurt Weber, *Fiscal Officer*

EXHIBIT A
to Resolution No. 20-0701

TABLE 4-2: PERMITTED USE TABLE

[UPDATED TABLE]

* * * *

4.8.3. Business Uses

* * * *

O. CBD Establishments

- (1) CBD shall be defined as the cannabidiol compound derived from hemp and containing a delta-9 tetrahydrocannabinol concentration of not more than three-tenths percent (0.3%).
- (2) A CBD Establishment shall be defined as a retail store: (i) maintaining at least thirty percent (30%) of its physical merchandise space for the sale of products consisting of or infused with CBD; or (ii) for which products consisting of or infused with CBD serve as the store's principal revenue source.
- (3) There shall be a minimum 500-foot distance between two CBD Establishments, measured from main entrance to main entrance.
- (4) (A) No CBD Establishment shall be permitted within 500 feet of a school.
- (4) (B) Any CBD Establishment proposed within 500 feet of a church, library, public playground or Township park shall be subject to an Advisability Hearing. All CBD Establishments proposed outside of 500 feet of a school, church, library, public playground or Township park are permitted without restriction in B-1 and B-2 zoning districts
- (5) CBD Establishments shall only be permitted in the B-1 Neighborhood Business District and the B-2 General Business District.

LEGISLATIVE COVER MEMORANDUM

Introduction: July 1, 2020

Effective Date: Next available date after passage

Agenda Item: **Resolution 20-0701A**
A RESOLUTION AUTHORIZING ADMINISTRATOR TO EXECUTE AND
RECORD ENVIRONMENTAL COVENANT FOR CERTAIN REAL
ESTATE OWNED BY THE TOWNSHIP

Submitted By: Kenny Hickey

Scope / Description: This resolution will authorize the Administrator to execute and record
Environmental Covenant for certain real estate owned by the Township.

Budget Impact: \$0

**Vote Required
for Passage:** 2 of 3

The Board of Township Trustees of Hamilton Township, County of Warren, Ohio, met at its regular, 6:30 pm meeting on July 1, 2020, at Hamilton Township, Warren County, Ohio, with the following Trustees present:

Darryl Cordrey – Trustee, *Board Chair*
Joseph Rozzi – Trustee
Mark Sousa – Trustee

Mr. _____ introduced the following resolution and moved for its adoption:

**HAMILTON TOWNSHIP, WARREN COUNTY OHIO
RESOLUTION NUMBER 20-0701A**

**RESOLUTION AUTHORIZING ADMINISTRATOR TO EXECUTE AND RECORD
ENVIRONMENTAL COVENANT FOR CERTAIN REAL ESTATE
OWNED BY THE TOWNSHIP**

WHEREAS, on November 7, 2007, the Board of Township Trustees of Hamilton Township, Warren County, Ohio (“Board of Trustees”) acquired two tracts of real property totaling approximately 55.247 acres (Warren County parcel No. 16-11-200-001, account 2801434; and Warren County parcel No. 16-12-453-001, account 2803909), referenced together herein as “the Property.”

WHEREAS, on November 7, 2007, the Board of Trustees executed a Declaration of Restrictions (“2007 Declaration”) restricting use and development of the Property to public parkland and green space to (a) facilitate access to and connect with the Little Miami River; (b) preserve streamside forest in flood plain; (c) protect natural habitat; and (d) provide recreational and aesthetic benefit to the general public.

WHEREAS, the Property was part of the Peters Cartridge Facility Site (“Site”), which is an approximately 71-acre parcel of land located along the southern bank of the Little Miami River in Warren, County, Ohio. The Site is located at 1415 Grandin Road in Kings Mills, Hamilton Township, Ohio. In September 2012, the Site was placed on U.S. EPA’s National Priorities List of the top priority hazardous waste sites for investigation and cleanup under the Superfund program.

WHEREAS, U.S. EPA signed a Record of Decision (ROD) on September 28, 2009, which selected a specific remedial action to clean up the Site to industrial and commerce standards.

WHEREAS, on July 19, 2011, the Board of Trustees executed a First Amendment to Declaration of Restrictions, which excepted 4-acres of the Property (referred to as the “Consolidation Cell Area”) from the use and development restrictions in the 2007 Declaration in connection with the remediation of the Site.

