

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

**November 20, 2006**

**CALL TO ORDER:**

President Walter Daniels called the meeting to order at 6:44 P.M.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**ATTENDANCE:**

**Those present at the meeting were:**

Board Members:	Walt Daniels, Tim Greive, and Susan Berger
Attorney:	Eric Luckage, Esq., Albers & Albers
Engineering:	Jamie Coleman, Ph.D., CDM Inc.
DRSWD Admin. Asst.	Cathy Herrick
Public:	Xuang (York) Zhan

**APPROVAL OF MINUTES**

The Regular Board meeting minutes dated October 10, 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 October 10, 2006, as written. Vote: All Yes.

**REPORTS OF BOARD, AND COMMITTEES**

**Treasurer's Report:** Susan Berger, Secretary/Treasurer, presented a year-to-date expenses and projected expenses report for 2006. The report indicated that the balance of the remaining budget was currently \$9,663.72 with anticipated expenses to exceed that amount for the year. She noted that there were a couple of categories showing a negative balance due to unanticipated expenses in engineering and legal fees also due to the unbudgeted costs for the bulk mailing being done by Warren County of the notification letters to the community members, resulting in a deficit in operating funds for the

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remainder of 2006. Ms. Berger explained the amount of the bulk mailing was not anticipated however, the second portion of the mailing was not completed yet and the billing would not be presented for payment until 2007. Walt Daniels inquired as to how much the remainder of the bulk mailing would cost. Ms. Berger stated the original quote from Warren County Water and Sewer was \$6,300.00 with the current invoice for \$2,628.63 being presented for payment at this meeting.

Ms. Berger then referred to a proposed 2006 Revised Budget report she had also prepared. She used the current 2006 budget amount of \$145,000.00 versus the year-to-date current expenses in the amount of \$135,336.28 and then suggested new allocations for each category. Ms. Berger added the revised budget would include carrying over bank funds from 2005 in the sum of \$36,830.49, the original grant from Deerfield Township in the sum of \$145,000.00 and the anticipated current loan from Deerfield Township in the sum of \$20,000.00 making the total income for 2006, approximately the sum of \$201,830.49 and within the suggested, revised budget of \$201,500.00. Said revised budget included the following:

Accounting	Decrease from \$5,660.00 to \$2,600.00
Administrative	Decrease from \$2,500.00 to \$2,100.00
Contract Office:	Decrease from \$6,060.00 to 45,500.00
Engineering:	Increase from \$21,000.00 to \$57,500.00
Insurance:	Decrease from \$2,780.00 to \$2,700.00
Legal:	Increase from \$57,000 to \$65,600.00
Phase II:	Increase from \$50,000 to \$62,500.00
Fee Mailing:	New Category – \$3,000.00
Total:	\$201,500.00

- **Action Taken/Required:** Walt Daniels made a Motion, seconded by Tim Greive, to accept the 2006 Revised Budget as presented. Vote: All Yes.

Susan Berger then presented the bills for October as follows:

***Payment of the Bills:***

- Warren County Soil and Water for partial bulk mailing, \$2,628.63;
- Albers & Albers, invoice #10259, in the sum of \$6,290.00;
- CDM, invoice #80237720/6 in the sum of \$16,390.33;
- CDM, invoice #80239161/3 in the sum of \$1,383.30;
- CDM, invoice #80239162/5, in the sum of \$1,29.30;
- CDM, invoice #80239163/3, in the sum of \$2,08.16;

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- CDM, invoice #80241532/4, in the sum of \$1,492.50;
- CDM, invoice #80241533/4, in the sum of \$6,890.16;
- Cathy Herrick, wages in the sum of \$528.00;
- Cathy Herrick, reimbursement for postage, \$7.23.

- **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**

**Introduction of New Board Member, Tim Greive:** Walt Daniels introduced Mr. Tim Greive, the newly appointed trustee of the DRSWD and welcomed him on behalf of the Board. Mr. Greive then spoke and shared he had been a resident of Deerfield Township for the past 15 years and when he saw the ad for the opening within the board, he thought this position, with his background and experience, might be an interesting way for him to become involved and contribute back to the community.

