

**DEERFIELD REGIONAL STORM WATER DISTRICT
REGULAR DISTRICT BOARD MEETING
Landen Station, 3292 Montgomery Road
Loveland, OH 45140**

October 10, 2006

CALL TO ORDER:

President Walter Daniels called the meeting to order at 6:40 P.M.

PLEDGE OF ALLEGIANCE TO THE FLAG

ATTENDANCE:

Those present at the meeting were:

Board Members:	Walt Daniels and Susan Berger
Attorney:	Eric Luckage, Esq., Albers & Albers
Engineering:	Jamie Coleman, Ph.D., CDM Inc.
DRSWD Admin. Asst.	Cathy Herrick
Insurance Agent:	Jeff Markovic, Mariemont Insurance
Public:	Duane & Lorraine Charbonneau, Rev. Anthony Rouseau, Mike Valentine, York Zhan, R. Riley, Bryan Matthews

APPROVAL OF MINUTES

The Regular Board meeting minutes dated September 12, 2006, were presented and reviewed.

- **Action Taken/Required:** Susan Berger made a Motion, seconded by Walt Daniels to accept and approve the meeting minutes of September 12, 2006, as written. Vote: All Yes.

REPORTS OF BOARD, AND COMMITTEES

Susan Berger, Secretary/Treasurer, prepared a year-to-date expense and projected expense report indicating the November expenditures would cause the District to be overextended as far as the budget allowed due to unanticipated expenses and the bulk mailing being done of the notification letters to the community members, thus resulting in

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a deficit in operating funds. Ms. Berger added all expenses should be able to be met through November 1, 2006, which would include any outstanding expenses through October, 2006. Walt Daniels stated, he had requested a \$20,000.00 loan from Deerfield Township to tide the District over until January, 2007, and if granted, the District will repay by crediting the Township for their storm water user fees starting in 2007. Mr. Daniels added, in the event the Township does not approve the loan, the District will then have to suspend operations for several months to allow time for the user fees to accumulate enough income to become self funding and resume its normal activities.

Payment of the Bills:

- Balestra, Harr, & Scherer, CPA's, invoice #13845, Accounting services for 1/1/06 through 8/25/06, \$2,556.00;
- Minute Man Press, invoice #105144, copying expense, \$24.00;
- Cathy Herrick, reimbursement for postage, \$17.52;
- Cathy Herrick, wages in the sum of \$416.00;
- Albers and Albers, invoice#10219, for legal services, \$6,438.00.

➤ ***Action Taken/Required:*** Walt Daniels made a Motion seconded by Susan Berger to accept and pay the invoices as listed above. Vote: All Yes.

SPECIAL ORDERS

Mariemont Insurance, Annual Report: Mr. Jeff Markovic, agent of Mariemont Insurance addressed the Board at this time stating that the annual renewal date for the District was December 15, 2006. Mr. Markovic introduced a summary report for the Board's review advising the only change in coverage was a change in ownership of the risk management protection from Arch Insurance which has now been purchased by HCC Insurance. He indicated this change would cause no direct affect to the District's coverage. Mr. Markovic did inform the Board the premiums would, however, be affected causing a lower rate for the insurance coverage.

Susan Berger inquired as to the coverage for the computer equipment and other office contents. Mr. Markovic informed the Board, all office equipment was covered under the blanket of coverage.

COMMENTS FROM GENERAL PUBLIC: There were several members of the community in attendance. President Daniels asked that they address the Board, at this time. Community member, Lorraine Charbonneau, 7983 Hedgwood Circle, Mason, Ohio took the podium representing the Hunter's Green subdivision. Ms. Charbonneau presented a diagram of the area of concern in the subdivision stating the residents felt, due to the area not being sloped or graded properly when being built, and the results of heavy rains and runoff waters have created a large sink hole in the neighborhood causing

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an extremely dangerous hazard to its residents. She further reported that many residents' basements flood and water damage is occurring to their properties as well. It was established that the flow was actually the result of the run-off from the subdivision built above Hunter's Green, being Chestnut Oaks and the developers did attempt to address the situation by creating a catch basin, but that attempt has failed, resulting in a huge sink hole with a whirlpool effect. She added, small children have been seen playing in this area causing great concern for the safety of the community. Ms. Charbonneau added, she had previously spoken to Warren County, the developer, and Deerfield Township regarding this dangerous situation. The Board inquired as to whether or not this area was situated on private property of which they learned it was. Mr. Daniels informed the community members that private property was not a responsibility of the Township but, should be addressed by Warren County as this could be a health hazard. Mr. Daniels asked Ms. Charbonneau to convey the photos and other information which she had gathered to Dr. Coleman and asked him to contact either Chuck Petty, Warren County Engineer or Dave McElroy, Director of Warren County Soil and Water Conservation and investigate the assistance of the County in resolving this problem.

