

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

April 10, 2007

CALL TO ORDER:

President Walter Daniels called the meeting to order at 6:37 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., Jeff Macomber, CDM Inc.
Admin. Asst.	Cathy Herrick
Public:	Judith Pepin, Fred McCarnan, Diana Halligan

APPROVAL OF MINUTES

The Board reviewed the Regular Board Meeting minutes of March 13, 2007, Special Meeting minutes of March 27, 2007 and Special Meeting minutes of March 30, 2007, resulting in the following motion:

- **Action Taken/Required:** Susan Berger made a Motion, seconded by Tim Greive to accept and approve the minutes from the Regular Board Meeting of March 13, 2007, Special Meeting minutes of March 27, 2007, and Special Meeting minutes of March 30, 2007 as written. Vote: All Yes.

REPORTS OF BOARD, AND COMMITTEES

Treasurer's Report: Per the suggestion of Mr. Luckage, Ms. Berger presented a revised copy of the 2007 Budget which now reflects an income category including a carryover from 2006, with additional funds being added to the Administrative category to make the budget balance with the projected income. The Board reviewed the proposed changes and the following motion resulted:

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- **Action Taken/Required:** Susan Berger made a Motion, seconded by Walt Daniels, to approve and accept the revised 2007 Budget as presented. Vote: All Yes.

Ms. Berger then presented a report indicating the 2007 Income and Expenses vs. Budget, to-date and also reflecting the above mentioned budget changes and resulting in the following:

- **Action Taken/Required:** Susan Berger made a Motion, seconded by Walt Daniels, to accept the 2007 Income and Expense revisions as presented in the Treasurer's Report. Vote: All Yes.

Ms. Berger reported she had received a report from the State Auditor regarding the recent audit of the District for 2004-05. She stated the audit resulted in two areas which the District should correct: (1) The District shall compile a Certificate of total Estimated Resources for 2005 and 2004 and each year thereafter. Ms. Berger indicated that, as approved earlier today, all future budgets will include income line items to show all income. (2) An appropriation resolution was not done during the District's first year of existence. Ms. Berger explained that the District was without legal counsel at that time and has adopted an appropriation resolution ever subsequent year and will continue to do so. She said she also received a letter indicating the suggested policies providing for cell phones, company vehicles and equipment be put into place, and suggesting the creation of a policy prohibiting the use of rubber stamps and mechanical devices to reproduce original signatures on documents.

There was a discussion about having a post audit meeting to discuss the information to which the Board agreed an evening would work best for them. Ms. Berger said she would speak with the Auditor and email everyone concerning such a meeting in the upcoming week. She also reiterated this would be a closed meeting and is not subject to the Sunshine Law.

Ms. Berger then presented the bills for March as follows:

Payment of the Bills:

- Treasurer of State, BILL000000004279 in the sum of \$6,060.55;
- Cox Ohio Publications, Customer #SL001810 in the sum of \$373.10;
- Albers & Albers Inv. #10362, in the sum of \$7,289.00;
- Cathy Herrick, wages & mileage for March, in the sum of \$461.90;
- Susan Berger, reimbursement for web hosting costs, in the sum of \$54.57;
- Cathy Herrick, reimbursement for postage in the sum of \$6.51;
- Minuteman Press, Inv. #73175, in the sum of \$12.51.

- **Action Taken/Required:** Tim Greive made a Motion, seconded by Susan Berger, to approve and pay the invoices as presented with an adjustment voiding a duplicate payment to the Treasurer of State and as listed above. Vote: All Yes.

COMMENTS FROM GENERAL PUBLIC:

Judith Pepin, of 6830 Autumn Mist Court, Mason, Ohio (Chestnut Oaks subdivision) addressed the Board at this time with concerns about drainage problems in her neighborhood. She reported that due to a private swimming pool being built on a property above hers when there are heavy rains the water pools leaving standing water for long periods of time over several properties. She said it usually dries out after spring rains, in approximately June and then becomes a problem again in the fall around September. She said when the pool was installed they built up the ground around the area approximately three (3) feet to level the pool which caused even more runoff and flooding. They started seeing the problem about three years ago, and it has gotten progressively worse and fears mosquitoes breeding in this pooling water as well. Walt Daniels asked Dr. Coleman to get information from Ms. Pepin and make a visit to view the problem area and report back to the Board regarding his findings.