**Election of Vice-President:** President Daniels announced, the position of vice-president could now be filled with the appointment of Tim Greive and presented a motion as follows:

- **Action Taken/Required:** Walt Daniels made a Motion, seconded by Susan Berger, to elect Tim Greive as vice-president of the DRSWD Board of Trustees for the term ending February 16, 2007. Vote: Walt Daniels, Yes; Susan Berger, Yes; Tim Greive, Abstained.

**COMMENTS FROM GENERAL PUBLIC:** Mr. Xuang (York) Zhan, 7940 Plantation Drive, Mason, Ohio of the Hunter’s Green subdivision was in attendance. President Daniels asked that he step up to the podium to address the Board at this time. Mr. Zhan had recently addressed the Board at the October 10, 2006, regular board meeting regarding a problem in his neighborhood where a large drain pipe is damaged with missing tiles and causing unwanted drainage and erosion on the residents’ properties. Mr. Zhan was asking for an update as to any progress that might have been made with resolving this issue. Mr. Zhan added, someone had come in approximately two (2) years ago and attempted to fix the problem but, he wasn’t sure who it was. He thought it might have been Warren County but, the problem is again worsening and causing great concern as a whirlpool continues to become larger with heavy rains. Dr. Coleman stated that CDM had thoughts on the problem but, needed to do an on site inspection of the area to get a better understanding of exactly what is causing the problems. Dr. Coleman added, he had spoken to Chuck Petty, Warren County Engineer about these types of issues in general and the best ways to resolve them but, had not discussed this one particular instance. Walt Daniels asked that Mr. Zhan coordinate a time to meet personally with Dr. Coleman and allow him to do an on site investigation and then report back to the Board

his findings and a possible solution in resolving this problem. Dr. Coleman added, he would talk with Chuck Petty and inquire as to whether or not there might be a record of any attempts by the county to fix this problem in the past.

- **Action Taken/Required:** Jamie Coleman shall coordinate a meeting with Mr. Zhan to do an on site inspection and investigation of the problem and concerns of the residents of the Hunter's Green subdivision and work with CDM and Warren County to attempt to correct this problem area. Dr. Coleman shall also investigate who may have attempted to remedy this problem in previous years and advise the Board of his findings.

### **UNFINISHED BUSINESS AND GENERAL ORDERS**

**CDM Update:** Dr. Coleman reported the storm water user bills had been sent out in the upper portion of the township. He also advised there had been a few accounts which were not billed correctly but, Warren County had been very proactive in addressing these accounts and had made corrections, as well as, following up with a letter to the residents indicating that adjustments had been made and noted. Dr. Coleman said, for the most part, things running smoothly with few complaints, mostly receiving questions, and inquiries as to how to qualify for credit adjustments. Tim Greive inquired as to the timeline as to when the public outreach letters were sent out to which Ms. Berger informed him the first tier of letters went out in October as to be received prior to those billings. An additional mailing for storm water only accounts, is scheduled to go out in early 2007 and prior to these community members receiving their actual billings. Ms. Berger said she was in the process of preparing the letters for the second mailing and hoped to have them to Warren County by the upcoming week. Ms. Berger inquired of Dr. Coleman if he had an idea of the amount of revenue the District would have accrued by the end of November. Dr. Coleman responded by saying that since he had turned the billing files over to Warren County, he was not sure of the exact amount but, reports would be generated by Warren County and by the end of November the District should receive this information at that time.

**Storm Water Fee Update:** This item was addressed above in the CDM Update.

**DFT/SWD Communications:** Walt Daniels reported that most of the communications with Deerfield Township in the past month have been concerning the issue of a funding loan from the Township to tide the District over in operating expenses until revenue from the user fees have accumulated. Mr. Daniels then explained the efforts of the District to keep the lines of communication flowing with the township trustees as to the activities of the Board and coordinating the goals and efforts between the two entities. Susan Berger added, the township staff were currently fielding calls from community members regarding the user fees and were in turn, sending the information to her via email, so that

every effort could be made to satisfy any questions or concerns of community members. She said this process seemed to be working well, at this time.

Eric Luckage inquired as to the status of the MOU (Memorandum of Understanding) which the Board had prepared and submitted to the township attorney for review and with regard to the roles of Deerfield Township and the DRSWD in storm water related matters. Walt Daniels said he had not heard any feedback on this item but would make a point to check with Trustee Cory and report his findings at the next meeting.

