

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

January 8, 2008

CALL TO ORDER

President Walter Daniels called the meeting to order at 6:33 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:	Chris Calpin, Camp, Dresser & McKee, Inc.
GIS Specialist	Samantha Doering, Camp, Dresser & McKee, Inc.
Administrative Assistant:	Cathy Herrick
Public:	Diane Halligan

APPROVAL OF MINUTES

The Board reviewed the Regular Board Meeting minutes of November 27, 2007, resulting in the following motion:

- **Action Taken/Required:** Susan Berger made a Motion, seconded by Tim Grieve to accept and approve the minutes from the Regular Board Meeting of November 27, 2007. Vote: All Yes.

The Board reviewed the Regular Board Meeting minutes of December 11, 2007, resulting in the following motion:

- **Action Taken/Required:** Tim Grieve made a Motion, seconded by Walt Daniels to accept and approve the minutes from the Regular Board Meeting of December 11, 2007. Vote: All Yes.

REPORTS OF BOARD, AND COMMITTEES

Treasurer's Report: Ms. 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 for the year 2007. Ms. Berger said the net income as shown on the bottom of the report, does not match the amount shown on the bank statement as there are outstanding checks. She indicated the actual amount being carried over from 2007 to 2008 would be \$355,512.32. Ms. Berger continued by saying the District was under budget in every category for the year and the District had generated more income and interest for the year than was originally anticipated.

SPECIAL ORDERS

2008 Budget: Ms. Berger presented a two page proposed 2008 Budget for the District. The first page was a proposed appropriation resolution which Ms. Berger prepared per the auditor's preference with the second page being the 2008 Budget utilizing the general format as created by the District in previous years.

Walt Daniels inquired about the Operations/Maintenance category regarding the amount carried over being \$25,000.00, previously allowed for the purchase of equipment such as the Vacs Truck to be utilized by Deerfield Township. Ms. Berger stated she did not carry over an additional amount as Deerfield Township had not yet approached the District with a request to purchase said equipment and no agreement was in place. She added, the Township has not indicated what they are interested in doing with this allocation which may not be an equipment purchase and in the event that happens, she will budget the amount again for the 2009 budget, however, there may be another use that arises and contracted for this amount which is unknown at this time. Mr. Daniels also asked, if the monies are allocated for equipment and then equipment is not actually purchased, can the funds be utilized in other areas. Eric Luckage stated, it was acceptable to move monies from any capital category to an expense category without any problems.

Tim Grieve noted the accounting expense was notably less than last years. Ms. Berger informed Tim, last year's accounting expense included the audit which would not need to be allowed for this year. Also, the amount of the insurance expense was lower in this year's budget as the policy was renewed in November, 2007 versus January which deducted this expense from the 2007 budget.

- **Action Taken/Required:** Susan Berger made a Motion, seconded by Walt Daniels, that to provide for the current expenses and other expenditures of said Board of Trustees during the fiscal year beginning January 1, 2008, and ending December 31, 2008, the sums on the attached Exhibit "A", be and the same are, hereby set aside and appropriated for, the several purpose for which expenditures are to be made for and during said fiscal year. Vote: All Yes.

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Ms. Berger then presented the expenses for January as follows:

Payment of the Expenses:

- CDM, Inv. #9, \$2,420.50;
- CDM, Inv. #2, \$2,445.90;
- CDM, Inv. #4, \$2,103.77;
- CDM, Inv. #5, \$1,988.55;
- Minuteman Press, 9700 school flyers, \$2,122.50;
- Cincinnati Bell, monthly voicemail/telephone, \$34.79;
- Albers & Albers, Inv. #10587, \$4,162.50;
- Cathy Herrick, Reimbursement Postage, \$13.61;
- Cathy Herrick, wages/mileage Dec.-Jan., \$920.00;
- Adventure Products, C. Calpin nameplate, \$16.00;
- U.S. Postmaster, 117 delinquent letters & cert. of mailing, \$88.92.