- **Action Taken/Required:** The Board asked Jamie Coleman to coordinate a time with Ms. Pepin to view the property and the problem areas and then report his findings to the Board.

Mr. Fred McCarnan again addressed his concerns about a localized erosion problem on his property from development run off, causing his pond to overflow. He again, asked the Board to investigate as he felt some of this drainage was being created by new developments in Butler County. Mr. Daniels had previously viewed the area per Mr. McCarnan's request.

- **Action Taken/Required:** Mr. Daniels asked that while in the area, if Dr. Coleman would inspect the property of Mr. McCarnan and report back on that area and his findings as well.

Diana Halligan spoke to the Board stating she had recently read through the draft copy of the annual report to the OEPA and wanted to inform the Board she was interested in the adopt a stream type program mentioned saying she was already involved in such a program at this time. She expressed her desire to become an active part in achieving the EPA mandate which requires stream clean ups and riparian tree planting. Mr. Daniels said the program needed to be renamed, as adopt a stream program was already in place but although needed a new name, would be same concept and effort involved. Mr. Daniels inquired if Ms. Halligan would be interested in heading up this type of program

for the District. She agreed and said she would work on some ideas prior to the next meeting to share with the Board.

- **Action Taken/Required:** Walt Daniels asked Diane Halligan if she would like to create a proposal regarding the stream cleanup and riparian tree planting program and bring it back to the next regular Board meeting in May for considerations. Ms. Halligan agreed. Mr. Daniels commended Ms. Halligan for her interest and anticipated participation in this endeavor.

UNFINISHED BUSINESS AND GENERAL ORDERS

Permanent Public Depository: Susan Berger reported she had received only one bid for the permanent public depository that being from Fifth Third Bank. She said it was fairly close to the existing services which the District current utilizes with a few changes such as utilizing an interest bearing account but they offered other services which she did not feel would be needed or used.

Mr. Luckage inquired of Ms. Berger if Fifth Third Bank had mentioned a Memorandum of Agreement with regard to securing their services. Ms. Berger replied the Board had previously entered into such an agreement with the bank as the Board was formed but she would inquire regarding signature of a new agreement.

Ms. Berger did make a recommendation to accept the proposal from Fifth Third Bank which resulted in the following:

- **Action Taken/Required:** Tim Greive made a Motion, seconded by Walt Daniels to accept the Fifth Third Bank's proposal as DRSWD's public depository and authorizing Susan Berger to sign said Memorandum of Agreement, contingent upon Eric Luckage's review. Vote: All Yes.

CDM Update: Dr. Coleman relayed to the Board that he had spoken to Chris Brausch of Warren County Water & Sewer who informed him of new developments in Deerfield Township that were being constructed and needed ERU's assigned to. He said after his discussion with Warren County, he learned as soon as the properties are identified, they will be contacting the Board so this action can be taken and a fee assessed. Dr. Coleman also reported he had telephoned Lois McKnight regarding the possibility of catching these new properties as their plans are being submitted for approval to hopefully avoid backtracking to catch these accounts. Ms. Berger asked if these new accounts should be sent a letter notifying them about the service fees. Dr. Coleman agreed that would be a good idea. Ms. Berger stated these accounts should be made retroactive to include any fees which have not been collected to which Mr. Greive inquired if Warren County had the capability to do. Dr. Coleman said he would check with Chris Brausch as to retroactive billings and report his findings to the Board. Ms. Berger said she would

compose a letter similar to the previously used letters to the community informing the new property owners about the user fees.

- **Action Taken/Required:** Jamie Coleman shall inquire of Chris Brausch, Warren County Water & Sewer as to the feasibility of Warren County doing retroactive billings to properties recently built but not yet receiving storm water user fees and report his findings back to the Board.

