

**DEERFIELD REGIONAL STORM WATER DISTRICT
REGULAR DISTRICT BOARD MEETING
4900 Parkway Drive, Suite 180
Mason, OH 45040**

November 27, 2007

CALL TO ORDER:

President Walter Daniels called the meeting to order at 6:30 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
Technical Consultant:	Jeff Macomber., Camp, Dresser, McKee
Administrative Assistant:	Cathy Herrick
Public:	The following residents of Greenfield Place were in attendance: Lorraine and Duane Charbonneau, Kim Dorton, Gina Krekovsky, Gina Brown, Zunsong Zhan, Qin Zhang, Wade Waldon, Mike Valentine, Chris Skindzier, Louis Valencia, Kelly Berling, Alex Botero, Gopal and Cynthia Goyal, Jay Steidle and Paul Schwartz of Four Corners Management.

APPROVAL OF MINUTES

The Board reviewed the Regular Board Meeting minutes of October 9, 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 October 9, 2007, as written. Vote: All Yes.

REPORTS OF BOARD, AND COMMITTEES

Treasurer's Report: Susan Berger presented the treasurer's report as shown on a copy of the income and expenses versus budget report and a reconciliation summary of the District's current receipts and disbursements through October 31, 2007, indicating a current balance of \$302,938.01. Ms. Berger noted, it was previously mentioned that

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monies would need to be moved from various categories to meet the 2007 budget but as it appears now, that action will not be necessary.

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

Payment of the Bills:

- Brooke Insurance, Annual Premium \$2,352.00;
- Brooke Insurance, CNA Surety Bond, Admin. Asst. \$100.00;
- Albers & Albers, Inv. #10535, \$3,533.50;
- Warren County Water & Sewer, Inv. #07-176\$253.25
- Warren County Water & Sewer, 07-154, \$2007.75;
- CDM, Task Order No. 10, \$5,885.00;
- CDM, Inv. 80268889/6, T.O. #7, \$1,895.09;
- CDM, Inv. 80269737/6, T.O. #6 Final, \$2,479.92;
- Cincinnati Bell, Acct.#(513)229-8363 881, \$35.52;
- Cathy Herrick, Reimbursement for office supplies, \$24.96;
- Cathy Herrick, wages & mileage for October-November, \$836.20;
- Minuteman Press, Copies for Oct. 2007, \$16.10.

➤ **Action Taken/Required:** Walt Daniels made a Motion, seconded by Tim Greive, to approve and pay the invoices as presented. Vote: All Yes.

COMMENTS FROM GENERAL PUBLIC:

A large group of residents from the Greenfield Place sub-division were in attendance. Lorraine and Duane Charbonneau addressed the Board on behalf of the residents with their on-going concern regarding the sinkholes, collapsing infrastructure and flooding issues occurring within the development. The Charbonneau's had prepared an illustration of the problem areas and what they believed to be causing the problems. The information was reviewed with the Board and members of the community as they voiced various situations they are trying to cope with while a remedy to this situation can be arrived at.

After much discussion of the various avenues the residents have explored in an attempt to rectify this situation, President Daniels informed the residents although the District is sympathetic to the needs of their neighborhood, the next step would be for the District to meet with the Deerfield Township Trustees and Warren County Engineer, Neil Tunison and perhaps the Warren County Commissioners in an attempt to join hands and find a solution and possibly funding to remedy this worsening problem. Mr. Daniels informed the Greenfield Place residents he had a meeting scheduled for Wednesday, November 28, 2007, with Mr. Dan Corey, Deerfield Township President and would include this situation on his agenda of items he would discuss with Mr. Corey. Ms Berger would then

inform the residents of his findings by posting a message on the District's website www.deerfieldstormwater.com and would update the information as received.

UNFINISHED BUSINESS AND GENERAL ORDERS:

Little Muddy Creek Clean-up Recap: The stream clean-up was held on November 11, 2007 as scheduled although the weather was reportedly non-conducive with heavy rain. The group of volunteers met at the Pine Hill Lodge in Mason. Due to the poor weather conditions, a cook-out was held prior to any clean-up efforts for those who were in attendance which was estimated at 50-60 attendees. The Boy Scout troop in attendance wished to proceed with their efforts as to fulfill a requirement to receive one of their badges. There were also other volunteers willing to endure the weather so; a clean-up effort was conducted on the Pine Hill Creek and a portion of the Muddy Creek versus the Little Muddy Creek as planned. It was reported, a large amount of trash and debris was recovered from the streams although the weather was not ideal. It was agreed by the organizers that Deerfield Township or Deerfield Regional Stormwater District could take the credit as far as meeting Ohio EPA requirements for the Phase II mandates for the stream cleanup efforts of this date.