- **Action Taken/Required:** Walt Daniels requested Jamie Coleman collect the information which community member, Lorraine Charbonneau, had presented to the Board and speak with Warren County Soil and Water Conservation or the Warren County Engineer's office regarding same and the possible remedy thereof.

Community member, Rev. Anthony Russo, 7980 Hedgewood Circle, also addressed the Board with his concern about a large section of drainage pipe where the tiles have separated. He informed the Board the storm drain and grate in the back of his yard were replaced but, the situation still persists. Mr. Russo indicated he had contacted Henry Fischer, the original developer whom he thought might be looking into the situation.

UNFINISHED BUSINESS AND GENERAL ORDERS

CDM Update: Dr. Jamie Coleman addressed the Board providing the members with a draft letter report summarizing the mapping of the septic systems within Deerfield Township, indicating their locations, of which he had compiled from the live database in Warren County dating from the 1980's to present. While talking with Chris Brausch, Warren County Deputy Sanitary Engineer, Dr. Coleman discovered that he had some additional information available regarding the infrastructure in Deerfield Township which may be helpful in completing the mapping of the septic systems and their locations, especially those constructed prior to the ones appearing in the current data base. Dr. Coleman planned to work with this new information to help complete the summary report of the sanitary systems locations. Dr. Coleman further reported it was possible that although sewer tap-ins are presently available in some areas, residents neglected to connect to them and therefore have gone undetected. Eric Luckage said, usually what happens, if a resident is within 200 feet of a connection, the Board of Health steps in and requires the connection. Mr. Luckage continued by saying that, sometimes,

the line is constructed and the homeowner never connects, and unless the line owner confirms connection, the owner may avoid making the connection. Ms. Berger also inquired as to the percentage of systems indicated on the mapping. Dr. Coleman said that he was not sure, at this time but, the annual report was due in March/April of 2007 and he would have a better representation hopefully by the first of the year and well in time for preparation of the report.

Dr. Coleman stated the only other item which CDM was focusing on at this time was the billing of the user fees. He said he had been talking with Chris Brausch in Warren County and the only issues were some duplicate accounts which they are working to eliminate and finalizing the exact amount of impervious surface area of the Deerfield Towne Center, of which there was a question.

Dr. Coleman also informed the Board he was assisting Mr. Krailler, owner of Underwater World, who had addressed the Board at the September 12, 2006, board meeting requesting assistance in a flooding issue on his business property. Dr. Coleman said he had contacted Chuck Petty, Warren County Engineer, regarding this issue and was informed this was not a Warren County responsibility as they had previously resolved the portion of the drainage problem which was in their jurisdiction and the remaining problem was a private property issue which would be the responsibility of the property owner. Dr. Coleman said he had not yet had a chance to speak with Mr. Krailler about his findings but, would do so, as soon as possible.

Utility Billing Agreement with Warren County, Update and Waiver of Service Fee Deposit:

The Board discussed the variables in collecting a service fee deposit from residential tenants who do not actually own the property. In the Utility Billing Agreement with Warren County, the County agreed to collect this deposit. Dr. Coleman advised he had discussed this issue with Chris Brausch of Warren County and the Board could address the collection of such a deposit in one of two ways. As proposed in the Utility Billing Agreement, the District intended to charge a \$15.00 storm water account deposit to each residential tenant who does not actually own the property. The County had agreed to accommodate the collection of said deposit in the billings but, it has been discovered that it would require a great deal of reprogramming of the current databases in Warren County to do so and until that could be completed, the deposits collected, would have to be tracked by the District. In the alternative, **The County has proposed that any delinquent District fees be paid out of the existing \$180.00 deposit. The County believes it has the authority to do so and that sufficient funds will, in most cases, be available to cover outstanding District fees, based on historical review.** Eric Luckage advised that Board that if it will permit the County to not collect the District deposit, then an amendment to the contract was preferable. However, in the interests of harmony, the District could adopt a resolution temporarily suspending that portion of the contract and ask the County to acknowledge the same through correspondence. Walt Daniels suggested that the County simply sign the bottom of the proposed resolution, acknowledging the substance of the same.