WHEREAS, U.S. EPA issued a Unilateral Administrative Order (Order) to E.I. du Pont

de Nemours and Company (DuPont), dated March 30, 2012 and docketed on April 4, 2012, directing DuPont to perform the remedial action selected in the ROD and as further detailed in the Statement of Work (SOW) appended to the Order; and DuPont commenced on-Site construction in December 2014.

WHEREAS, U.S. EPA signed an Explanation of Significant Differences in June 2015 to slightly modify the SOW to adapt to current Site conditions; and DuPont completed the selected remedy for the Site in June 2017.

WHEREAS, the recording of an Environmental Covenant is a required component of the remedy selected in the ROD, and the activity and use limitations in this Environmental Covenant are intended to protect the public from exposure to potential hazardous substances in the soil and groundwater on the Property.

WHEREAS, under the Environmental Covenant, the Board of Trustees acknowledge that the Property has been remediated only for commercial and/or industrial uses (compatible with recreational including public parkland and green space) and hereby covenants for itself and its successors and assigns, and imposes and agrees to comply with the following activity and use limitations:

- a. Soil Management Requirements. All excavation, digging, grading or disturbance of the ground surface on the Property shall be conducted in accordance with the September 2017 Soil Management Plan developed for the Site.
- b. Consolidation Cell. All excavation, digging, grading, disturbance of or intrusion into the Consolidation Cell is prohibited unless approved by U.S. EPA and for the purposes of investigation or remediation.
- c. Land Use Restriction. The Property shall be used solely for commercial and/or industrial activities, and the Property shall not be used for residential or other prohibited activities unless and until additional cleanup activities are performed on this Property and this environmental covenant is amended or terminated in accordance with paragraph 13.
- d. Ground Water Extraction or Use Prohibition. Ground water underlying the Property shall not be extracted or used for any purpose, potable or otherwise, unless approved by U.S. EPA and for the purposes of investigation, monitoring, remediation of the groundwater, or for a response activity.

NOW THEREFORE, BE IT RESOLVED, that the Board of Township Trustees of Hamilton Township, Warren County, Ohio hereby authorizes the Administrator to execute and record the Environmental Covenant provided in the attached "Exhibit A".

BE IT FURTHER RESOLVED, that all formal actions of the Board of Trustees concerning and relating to the passage of this Resolution were taken in an open meeting of the Board and that all deliberations of the Board which resulted in formal action pertaining to this matter occurred in meetings open to the public and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Mr. _____ seconded the Resolution and the following being called upon the question of its adoption, the vote resulted as follows:

Darryl Cordrey –	Aye _____	Nay _____
Joseph Rozzi –	Aye _____	Nay _____
Mark Sousa –	Aye _____	Nay _____

Resolution adopted this 1st day of July, 2020.

Attest:

Kurt Weber, *Fiscal Officer*

Approved as to form:

Benjamin J. Yoder, *Law Director*

I, Kurt Weber, Fiscal Officer of Hamilton Township, Warren County, Ohio, hereby certify that this is a true and accurate copy of a Resolution duly adopted by the Board of Township Trustees of Hamilton Township, County of Warren, Ohio, at its regular meeting on July 1, 2020.

Date: _____

Kurt Weber, *Fiscal Officer*

EXHIBIT A
to Resolution No. 20-0701A

**To be recorded with Deed
Records - ORC § 317.08**

ENVIRONMENTAL COVENANT

This Environmental Covenant is made as of the _____ day of _____, 2020, and is entered into by the United States Environmental Protection Agency ("U.S. EPA") on behalf of the United States, and by Hamilton Township, Ohio, the Property Owner (as identified herein) and Holder of the Property (as described herein), pursuant to Ohio Revised Code ("ORC") §§ 5301.80 to 5301.92, for the purpose of subjecting the Property to the activity and land use and groundwater limitations set forth herein.

WHEREAS, the Peters Cartridge Facility Site ("Site") is an approximately 71-acre parcel of land located along the southern bank of the Little Miami River in Warren, County, Ohio. The Site is located at 1415 Grandin Road in Kings Mills, Hamilton Township, Ohio. In September 2012, the Site was placed on U.S. EPA's National Priorities List of the top priority hazardous waste sites for investigation and cleanup under the Superfund program.