Tim Grieve inquired as to the amount spent to have the school flyers printed by Minuteman Press saying he thought the Board had approved \$4,000.00 for this project. Ms. Berger reported Mr. Grieve was correct, however, this project was not as expensive as previously allowed for.

Mr. Daniels commented on the large volume of CDM invoices received. He inquired as to whether the District would be billed monthly, quarterly or what system they presently utilized. Chris Calpin replied by saying, while doing the specified project, the engineers are usually very active in completing the project rather than doing the billing. Mr. Calpin said he was working with his staff to be more prompt about the billing aspect of the projects to keep the invoices better coordinated with the projects thus keeping them more current.

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

COMMENTS FROM GENERAL PUBLIC Ms. Diana Halligan joined the meeting after this section had been visited. She addressed the Board after the information for the Draft MS4 General Permit information was presented.

Ms. Halligan informed the Board of an upcoming event, entitled Saturday Stream Snapshot data sharing to be held on Saturday, January 12, 2008 whereas a brunch is held and the group shares their water chemistry findings from samples collected throughout the year beginning in March and continuing through November. Ms. Halligan collects samples from Simpsons Creek, Little Muddy and Muddy Creeks and Polk Run. Other

members of the SSS group collect samples throughout the Mason and Deerfield Township area then the data is compiled into a comparative report. The group organizers are Dr. Michael Miller and Anne Lyons, Water Quality Project Director, Greenacres Foundation. Chris Calpin inquired if it would be possible to obtain a copy of the final report from this study. Ms. Halligan suggested contacting the organizer, Ms. Anne Lyons and requesting a copy for the District's possession and review.

UNFINISHED BUSINESS AND GENERAL ORDERS

CDM Update: Chris Calpin updated the Board on the issues orders as follows:

Greenfield Place Flooding Issue: Mr. Calpin stated he had not heard anything further from the residents or any other interested parties regarding the Greenfield Place situation for the past several months. This item is also addressed further in the meeting under T.O. No. 14.

Task Order No. 11 – Illicit Discharge Investigations and Detection and Task Order No. 12 – Phase I, Storm Water Modeling/System Evaluation:

Mr. Calpin presented CDM Task Order No. 11 and Task order No. 12 for the Board's consideration. Walt Daniels inquired if these task orders were identical to those discussed at the Board's previous work session to which Mr. Calpin informed him they were. With that being clarified, the Board had agreed during their work session to approve these task orders when presented thus resulting in the following motions:

- **Action Taken/Required:** Tim Grieve made a Motion, seconded by Susan Berger to accept and approve CDM Task Order No. 11, Illicit Discharge Investigations and Detection in the amount of \$63,700.00 and as presented. Vote: All Yes.
- **Action Taken/Required:** Tim Grieve made a Motion, seconded by Susan Berger to accept and approve CDM Task Order No. 12, Storm Water Modeling and System Evaluation, Phase I, covering five (5) watersheds and in the amount of \$216,274.00, and as presented. Vote: All Yes.

Chris Calpin stated he would like to meet with the Deerfield Township staff to investigate if any additional information would be available to support the previously obtained data regarding the investigation and mapping of the storm water system in Deerfield Township. Mr. Calpin said he was not familiar with protocol as far as his meeting with the township staff and whether it was acceptable with the Board to do so. Mr. Daniels informed everyone, he wanted the two Boards to meet and discuss this project and other related topics which were in the interest of both entities and collaborate efforts, share information, and cause awareness.

Ms. Berger inquired as to whether or not Tim Grieve had attended a session of the Comprehensive Planning Meetings being conducted by Deerfield Township. Mr. Grieve replied he had not, however, there was a meeting scheduled for January 23, 2008, which he planned to attend.

Mr. Daniels stated he would make a point to contact Dan Corey and attempt to arrange a meeting with the Township Trustees, as soon as possible, to discuss things with them. Mr. Calpin inquired if the Board wished to proceed with Task Order No. 12 at this time or to delay its beginning until after possibly meeting with the Township Trustees to which Mr. Daniels agreed CDM should wait until further discussion.