- **Action Taken/Required:** Susan Berger made a Motion, seconded by Walt Daniels, to adopt Resolution 2006-41 as follows: “That the Board hereby approves an indefinite suspension of the collection of the District’s fifteen dollar (\$15.00) storm water deposit by the Warren County Water & Sewer Department, as required under the Utility Billing Agreement (the “Agreement”) approved by the District in Resolution 2006-36. That the adoption of this Resolution should not be construed as a permanent waiver of the Agreement’s provision requiring the County to collect said District deposit. That the District reserves the right to enforce said provision of the Agreement if the Board determines that it is necessary to do so. That it is found and determined that all formal actions of this Board of Trustees concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board of Trustees, 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”.
Vote: All Yes.

Storm Water Fee – Informing the Public, Mailings and Press Releases: Susan Berger reported the press releases informing the public of the initiation of the storm water fee have been sent out on October 10, 2006, to the Cincinnati Enquirer, Cincinnati Post, Loveland Herald, Western Star, Pulse Journal and Community Press news publications. Regarding direct mailings of the residential and non-residential letters in Deerfield Township, Ms. Berger said she was working with Chris Brausch at Warren County and there were only about 20 accounts which were still in question. When these accounts are clarified, the mailings were to be sent out in window envelopes separately from the actual bills.

Ms. Berger also reported she had spoken to Fran Klatt, Public Relations Director for Deerfield Township, again regarding airing a program on the ICRC local community program for Deerfield Township, informing the public of the initiation of the user fees. Ms. Berger added that she and Ms. Klatt were working on dates to create the program and actual airing times.

DFT/SWD Communications: Walt Daniels informed the Board, Trustee Dan Corey informed him the township trustees had narrowed the potential candidates for the vacant trustee position with the DRSWD Board, down two candidates and hoped to make a decision very soon.

The Board then had a discussion about the Memorandum of Understanding (MOU) which Eric Luckage had prepared to be utilized between Deerfield Township and the Deerfield Regional Storm Water District. Due to changes suggested by the current

Township Trustees as to the role of the District, which varies from the original Petition for formation of the District and the Plan of Operation as created by the Township Trustees at that time, the Board decided that it was necessary to recognize the changes so that everyone will understand the District's role and that that no oversights were made and the direction of both entities is clear. The need for the MOU is also important because of the need for continuity after Board member turnover through the years, as evidenced by Jeff Thomas' resignation. The MOU sets out, by mutual agreement, the intent of Deerfield Township to perform all storm water functions and storm water projects which were originally assigned to the District in the Plan, pertaining to all road right-of-way and public property areas, and the District being responsible for the Phase II related functions which are assigned to the District under the Plan, as well as, all functions or projects which are located on private property within the District, to be performed, provided there is sufficient funding available through the user fees collected by the District. The Board discussed and agreed to the content of the MOU and then decided that Eric Luckage should send it directly to Deerfield Township's attorney for review. It was recommended that the MOU should be printed on the DRSWD letterhead which Susan Berger agreed she would forward electronically to Eric Luckage.

- **Action Taken/Required:** Walt Daniels asked Eric Luckage to send an unsigned copy of the Memorandum of Understanding to Tom Swope, for review and to share with the Township Trustees.

Deerfield Day Follow-up: Susan Berger gave an overview of the District's participation in the Deerfield Day activities saying that it was a worthy venture with lots of information, activities and visual models being shared with attendees. Ms. Berger further stated that with the assistance of Amy Pond and Dave McElroy of Warren County SWCD, as well as, Jamie Coleman, the District had made a good appearance.

Regulations, Credit/Adjustment Policy, Private Property Policy: Eric Luckage and Jamie Coleman presented to the Board, the Deerfield Regional Storm Water District Code of Regulations and Credit/Adjustment Policy which they had created for the District's review and approval. It was noted, the Private Property Policy had been incorporated into the Regulations as previous discussed.

The Board reviewed the documents and made the following changes:

Code of Regulations:

Chapter 1 – General Provisions

Page (1) In the header caption, instead of "Water and Sewer Regulations", it would be replaced with "Code of Regulations" and would be consistently changed on each and every page of said document. Page (3) section (hh) a period would be added at the end of the first sentence.

Chapter II – Storm Water Charges

Page (6) #204, there was a question regarding “fee shall be imposed on each and every lot and parcel of land within the District” being, what if lot or parcel does not contain impervious surface(s). Mr. Luckage informed the Board, this was covered by the phrase, “as defined by the District”, but that the language would be clarified to specify impervious surface. Page (9) The page number is missing and shall be added. Page (10) #225, Mr. Luckage suggested looking ahead on this item and considering the possibility of forming a committee for reviewing accounts to be terminated.

Chapter III - Illicit Discharge Regulations

Page (11) #302-398, shall be reserved for Dr. Coleman’s input.