Warren County Soil and Water Conservation District has agreed to organize another stream clean-up effort for Simpson's Creek and are looking at October, 2008.

CDM Update:

- Miami University Students Project Update – Mr. Macomber reported he had spoken to Eric Reiners, Project Manager of Deerfield Township, regarding facilitating the students on a site inspection but, although agreeable to hosting the students, he asked for more details and a timeframe.
- **Action Taken/Required:** Jeff Macomber shall communicate with Marsha Rolph, Urban Stream Specialist, WCSWCD, to gather more information and a projected date for the Miami University students to conduct their walk-through and convey this information to Eric Reiners and the Board.
- Illicit Discharge Elim.Policy/Contact with various agencies – Mr. Macomber reported he had contacted various agencies, per request of the Board, to inquire if any assistance was needed in enforcement of infractions of the Clean Water Act. Most agencies contacted had enforcement and penalties in place with no additional assistance needed. Warren County Water and Sewer still needed to be contacted.
- Investigate Suspicious Dry Weather Discharge (BMP 3.2) - A draft of Task Order No. 11 was presented to the Board which proposes to visit the

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previously noted outfall sites which displayed suspicious discharge during the mapping process. It was reported of the 465 outfalls inspected and mapped, 73 displayed dry weather discharges with 22 exhibiting both dry weather and illicit discharge characteristics. The task order proposes to re-inspect the 22 outfalls displaying obvious discharge and to take further steps, to investigate the source of the discharge. This task order shall also entail preparing a final summary report upon completion of the detailed inspections. Mr. Macomber added, this action did not need to be initiated immediately.

➤ **Action Taken/Required:** The Board agreed to take this task order under consideration and make a decision regarding its acceptance at a later time.

- Letter to Ohio EPA Storm Water Drainage Map and elimination of BMP (3.3), Section 3.2.3.1.1 – Mr. Macomber presented a copy of the letter he sent per the Board’s request, asking that BMP (3.3), Section 3.2.3.1.1. to be removed from the District’s Storm Water Management Plan due to the large undertaking of such a project and the fact that the District has already completed mapping of storm water outfalls, surface waters and home sewage treatment systems within the Township during this permit period and by eliminating this section the compliance requirements would not be affected. Mr. Macomber said the letter was sent on November 17, 2007, and it usually takes ninety (90) days for a response which he believes the District will receive via telephone of which he provided the District’s business number for said response. Mr. Macomber also added, “If the District does not hear back from the Ohio EPA within ninety (90) days, it is assumed to be accepted.”
- Deerfield Township Comprehensive Master Plan and DRSWD – Mr. Macomber attempted to contact Lois McKnight, Regional Planning Director for Deerfield Township to inquire as to the feasibility of a member of the DRSWD serving as a member of the advisory committee for the proposed comprehensive master plan being developed for Deerfield Township. It was reported that Ms. McKnight had not yet responded to his attempts.

➤ **Action Taken/Required:** It was suggested while Mr. Daniels was meeting with Dan Corey, President of Deerfield Township Trustees, he would inquire of Lois McKnight regarding possible participation of a District board member becoming part of the committee developing the Deerfield Township Comprehensive Master Plan.

Request for Assistance – Ranking of Requests Received: An updated summary of the community members who have previously contacted the Board with storm water issues

was presented for review. It was noted that the summary contained all community members, to date, which have approached the Board. As this summary is placing these contacts in a ranking position, the Board agreed this summary should only contain those parties which have completed a Request for Assistance form as required for consideration of assistance by the District and for ranking purposes. It was noted, all parties who had previously approached the Board with storm water issues, were sent a letter along with a copy of the Request for Assistance form and asked to return the same for consideration and ranking.

Action Taken/Required: The Board requested Jeff Macomber to revise the summary to reflect only those community members who have actually submitted the Request for Assistance form and further, to add a column within the document indicating the whether the amount was estimated by the applicant or an estimated amount given to them by CDM.