- **Action Taken/Required:** Walt Daniels shall contact the Deerfield Township Board of Trustees, particularly, President Dan Corey, and inquire as to the possibility of the two Boards meeting and discussing items of mutual interest and concern.

Certification of Delinquent Accounts Update: Ms. Berger informed the Board she had received a listing of stormwater only accounts from Theresa Reier of Warren County Water and Sewer Department indicating there were 293 accounts with outstanding balances and approximately 60 of those being penalties only. A discussion ensued regarding the various amounts due and what plan of action the Board would prefer to take to address these delinquent accounts now and in future events. The Board discussed whether penalties should just be carried over versus certifying these accounts for such a small amount. It was agreed to carry over penalties to the next billing and not to certify these accounts at this time as it appeared senseless to certify such small amounts. It was also agreed that a policy should be created to decide how long to allow penalties to accrue before certification was done on these accounts with penalties only for future reference.

Upon further discussion, it was agreed accounts which obviously are not paying their user fees should be certified. Mr. Luckage added, these accounts cannot be certified before they are notified of same. Ms. Berger agreed to create a letter informing each account holder of the impending certification if the account is not made current prior to a certain deadline, dependent upon the time of mailing and within a two week period of delivery of the notification letter. Susan Berger suggested she would like to see these letters sent out immediately with a deadline of February 4, 2008, allowing account holders two weeks to make their accounts current before certifying these accounts with Warren County.

Eric Luckage posed the question regarding rental situations and how the Board planned to handle certification of these unpaid delinquent accounts. Eric added, he would be pleased to see the District certify delinquent accounts, as often as possible.

- **Action Taken/Required:** Walt Daniels made a Motion, seconded by Tim Grieve to send out the letters to account holders with delinquent account balances to

notify them of the balance due and advise if payment is not received by the due date, their accounts will be certified by placing a lien on their property through the Warren County Auditor's office. Vote: All Yes.

There was a brief discussion about the most cost efficient and legally binding way in which to send said delinquent notice letters. By agreement of the Board, the following motion resulted:

- **Action Taken/Required:** Susan Berger made a Motion, seconded by Walt Daniels to send the Delinquent Account Notice letters to account holders utilizing the U.S. Postal Service, delivery confirmation via electronic delivery verification. Vote: All Yes.

Phase II Update, First Permit Period: Susan Berger discussed the accomplishments of the District in meeting the requirements of the NPDES Phase II First Permit Period. She advised the District had recently created and distributed brochures regarding storm water to school children, grades K-6 to the Mason and Kings Mills schools. Ms. Berger said this venture has generated interest among school children and many area teachers and groups have contacted Amy Pond, Education Specialist for the Warren County Soil and Water Conservation District, inquiring about participating in the storm water drain tagging and other related projects. Ms. Berger also informed the Board, there is a slide being displayed on the Mason High School's electronic message board to cause awareness and education in the older school age children. She added, storm water drain tagging has now replaced the door hangers as a preferred activity in outreach and education which the public can participate in. Ms. Berger then referred to a recent article in the Deerfield Digest which describes various projects which public members may be come involved in and ways they may assist in their community to create public awareness and education with respect to water quality. She added, this article should reach every household within Deerfield Township.

Walt Daniels inquired as to when the annual report would be generated to be submitted to the Ohio EPA. Ms. Berger stated it would be prepared and submitted in March as this is the end of the permit period and she was hopeful when the report is prepared, the District has met their anticipated goals for this permit year.

Southwest Ohio Storm Water Collaborative: Susan Berger reported there was a meeting held on January 3, 2008, at which time, the collaborative finalized and made the decision to proceed with the television ads. She added, there would be a new name and a new website being created for the collaborative as the Northern Kentucky Sanitation District One had joined efforts with the SWOSWC.

DFT/SWD Communications: Walt Daniels reported he had spoke briefly with Dan Corey during the previous month. He also relayed he had met Pete Patterson, Deerfield Township Trustees who appeared to be very supportive of the District and its goals.