Chapter IV – Private Property Drainage Assistance Policy

Page (12) #403, A question arose from this item as to how it would be determined who would receive assistance with private property issues when and if sufficient funding was available to do so. Susan Berger believed that additional language was necessary to clarify that, if funds are available, the District could potentially provide financial assistance of some sort to correct private property problems which meet as-yet-undefined criteria. She believed this is one of the purposes of the District and that it was important to her that the District clarify this item. It was agreed, this item would need to be revisited to implement a ranking system where certain criteria would determine the greatest need of assistance and the order to which the problem would be addressed. It was also agreed that the previous idea of forming an ad hoc committee to address these decisions and advise the Board of their opinions was still needed.

Chapter V – Purchasing Policy

No changes were noted.

Adjustment and Credit Policy:

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No changes were noted.

Section 1 – Introduction

Page (2), in the first paragraph, the resolution number was added being Resolution No. 2006-37 which established the Storm Water User Fee on August 8, 2006. Page (4), *User Fee*, the resolution number was added, being Resolution No. 2006-37 as referenced above.

Section 2 – User Fee Adjustment and Credits

Page (5), sub-section 2.3 *Application and Evaluation Procedures for User Fee Adjustments*. The second sentence was amended to read as follows: All requests, under

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this policy, shall be judged on the basis of the information provided by the Applicant and with verification as deemed necessary by the District.

Page (7) There was a question as to credit for land which is mainly or completely agriculturally utilized. It was suggested the information contained in the last paragraph be amended with the calculations of an agricultural credit being put into writing and a resolution reflecting this change, be created to reflect this action, to be adopted at the next regular board meeting. Page (8) sub-section 2.3.2 *Storm Water Discharge Outside District Limits*, will be deleted from this document. Page (11) First sentence, resulting in add “a measurable cost savings to the District...”

There was a discussion regarding different aspects of the Adjustment Credit Policy regarding how it would be determined if a customer could be worthy of a credit for not only controlling water quantity but also, water quality. Pages (11) and (12) explained the formulation and the percentages that would be utilized to be considered for credit(s). Eric Luckage said it was necessary to make clear to customers that retention ponds, etc., could not be built for the purpose of obtaining a credit, specifically, if the project was not deemed necessary for storm water control by the District.

Section 3 – Appeals

There were no changes to this section at this time. The Board agreed to revisit this area at a later date.

Eric Luckage reminded the Board, with the impending user fee about to become effective, there needs to be a procedure in place and a committee or person, who will hear appeals when customers want to challenge the District’s decision on a credit or adjustment decision of the District or staff. It was decided Jamie Coleman would make the decision as to eligibility, at this time and Mr. Luckage requested that a short procedural structure be created to be utilized as well.

Appendix A

This section contains application forms 1. Residential ERU Adjustment Credit, 2. Non-residential ERU Adjustment Credit , 3. Residential Credit and 4. Non-residential Credit. The only noted change was, Form 2, under section, “Reason for ERU Adjustment”, “Other explain” the information contained in parentheses shall be deleted.

Upon completion of this review and changes agreed upon by the Board, it was noted that the areas of Appeals, who will determine eligibility for credits/adjustments, illicit discharge procedures, and private property policies were still areas which needed to be revisited by the Board. At this time, the Board entertained a motion to adopt the DRSWD’s Code of Regulations as follows:

- **Action Taken/Required:** Walt Daniels made a Motion, seconded by Susan Berger, to Approve and adopt the Deerfield Regional Storm Water District Code of Regulations,

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including the Appendix (A) 1., as presented, including all corrections agreed to this date. Vote: All Yes.

- **Action Taken/Required:** Susan Berger made a Motion, seconded by Walt Daniels, to approve and adopt the Deposit, Fee and Charge Schedule as presented. Vote: All Yes.

NEW BUSINESS:

None.

COMMENTS FROM BOARD MEMBERS:

None.

RESOLUTIONS

Eric Luckage presented the following previously adopted resolutions for signature of the Board: Resolution 2006-38, Approving moving the sum of \$1,440.00 from line item Contract Office and the sum of \$23,560.00 from line item Phase II, with \$10,000.00 going into the Engineering category and \$15,000.00 going into the Legal category, totally \$25,000.00 being re-budgeted accordingly. Resolution 2006-39, Accepting and approving payment of invoices as presented.

MOTION FOR ADJOURNMENT

Susan Berger made a Motion, seconded by Walt Daniels, to adjourn at 9:55 P.M. Vote: All Yes.

Next Regular Meeting: November 20, 2006

The Deerfield Regional Storm Water District Board meets the second Tuesday of every month at 6:30 p.m., unless otherwise notified.

Attest:

Susan Berger, Secretary/Treasurer