WHEREAS, U.S. EPA signed a Record of Decision (ROD) on September 28, 2009, which selected a specific remedial action to clean up the Site to industrial and commerce standards.

WHEREAS, U.S. EPA issued a Unilateral Administrative Order (Order) to E.I. du Pont de Nemours and Company (DuPont), dated March 30, 2012 and docketed on April 4, 2012, directing DuPont to perform the remedial action selected in the ROD and as further detailed in the Statement of Work (SOW) appended to the Order; and DuPont commenced on-Site construction in December 2014.

WHEREAS, U.S. EPA signed an Explanation of Significant Differences in June 2015 to slightly modify the SOW to adapt to current Site conditions; and DuPont completed the selected remedy for the Site in June 2017.

WHEREAS, the recording of this Environmental Covenant is a required component of the remedy selected in the ROD and the activity and use limitations in this Environmental Covenant are intended to protect the public from exposure to potential hazardous substances in the soil and groundwater on the Property;

WHEREAS, the Administrative Record for the Site is maintained at: (1) U.S. EPA, Region 5, 77 West Jackson Blvd., 7th Floor Records Center, Chicago, Illinois 60604; (2) the Salem Township Library, 535 West Pike St., Morrow, Ohio 45152; and (3) the Warren County Administrative Building, 406 Justice Drive, Lebanon, Ohio 45036.

WHEREAS, U.S. EPA, and Property Owner and Holder, desire to establish and impose the environmental covenants and restrictions on the Property as described herein. NOW THEREFORE, U.S. EPA, and Property Owner and Holder, agree to the following:

1. Environmental Covenant. This instrument is an environmental covenant developed and executed pursuant to ORC §§ 5301.80 to 5301.92.

2. Property. This Environmental Covenant concerns two tracts of real property located at the Site totaling approximately 55.247 acres (parcel No. 16-11-200-001, account 2801434; and parcel No. 16-12-453-001, account 2803909, both recorded in the Warren County Recorder's Office), and more particularly identified in the legal descriptions and maps attached hereto and incorporated by reference herein as "the Property."

3. Property Owner. The Owner of the Property is Hamilton Township, Ohio, with a mailing address of: 7780 South State Route 48 in Hamilton Township, Ohio 45039.

4. Transferee. The term "Transferee" as used in this Environmental Covenant shall mean any future owner of any interest in the Property or any portion thereof including, but not limited to, owners of an interest in fee simple, mortgagees, easement holders and/or lessees.

5. Holder. Pursuant to ORC § 5301.81, the holder of this Environmental Covenant is the Property Owner listed above.

6. Activity and Use Limitations. Property Owner acknowledges that the Site has been remediated only for commercial and/or industrial uses (compatible with recreational including public parkland and green space) and hereby covenants for itself and its successors and assigns, and imposes and agrees to comply with the following activity and use limitations:

- a. Soil Management Requirements. All excavation, digging, grading or disturbance of the ground surface on the Property shall be conducted in accordance with the September 2017 Soil Management Plan developed for the Site.
- b. Consolidation Cell. All excavation, digging, grading, disturbance of or intrusion into the Consolidation Cell is prohibited unless approved by U.S. EPA and for the purposes of investigation or remediation.
- c. Land Use Restriction. The Property shall be used solely for commercial and/or industrial activities, and the Property shall not be used for residential or other prohibited activities unless and until additional cleanup activities are performed on this Property and this environmental covenant is amended or terminated in accordance with paragraph 13.
- d. Ground Water Extraction or Use Prohibition. Ground water underlying the Property shall not be extracted or used for any purpose, potable or otherwise, unless approved by U.S. EPA and for the purposes of investigation, monitoring, remediation of the groundwater, or for a response activity.

If any event or action by or on behalf of a person who owns an interest in the

Property, or holds an encumbrance on the Property, constitutes a breach of the activity and use limitations set forth above, U.S. EPA shall be notified immediately after the breach and Property Owner and/or, if applicable, any Transferee, agrees to remedy such breach of the activity and use limitations immediately or within such other time frame as may be agreed to by Property Owner or Transferee and U.S. EPA.