NEW BUSINESS

Task Order No. 13 – 2008 General District Support Services: This task order was created to continue the general support services provided by CDM to the District and was noted as a continuation of the previously utilized Task Order No. 7 which had been completed and fulfilled. Services provided by this task order would allow CDM to continue attending monthly meetings and special meetings as needed, address miscellaneous storm water utility billing issues, including but not limited to coordination with the Warren County Water and Sewer Department regarding revisions to the billing system, development of new billing data, and responses to billing questions or complaints from customers.

Task Order No. 14. – 2008 Private Drainage Problems Investigations: CDM also presented this Task Order No. 14 for the consideration of the Board. Task Order No. 14 would replace and continue services provided for in Task Order No. 8 including services provided by CDM to investigate private drainage complaints which would generally include a site visit, followed by preparation of a summary of the drainage problem, and presentation and discussion with the District or other parties as directed by the District, as well as, recommendations and supporting data as to whether the problem solely arises from deficiencies of private drainage infrastructures and/or grading of the site, from deficiencies in public drainage infrastructure, or from a combination of these factors.

At this time, a discussion ensued regarding the private property issue occurring at the Greenfield Place sub-division. It was reported Walt Daniels, Tim Grieve, Susan Berger, Eric Luckage and Chris Calpin had met for a work session to discuss the approach they wished to take regarding a fix for the serious situation within the Greenfield Place sub-division and the District's involvement in same. Walt Daniels stated he wished to proceed in some fashion as the situation was getting readily more severe and dangerous as time goes on and needs to be addressed before it becomes an emergency situation once again as it has in the past when the street floods. Eric Luckage inquired as to whether the original investigation had included the situation as it presents itself now. Mr. Daniels replied saying it has gotten much worse since initial investigation and repairs could now entail a larger scope of repairs and costs.

Susan Berger inquired as to what the procedure would be if this situation was declared an emergency. Eric Luckage said normally (non-emergency situations), a project would be evaluated and an advertisement would be created asking for bids from various contractors which would be required to be advertised one time per week for two weeks. However, if declared an emergency, this action would eliminate the bidding process. Chris Calpin presented a chart he had created to visualize the various ways to implement the assistance of the District within the Greenfield Place project. There were three different avenues which could be utilized by the District. (1) Design/Build – This method would entail CDM serving as the design engineer and construction manager to implement the project.

There would be one contract with a single point of responsibility for the entire project and CDM would solicit multiple bids from reputable construction firms and with this option, the operation would be streamlined and the fastest approach to addressing the situation. (2) Design/Bid/Build – Utilizing this option would include CDM designing improvements with the public bidding process and would include two contracts, one being with CDM for engineering services and another with a construction contractor with CDM overseeing the project. (3) Outside Design/Review/Bid/Built – DRSWD would hire another engineering firm to design improvements with CDM commenting on design, public bidding process with lowest qualified contractor awarded project and CDM overseeing construction phase of project. This course of action would include three contracts, i.e., outside engineering firm for design, CDM for design review and construction oversight and construction contractor. It was noted, the 3rd option would be the slowest process of the options. The Board reviewed and discussed the various options being made available. It was agreed by the Board, they wished to proceed in the most efficient and timely manner allowable. Mr. Daniels said this project has been delayed much too long and needs to be expedited as quickly as possible. He added, there has been no response from Warren County as to how to rectify this serious situation, which affects at least the entire Greenfield Place sub-division. It was well time the District took steps to initiate measures to aid this sub-division to ensure proper flow of the community stormwater and eliminate the street flooding and danger to the public occurring at Greenfield Place.

Chris Calpin suggested utilizing the first option presented to the Board as it would be the fastest, most efficient way move forward with possible aid. Mr. Daniels inquired as to the bidding process and requirements of same. Mr. Luckage informed the Board, the law states when you have a design service or engineer involved in a project, there should a bidding process when costs are at \$25,000.00 or more. It was agreed at this time, the costs associated with the fix in this project were unknown. Tim Greive said he wanted to move forward with T.O. No. 14, so that the scope of the necessary repairs would all be laid out and specifically what the District would be strictly responsible for.