Storm Water Complaint(s) Follow-up:

- Riverwoods Trails – A summary report was previously sent to the Board, the HOA, Dan Corey and Chuck Petty but, as there had been no feedback received to date, no further information was available at this time.
- Plainview Court – It was reported, this project this project is on hold pending a decision by the County to install sanitary sewers in the area.
- Greenfield Place – This item was previously discussed in the Comments from General Public item as listed above.
- Bultman/Callahan – This item was tabled until the next regular Board meeting and work session scheduled for December 11, 2007.
- Marie Sim, 9275 Carriage Run Circle – This item as also tabled for discussion at the upcoming meeting/work session scheduled for December 11, 2007.

Certification of Delinquent Accounts Update/Policy: Susan Berger and Jeff Macomber met with Chris Brausch, Theresa Reier, and their staff at Warren County Water and Sewer Department to clarify some issues on delinquent accounts. Ms. Reier informed them that most delinquent accounts will be storm water only accounts since others will have their water shut off if they do not pay their bills. Ms. Reier requested that the Board inform them when they certified accounts so the fees could be removed from their billing system. Ms. Berger presented a draft letter to the Board informing residents with delinquent accounts that the fees would be certified to the property taxes. She suggested we give the residents until January 15 to pay before we certify which would leave the District enough time to certify before the next storm water only bills go out. Mr. Luckage

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was curious about accounts whose water got shut off and who did not have it turned back on due to bankruptcy or relocation of the owner. Ms. Berger said she would check with Ms. Reier on this. During the certification discussion, the issue of inactive accounts came up. While accounts which go inactive due to people wintering in different places are billed the fee for the inactive period when the account goes active again, this is not a good way to recover the fees for an account which goes inactive while a house is on the market since the new owner might be asked to pay the previous owner's fees. Mr. Luckage suggested the District check with WCWSD to see if they will bill ahead as a deposit on inactive accounts. This will help to protect against loss resulting from subsequent bankruptcy or sale of the property prior to activation of the account. Mr. Luckage added that it is particularly important to ensure that the District captures fees from non-residential inactive accounts, as those may be large amounts. Ms. Berger said she would follow-up with Ms. Reier on this point and to check the status of any non-residential inactive accounts. Lastly, Ms. Reier suggested the District to provide WCWSD with a letter explaining the fees for them to send to new accounts. Ms. Berger presented a draft to the Board.

- **Action Taken/Required:** Ms. Berger shall inquire of Warren County Water and Sewer Department as to the feasibility of requiring a several month advance deposit on those accounts which request to become inactive for a period of time. She would also inquire about non-residential inactive accounts, as it does not appear the District has been receiving a report on those accounts.

Expense Reimbursement Policy for Board Members: At the October, 2007 Regular Board Meeting, it was decided to create a policy for expense reimbursement of Board members utilizing personal equipment or expending personal funds for the purpose of conducting the District's business. Eric Luckage created and presented said policy to the Board for their approval and to be made a part of the District's Code of Regulations being Chapter 6 of said Code.

- **Action Taken/Required:** Susan Berger made a Motion, seconded by Tim Greive to accept and approve the Expense Reimbursement Policy and incorporate said policy as Chapter 6 of the District's Code of Regulations. Vote: All Yes.

South West Ohio Storm Water Collaborative Update: Ms. Berger recently attended the SWOSWC meeting to further discuss the possibility of utilizing television advertisements for public outreach purposes in compliance with the Ohio EPA mandates. The Collaborative further discussed airing these ads on the local television station WCPO and has invited Northern Kentucky Sanitation District No. 1 to participate, as well as, Clermont County, Ohio. It was noted, if these other entities participate with this campaign, costs would be lessened but it was unclear at this time. Ms. Berger also mentioned, the Collaborative was considering doing printed ads to complement the television ads. A visual presentation of the proposed advertisement was viewed by the Board.

- **Action Taken/Required:** Susan Berger made a Motion, seconded by Walt Daniels to approve the allocation of up \$1,500.00 to support the 2008 educational campaign of the South West Ohio Storm Water Collaborative. Vote: All Yes.