Dr. Coleman also reported he and Jeff Macomber were presently working on developing a ranking system to be used to determine the severity of any private property problems and in what order they will take priority in being resolved. He said they have come up with a system using some information gathered from Kathy Dorman of the city of Mason as well as some information from Northeastern Ohio. Mr. Daniels inquired as to the length of time to create this system to which Dr. Coleman replied he hoped to have something completed with the next two weeks. Tim Greive added, he thought this was a very important tool to have in place to keep control in this area.

- **Action Taken/Required:** CDM shall create a ranking system to be utilized for determining the priority of private property projects with Eric Luckage to oversee the legal aspect of the system.

Finally, CDM has created Task Order No. 9, Greenfield Place Stormwater Investigation at which time, Dr. Coleman introduced, CDM Engineer, Jeff Macomber, to present the draft of said task order to the Board.

Mr. Macomber began by saying CDM had completed an inspection of the Greenfield Place subdivision and created this draft task order accordingly. He then reviewed the task order and its contents with the Board. The Board had questions as to why additional information and costs were indicated in the draft which were not discussed at the special meeting regarding this project. Mr. Macomber said there was more information obtained and more review than original anticipated but that any part of the task order which was not acceptable could be removed.

Several areas were discussed and after deliberating, the Board made the decision to break down Task Order No. 9 into possibly two separate task orders. The first to include sub-tasks 9-1, 9-2, and 9-3 only. Sub-task order No. 9-1 being to investigate existing data, sub-task No. 9-2. developing a recommended solution, and sub-task No. 9-3. holding a public meeting with the homeowner's and homeowner's association to discuss recommendations and costs. Mr. Macomber said it would take approximately two (2) weeks to complete sub-task No. 9-1. The Board agreed to do so and then to organize a public meeting to inform the homeowners and discuss their findings, present solutions and find out what the homeowners thoughts were as well.

- **Action Taken/Required:** CDM shall begin investigating the existing data related to remedying the problem in the Greenfield Place subdivision.

- **Action Taken/Required:** Walt Daniels shall contact the Greenfield Place homeowners association and begin planning a public meeting.
- **Action Taken/Required:** Tim Greive made a Motion, seconded by Susan Berger to approve Task Order No. 9, to include sub-task 9-1, sub-task 9-2, and sub-task 9-3 and to authorize Walt Daniels signature upon same, contingent upon Eric Luckage's review. Vote: All Yes.

Annual Report to OEPA: Susan Berger reported the Annual Report to the OPEA was completed and included a copy of the packet of information handed out at the Deerfield Day activity and articles from the Deerfield Digest submitted by the District. She had also prepared cover letters so that the reports could be sent. Mr. Greive inquired as to whether there were any responses received from the OPEA regarding these reports to which Ms. Berger replied, not up to this point. They have always been well received.

- **Action Taken/Required:** Ms. Berger asked that Cathy Herrick prepare envelopes and mail the annual reports to the respective agents of the OPEA.

South West Ohio Storm Water Collaborative: Ms. Berger reported the radio advertisements had begun on Monday, April 9, 2007 on FOX, MIX, and WKRC and were scheduled to begin on MOJO and WIZ as well and air for about two weeks. She said the ads were pretty much the same format as last years, which lists the SWOSWC website as a resource to enter a drawing each week as well as a tip of the day. Ms. Berger said she had spoken with the director of stormwater education in Hamilton County who again mentioned getting folks interested in utilizing the Red's radio in next year's campaign but, wanted to work on getting the backing now as it would be an expensive venture but would also reach a very large broadcasting area.

DFT/SWD Communications: Mr. Daniels informed everyone he and Susan Berger had attended a work session with the Deerfield Township Trustees on March 30, 2007, to discuss the situation at the Greenfield Place sub-division. He said they also discussed the purchasing of a Vax truck to be financed by the District but to be utilized by Deerfield Township and the costs to be included in the District's budget over the next five (5) years. Mr. Speidel expressed interest in obtaining the Vax truck by the end of summer and asked the Deerfield Township staff to proceed with his request. Mr. Luckage reiterated his previous advice that any such arrangement must be formalized in an agreement between the District and the Township, both for practical and audit purposes.