7. Running with the Land. This Environmental Covenant shall be binding upon Property Owner and all assigns and successors in interest, including any Transferee, and shall run with the land, pursuant to ORC § 5301.85, subject to amendment or termination as set forth herein.

8. Compliance Enforcement. Compliance with this Environmental Covenant may be enforced pursuant to ORC § 5301.91 or any other applicable law. Notice of enforcement of compliance with this Environmental Compliance shall be provided to Property Owner and/or, if applicable, Transferee. Failure to timely enforce compliance with this Environmental Covenant or the activity and use limitations contained herein by any party shall not bar subsequent enforcement by such party and shall not be deemed a waiver of the party's right to take action to enforce against any non-compliance. Nothing in this Environmental Covenant shall restrict the Administrator of U.S. EPA from exercising any authority under applicable law.

9. Rights of Access. Property Owner hereby grants to U.S. EPA and Ohio EPA, and to its agents, contractors, and employees, the right of access to the Property for implementation and/or enforcement of this Environmental Covenant.

10. Compliance Reporting. Property Owner and/or, if applicable, any Transferee, shall submit to U.S. EPA, upon request, written documentation verifying that the activity and use limitations remain in place and are being complied with.

11. Notice upon Conveyance. Each instrument hereafter conveying any interest in the Property or any portion of the Property shall contain a notice of the activity and use limitations set forth in this Environmental Covenant, and provide the recorded location of this Environmental Covenant. The notice shall be substantially in the following form:

THE INTEREST CONVEYED HEREBY IS SUBJECT TO AN ENVIRONMENTAL COVENANT, RECORDED IN THE DEED OR OFFICIAL RECORDS OF THE WARREN COUNTY RECORDER ON _____, 2020, IN [DOCUMENT____, or BOOK____, or VOLUME____, PAGE____,]. THIS ENVIRONMENTAL COVENANT CONTAINS THE FOLLOWING ACTIVITY AND USE LIMITATIONS: SOIL MANAGEMENT REQUIREMENTS; LAND USE RESTRICTION; AND GROUND WATER EXTRACTION OR USE PROHIBITION.

Property Owner and/or, if applicable, Transferee, shall notify U.S. EPA, within ten (10) days after each conveyance of an interest in any portion of the Property. The notice shall include the name, address, and telephone number of the Transferee, a copy of the deed or other

documentation evidencing the conveyance, and a survey map that shows the boundaries of the property being transferred.

12. Representations and Warranties. Property Owner hereby represents and warrants to U.S. EPA the following:

- a. that Property Owner is the sole owner of the Property;
- b. that Property Owner holds title to the Property in fee simple;
- c. that Property Owner has the power and authority to enter into this Environmental Covenant, to grant the rights and interests provided herein, and to carry out all obligations hereunder;
- d. that this Environmental Covenant will not materially violate or contravene or constitute a material default under any other agreement, document or instrument to which Property Owner is a party or by which Property Owner may be bound or affected.

13. Amendment or Termination. This Environmental Covenant may be amended or terminated by consent of all the following: U.S. EPA; Property Owner and/or, if applicable, Transferee; and Holder; pursuant to ORC § 5301.90 and other applicable law. The term, "Amend or Amendment," as used in this Environmental Covenant, shall mean any changes to the Environmental Covenant, including the activity and use limitations set forth herein, or the elimination of one or more activity and use limitations so long as there is at least one limitation remaining. The term, "Terminate or Termination," as used in this Environmental Covenant, shall mean the elimination of all activity and use limitations set forth herein and all other obligations under this Environmental Covenant.

This Environmental Covenant may be amended or terminated only by a written instrument duly executed by: an authorized representative of U.S. EPA; Property Owner and/or, if applicable, Transferee; and Holder. Within thirty (30) days of signature by all requisite parties on any amendment or termination of this Environmental Covenant, Property Owner and/or, if applicable, Transferee, shall file such instrument for recording with the Warren County Recorder's Office and shall provide a filed and date-stamped copy of the recorded instrument to U.S. EPA, Ohio EPA, and Holder.

14. Severability. If any provision of this Environmental Covenant is found to be unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired.