- **Action Taken/Required:** Walt Daniels shall speak to Dan Corey and inquire as to the status of the MOU (Memorandum of Understanding) and report his findings at the next regular board meeting.

**Funding Loan from Deerfield Township:** Susan Berger explained, at the beginning of the year 2006, a grant for \$145,000.00 was received from Deerfield Township for operating expenses for the year and was budgeted accordingly with the intention of the District becoming self sufficient by year's end and with the initiation of the user fee. She further explained, due to the billing of the user fees being delayed by a month and Warren County's need to have additional time to get their programming in place, a deficit occurred in operating funds, thus the need for additional funding became necessary.

Walt Daniels inquired of the Deerfield Township Trustee's the possibility of loaning the District \$20,000.00 to continue regular operations until the District became self sufficient to which they agreed. An intergovernmental agreement along with a promissory note, were drawn up by the township's attorney and presented to the Board for review and signature. Prior to tonight's meeting, Mr. Luckage made various changes to the Agreement and provided the revised Agreement to the Board for their review. The Board reviewed the revised documents and suggested a couple of changes to be made before signature and submission to the township trustees. It was agreed to remove the word, "ratifying" from the first paragraph of the Agreement and to change the date of deposit stated in the body of the Agreement from November 1, 2006 to December 1, 2006. By virtue of these changes and by agreement of the Board, the following motion was made:

- **Action Taken/Required:** Susan Berger made a Motion, seconded by Tim Greive, to approve the Intergovernmental Agreement and Promissory Note, attached as Exhibit "A", between Deerfield Township and the DRSWD, with the noted changes and authorize President, Walt Daniels, to sign both the Agreement and Note on behalf of the Board.

## **NEW BUSINESS**

**Amendment No. 2 to Task Order No. 5 for Continued 2006 General Support:** Dr. Coleman presented an amendment (Amendment No. 2) to CDM's original Task Order No. 5, for continued General Support for the remainder of 2006 as there has been more support and services needed than anticipated when the task order was created. Dr. Coleman reported that CDM has already rendered nine (9) hours of investigational services for storm water complaints and the amendment would provide for the assumption of up to three (3) additional complaints to be investigated which were not covered in the original Task Order No. 5, as well as, attendance at the November and December board meetings. He added, in the event there are additional funds left at the close of 2006, they can be carried over to 2007's operations. Eric Luckage questioned that process because the proposed Amendment No. 2 to Task Order No. 5 states that the work is to be completed by December 31, 2006. Mr. Luckage said a new task order would still have to be created at that time to continue these services of CDM.

- **Action Taken/Required:** Walt Daniels made a Motion, seconded by Susan Berger, to accept and approve Amendment No. 2 to Task Order No. 5 to the Master Services Agreement between Owner (DRSWD) and Engineer (CDM) for Master Services (Non-Hazardous) Waste Services. Vote: All yes.

**COMMENTS FROM BOARD MEMBERS:** Tim Greive expressed his appreciation for becoming a member of the DRSWD Board of Trustees and the opportunity to serve his community. The Board returned their appreciation for his willingness to serve and said they looked forward to working with Mr. Greive in achieving the District's goals.

## **RESOLUTIONS**

Eric Luckage presented the following previously adopted resolutions for signature of the Board: Resolution 2006-40, Approving payment of the bills as presented; Resolution 2006-41, Approving and Indefinite suspension of the collection of the District's fifteen (\$15.00) storm water deposit by WCWSD as required under the Utility Billing Agreement approved by the District in Resolution 2006-36; Resolution 2006-42, Accepting and approving Deerfield Regional Storm Water District Code of Regulations and Credit/Adjustment Policy; Resolution 2006-43, Accepting and approving the Deerfield Regional Storm Water District's Deposit Fee and Charge Schedule.

**MOTION FOR ADJOURNMENT**

Susan Berger made a Motion, seconded by Tim Greive, to adjourn at 7:45 P.M. Vote: All Yes.

**Next Regular Meeting: December 12, 2006**

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

Attest:

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Susan Berger, Secretary/Treasurer