Eric Luckage reminded the Board, there would need to be temporary construction easements secured in the event the District goes onto private property to do any type of repairs or construction. Mr. Luckage added, it would need to be made clear, in the easement, that the District would not repair any landscaping, etc., in the event heavy equipment or other methods of construction caused any landscaping upset. Tim Grieve suggested a letter of understanding be created to be endorsed by the homeowners releasing the District of any such responsibility prior to the entry of their properties.

Tim Grieve inquired if the Board was ready to proceed with Task Order No. 13, allowing CDM to continue to provide General Support to the District and resulting in the following Motion:

- **Action Taken/Required:** Tim Grieve made a Motion, seconded by Susan Berger, to accept and approve CDM Task Order No. 13, for 2008 General District Support Services in the amount of \$27,760.00. Vote: All Yes.

It was agreed to proceed with the approval of Task Order No. 14, for 2008 which would provide the necessary vehicle to proceed with the investigation of the Greenfield Place project as well as other private property projects as they may occur.

- **Action Taken/Required:** Tim Grieve made a Motion, seconded by Susan Berger, to accept and approve CDM Task Order No. 14, for 2008, providing Private Drainage Problem Investigation Support. Vote: All Yes.

With the above task orders being approved and in place, the Board made the following Motion:

- **Action Taken/Required:** Susan Berger made a Motion, seconded by Walt Daniels, to authorize Camp, Dresser, McKee, Inc. to investigate the Greenfield Place sub-division sinkholes, define the scope of services and prepare preliminary design plans, under the auspices of CDM Task Order No. 14, Private Problem Investigation Support. Vote: All Yes.

New MS4 General Permit: Chris Calpin presented a copy of the draft newly proposed MS4 General Permit as created by the Ohio EPA for review and comment by the area Districts. Mr. Calpin noted there many proposed changes included in this draft and the OEPA was interested in comments and suggestions regarding these changes and the new permit. The EPA has placed a deadline on any public comments to be submitted by February 21, 2008 on the general permit and the deadline for comments on the 2008 Construction Permit must be submitted by February 14, 2008.

Samantha Doering, GIS Specialist with CDM, was introduced and highlighted the major changes being proposed within the draft General Permit. Mr. Calpin added, Ms. Doering will be assisting with many of the District future projects. Ms. Doering then proceeded with her presentation of the most prominent changes being proposed by the Ohio EPA for the 2008 MS4 General Permit. The Board reviewed and discussed the various proposed changes and suggestions which they would like to see within the Permit and inquired as to who would prepare a response to the Ohio EPA regarding same. Chris Calpin said CDM would prepare a response on behalf of the District and also update the Plan as deemed necessary to accommodate said changes and goals to be accomplished by the District to be in compliance with the new permit and then submit his response to the Board for review and approval prior to its submission to the Ohio EPA. Mr. Calpin

reiterated to the Board, these proposed changes are not necessarily what the new permit will entail as the draft is open for suggestions at this time. Mr. Calpin added, his firm believes the final and official General Permit, will not go into effect until possibly April 1, 2008 and will not be enforced until that time.

COMMENT FROM BOARD MEMBERS Susan Berger brought up for discussion the Administrative Assistant for the DRSWD be given a wage increase of \$1.50 per hour.

- **Action Taken/Required:** Susan Berger made a Motion, seconded by Walt Daniels that pursuant to the Agreement for Bookkeeping and Clerical Services between the District and Cathy Herrick, that the Board authorize an increase in the hourly wage of Cathy Herrick, Administrative Assistant for the Deerfield Regional Storm Water District, by \$1.50 per hour, making the current hourly wage \$17.50 per hour. Vote: All Yes.

RESOLUTIONS Eric Luckage presented the following previously adopted resolutions: Resolution No. 2007-49, approving payment of the District's invoices for January as presented.

MOTION FOR ADJOURNMENT

Susan Berger made a Motion, seconded by Walt Daniels, to Adjourn at 9:17 P.M. Vote: All Yes.

Next Regular Meeting: February 12, 2008

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