15. Governing Law. Except as provided herein, this Environmental Covenant shall be governed by and interpreted in accordance with the laws of the State of Ohio. Federal law shall govern issues related to environmental remediation, interpretation of the Institutional Control Implementation and Assurance Plan, the adequacy of the institutional controls to protect human health and the environment, and issues involving or relating to the authority of

U.S. EPA. The federal court for the appropriate judicial district shall have jurisdiction of an action involving U.S. EPA.

16. Recordation. Within thirty (30) days after the date of the final signature required upon this Environmental Covenant, Property Owner shall file this Environmental Covenant for recording, in the same manner as a deed to the Property, with the Warren County Recorder's Office.

17. Effective Date. The effective date of this Environmental Covenant shall be the date upon which the fully executed Environmental Covenant has been recorded as a deed record for the Property with the Warren County Recorder's Office.

18. Distribution of Environmental Covenant. Property Owner shall distribute a filed and date-stamped copy of the recorded Environmental Covenant to U.S. EPA and Ohio EPA at the addresses listed below.

19. Notices. All notices, requests, demands or other communications required or submitted pursuant to this Environmental Covenant shall be sent in writing to:

For U.S. EPA:

United States Environmental Protection Agency, Region 5
Superfund & Emergency Management Division (SR-6J)
RE: Peters Cartridge Superfund Site
77 West Jackson Blvd.
Chicago, Illinois 60604, and

United States Environmental Protection Agency, Region 5
Office of Regional Counsel (C-14J)
RE: Peters Cartridge Superfund Site
77 West Jackson Blvd.
Chicago, Illinois 60604

For Ohio EPA:

Ohio EPA
Division of Environmental Response and Revitalization
Attention: Division Chief
RE: Peters Cartridge Superfund Site
P.O. Box 1049
50 West Town Street, Suite 700
Columbus, Ohio 43215

HAMILTON TOWNSHIP, OHIO

Signature

Date

Printed Name

Title

State of Ohio)
) ss:
County of Warren)

Before me, a notary public, in and for said county and state, personally appeared _____, a duly authorized representative of Hamilton Township, Ohio, who acknowledged to me that s/he did execute the foregoing instrument on behalf of Hamilton Township.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this _____ day of _____, 2020.

Notary Public

U.S. ENVIRONMENTAL PROTECTION AGENCY

Douglas Ballotti
Director
Superfund & Emergency Management Division
U.S. Environmental Protection Agency, Region 5

Date

State of Illinois)
) ss:
County of Cook)

Before me, a notary public, in and for said county and state, personally appeared _____, a duly authorized representative of the United States Environmental Protection Agency, who acknowledged to me that he did execute the foregoing instrument on behalf of the United States of America.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this _____ day of _____, 2020.

Notary Public



Hamilton Township
7780 S. State Route 48, Maineville, Ohio 45039

Trustee Meeting protocol

June 1, 2020

Hamilton Township will be opening the Administrative building to public attendance at Trustee meetings with restrictions through July. We hope to be back to unrestricted meetings, beginning in August.

As attendance at these open meetings is discouraged, the Township will continue streaming the meetings live on Facebook and uploading the video recordings within 24 hours to the Township website.

If you plan to attend a public Trustee meeting, the following protocols will be in place:

- In-person attendance is requested for residents with specific items to address or present to the Board, as there will be limited seating available.
- Social distancing will be practiced with seating arrangements (6 feet).
- Face masks/covers are preferred.
- It is requested that Public Comments are submitted online prior to the meeting to bcenters@hamilton-township.org with the subject line: *Public Comments*. However, the opportunity for in-person Public Comments will be made available.
- Any meeting materials (including Agendas) will need to be brought from home as they will not be available for public distribution. Available at: <https://www.hamilton-township.org/meetings/>
- Gatherings before and after the meeting will be prohibited inside the building. Those who gather outside of the building are requested to practice social distancing as directed by Governor DeWine and the State Board of Health.

The safety and health of our staff and residents remain our top priority. We appreciate your willingness to adapt to these unconventional measures during this unprecedented time. Your Trustees are dedicated to bringing Hamilton Township back to normal in a safe and healthy manner and appreciate your patience.

Stay healthy,

Hamilton Township