The Board discussed the options regarding the truck and agreed they were willing to purchase the truck but, were not interested in owning the truck or maintaining it. The Township would be responsible for its maintenance and operation but, the Board wanted it to be clear, the truck would not only be used to clean up leaves and debris but, should be utilized to clean out storm drains as part of its regular use. Mr. Luckage added,

clarifying the storm water functions and the frequency of Township performance of those functions, should also be included in the agreement with the Township.

Mr. Speidel said the Simpson's Creek watershed study identified several places that might be good for riparian tree plantings and that the District could use the project to fulfill EPA mandates. Ms. Berger reported she wished to speak with the parks department regarding getting public involvement in this area. She added, the District could purchase the trees and get volunteers to assist in the plantings. Diana Halligan added the public cannot usually do this type of thing as there is a special process where the live plants are taken and the roots are wrapped around the existing trees and it is a process which folks have to be taught to do and there are classes available to learn how. She suggested speaking to Dave McElroy as he was aware of the process and could maybe offer some suggestions.

NEW BUSINESS

None.

COMMENTS FROM BOARD MEMBER

Refund Policy: Eric Luckage had prepared a proposed Refund Policy for the Board's review utilizing a draft copy of said policy which Susan Berger had previously compiled. The Board reviewed the policy and discussion of its content and various scenarios which may occur, and by agreement of the Board, the following motion resulted:

- **Action Taken/Required:** Susan Berger made a Motion, seconded by Tim Greive to amend the District's Code of Regulations, Originally adopted October 10, 2006 in Resolution No. 2006-42, to include the following additional sections:

227. FEE TIMING: All District Storm Water User Fees are billed in advance of the time period they cover, regardless of the frequency of billing.
228. REFUND POLICY: In the event that a storm water account includes a credit amount, due to overpayment, refunds of such credit amount shall be considered on a case-by-case basis, based on the following:
- a. The District will instruct its billing agent to apply said credit amount toward the next invoice(s) for said account.
 - b. For District customers who receive a bi-monthly invoice, when the ownership of a property changes, the District may, in its discretion, issue a refund, or partial refund, of said credit amount applicable to subsequent invoice periods.
 - c. For District customers who receive one invoice per year, when the ownership of a property changes, refunds or partial refunds may be considered only for credit amounts which apply to subsequent yearly invoice periods.

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- d. The District Board reserves the right to issue refunds under circumstances which it deems, in its sole judgment, to be extraordinary.
- e. No refunds will be given for any credit amount which is less than five dollars (\$5.00). Vote: All Yes.

RESOLUTIONS Eric Luckage presented the following previously adopted resolutions: Resolution No. 2007-08, Approving payment of \$1,250.00 to the South West Ohio Storm Water Collaborative for the purpose of radio advertisements; Resolution No. 2007-09, Accepting and approving payment of the bills for March, 2007; Resolution No. 2007-10, Approving advertisement for bids for permanent public depository; Resolution No. 2007-11, approving signature of Letter of Engagement from Balestra, Harr, & Scherer, LLC regarding compiling the District's 2006 Annual Fiscal Report; Resolution No. 2007-12, Accepting the District's 2006 Annual Fiscal Report as presented by Balestra, Harr, & Scherer, LLC with the deletion of the word "school" as setout on Page 12 of said report; Resolution No. 2007-13, Approving sponsorship at the annual Sediment Erosion Control Field Day at the \$500.00 level; Resolution No. 2007-14, Directing CDM Engineering to create Task Order No. 9, Greenfield Place sub-division Stormwater Investigation; and Resolution No. 2007-15, Approving the adoption of a Resolution of Anticipation with respect to the Greenfield Place project and funding.

MOTION FOR ADJOURNMENT

Walt Daniels made a Motion, seconded by Tim Greive, to adjourn at 8:42 P.M. Vote: All Yes.

Next Regular Meeting: May 10, 2007

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