DFT/SWD Communications: Mr. Daniels informed the Board he and Dan Corey, President, Deerfield Township Board of Trustees, have conversed recently regarding the Greenfield Place situation and they had planned to meet on Wednesday, November 28, 2007, to further discuss this and other matters of the Township, and specifically to attempt to arrange a meeting between the Township, the District and Warren County to join hands to resolve pending issues throughout Deerfield Township. Mr. Daniels also reported he and Jeff Macomber had met with Chris Romano, Deerfield Township Trustee during the past month to discuss the NPDES Phase II compliance and where the Township was at with meeting the mandates. Mr. Romano was reportedly very receptive and interested in the presentation.

NEW BUSINESS

Storm Water Flyer Distribution to School Children Ms. Berger reported that Amy Pond of WCSWCD has visited classrooms in both the Mason and Kings School Districts but the board has not met the BMP for educating school children. Ms. Berger proposed distributing flyers in the schools to meet this BMP. She presented a sample flyer prepared by Ms. Pond. Mr. Luckage suggested that the District's name be added to the pamphlet and Ms. Berger noted that she intends to address that issue.

- **Action Taken/Required:** Susan Berger made a Motion, seconded by Walt Daniels, to authorize the expenditure of up to \$4,000.00, for the purpose of printing color educational flyers to be distributed to the Mason, Kings and parochial schools located within Deerfield Township.

Public Notification of DRSWD Board Meetings: Mr. Luckage advised the Board that due to the relocation of the Deerfield Township Administrative offices and the Trustees' board meeting room, there needed to be a revised process for notifying the public of the District's meetings. He indicated that the District is required to establish by rule, a reasonable method that allows the public to determine the time and place of regular meetings and also the purpose of special meetings, and that notice should be posted wherever the Board reasonably thinks it would satisfy that requirement but merely posting notice on the District's website was not satisfactory in his opinion. Resolution No. 2005-18, (1-A) states that notices will be placed on the doors of the meeting room located at 3378 Townsley Drive, Loveland, Ohio. As this address is no longer where the meetings are held, the resolution needed to be updated with the correct address. Also, by agreement of the Board and with respect to the Ohio Sunshine Law, the notice of meeting shall remain posted at the Townsley drive address as well as, at the new location. Mr. Luckage reminded the District that they must provide individual notice to any members

of the public or media when such is requested for a particular type of business will be discussed at District Board meetings.

- **Action Taken/Required:** Walt Daniels made a Motion, seconded by Tim Greive to revise the previously adopted Resolution No. 2005-18, (1-A), to read, that meetings will be held at 4900 Parkway Drive, Suite 150, Mason, Ohio 45044 unless otherwise posted and that, notice of public meetings shall be posted at 4900 Parkway Drive, Suite 180, Mason, Ohio 45044. Vote: All Yes.

COMMENTS FROM BOARD MEMBER

Susan Berger advised there had been correspondence received from the U.S. Department of Commerce, U.S. Consensus Bureau and inquired if anyone was interested in participating in their poll. She also reported she had again spoken to a representative of Fifth Third Bank as the District's corporate mailings are being forwarded to the Townsley Drive address and then re-routed to the post office box. As the forward for change of address will expire soon, she requested the bank to forward all mail to the post office box which they advised they cannot do. As the District does not have a physical address, these type mailings may not reach the District but, it was decided most of these type mailing were bulk in nature and not a major concern.

Jeff Macomber stated this would be his last appearance as the consultant and the District's representative from Camp, Dresser, McKee, Inc. He said his supervisor, Chris Calpin, would be appearing and representing CDM beginning with the December 11, 2007 meeting. Jeff expressed his appreciation for having the opportunity to work with the Board and carrying on the District's business and advised he would continue assisting Mr. Calpin in this capacity. The Board thanked Jeff for his efforts and wished him well in his future endeavors.

RESOLUTIONS Eric Luckage presented the following previously adopted resolutions: Resolution No. 2007-41, Approving payment of the October bills as presented; Resolution No. 2007-42, Approving renewal of the District's annual insurance premium with Brooke Insurance; Resolution No. 2007-43, Approving and accepting the final Illicit Discharge and Elimination Plan as written.

MOTION FOR ADJOURNMENT

Susan Berger made a Motion, seconded by Tim Greive, to adjourn at 10:22 P.M. Vote: All Yes.

Next Regular Meeting: December 11, 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