

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

March 10, 2009

CALL TO ORDER

President Walter Daniels called the meeting to order at 6:35 P.M.

PLEDGE OF ALLEGIANCE TO THE FLAG

ATTENDANCE

Those present at the meeting were:

Board Members:	Walt Daniels, Tim Grieve, Travis Flieman
Attorney:	Eric Luckage, Esq., Albers & Albers
Engineering Consultants:	Chris Calpin, CDM
Administrative Assistant:	Cathy Herrick
Public Members:	Dave McElroy, WCSWCD, Amy Pond, WCSWCD, Mike Valentine, Jody Zaerr, Cynthia Goal, Pam Valentine, Duane & Lorraine Charbonneau, Ravneet & Jasmine Mann, Stephanie Rousseau, Christopher Skindzier, Andrew Stamp

APPROVAL OF MINUTES

The Board reviewed the Regular Board Meeting minutes of February 10, 2009 and the Special Meeting minutes of February 17, 2009, resulting in the following motions:

- **Action Taken/Required:** Tim Grieve motioned, seconded by Walt Daniels to accept and approve the minutes from the Regular Board Meeting of February 10, 2009. Vote: Mr. Daniels, Yes; Mr. Greive, Yes; Mr. Flieman, Abstained.
- **Action Taken/Required:** Tim Greive motioned, seconded by Walt Daniels to accept and approve the minutes from the Special Meeting of February 17, 2009. Vote: All Yes.

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REPORTS OF BOARD, AND COMMITTEES

Treasurer's Report: Walt Daniels stated that Mr. Flieman would present a report at the next regular meeting of the Board as he was newly elected at this meeting as the Secretary/Treasurer for the District.

Review of Monthly Invoices and Tim sheets/Expenses:

Ms. Herrick then presented the expenses for March as follows:

Payment of the Expenses:

- CDM, Proj. #67989, T.O. #15, \$12,417.38;
- CDM, Proj. #683331, T.O. #16, \$2,186.30;
- CDM, Proj. #68941, T.O. #17, \$4,905.00;
- Albers & Albers, Inv. #11052, \$9,573.75;
- Warren County Water & Sewer, District 15, SW Only, \$523.20;
- Warren County Water & Sewer, District 2, \$264.25;
- Cathy Herrick, wages for February, \$910.00;
- Cathy Herrick, expense reimbursement, \$46.25;
- Cincinnati Bell, monthly voicemail/telephone, \$34.15;
- Minuteman Press, copy service, \$11.84.

Mr. Flieman raised a question regarding the invoices from CDM saying he was concerned about using the language "salaried labor" on their invoices. He said this could have legal repercussions. A discussion ensued regarding same and it was agreed that Mr. Calpin would change the language on the invoices to read, "direct labor" as noted.

- **Action Taken/Required:** Walt Daniels motioned, seconded by Tim Greive to accept and pay the invoices for February 2009, as presented. Vote: All Yes.

SPECIAL ORDERS

(note: election of officers took place immediately after the Pledge of Allegiance to the Flag)

Election of Officers: With the beginning of the fiscal year it was necessary to elect officers for the upcoming year prior to conducting business.

- **Action Taken/Required:** Tim Grieve motioned, seconded by Walt Daniels electing Walt Daniels, President, Tim Greive, Vice-President and Travis Flieman, Secretary/Treasurer forming the Board of Trustees for the Deerfield Regional Storm Water District for a one year period. Vote: All Yes.

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COMMENTS FROM GENERAL PUBLIC Chris Skindzier, 7979 Hedgewood Circle, Mason, Ohio addressed the Board at this time.

UNFINISHED BUSINESS AND GENERAL ORDERS

CDM Update: Chris Calpin reported on the activities of CDM highlighting the following:

Task Order No. 12 – Storm Water Modeling and System Evaluation – Phase I- President Daniels requested that Mr. Calpin briefly explain the storm water modeling project in an effort to enlighten Mr. Fliehman of the purpose and goals of said project. Mr. Fliehman inquired as to the uses of the model when completed. Mr. Calpin stated the model will be utilized by Warren County to better assist developments with regard to placement of pipes and the size needed, culverts and level of service that will be provided, and installation of other drainage systems, as well as, be a useful tool in calibrating release rates with respect to detention basins. He added the study will be comprised of tables and maps which will include the County's current detention basins.

Task I – Data Collection and Field Work It was reported, CDM had completed this portion of the study and was currently working to incorporate the information into the models.

T.O. No. 12, Amendment No. 1 - CDM had proposed this amendment at the February 10, 2009 regular board meeting but, it had not yet been formally accepted and approved.

➤ **Action Taken/Required:** Walt Daniels motioned, seconded by Tim Greive to accept and approve Amendment No. 1, of Task Order No. 12, between Owner and Engineer, in the sum of \$10,000.00. Vote: All Yes.

Task Order No. 15. – 2008 Greenfield Place Storm Sewer Replacement Mr. Calpin reported that drawings, contract documents and technical specifications are bid-ready. The geotechnical soil borings (samples) show the soils are appropriate for construction and the temporary easements have refined and presented to the affected property owners.

The warranty information previously supplied by ADS with respect to their pipes which may be utilized was deemed to be unclear and did not specify a certain period of time for which their product would be guaranteed. Mr. Calpin requested that ADS provide a warranty with a clearly defined time period which their product would be guaranteed. ADS provide CDM with a warranty of fifty (50) years. A copy of the Terms and Conditions of Sale including the warranty language was provided for review.

Mike Valentine, Deerfield Township resident, 7956 Plantation Drive, inquired as to the estimated time there would be before actual construction begins after all temporary and permanent construction easements are received. He said he has trees he would like to relocate which are currently in the permanent construction easement on his property. Mr.

Valentine was advised after the easements are received and recorded, there would be a bidding process to decide which product and contractor would be utilized. Mr. Luckage stated that even after the easements were in place, the assessment process would take an additional month to complete along with the bidding process taking an additional 4-8 weeks.

Mr. Calpin gave a cost comparison of the total estimated project costs as requested by the Board at the February meeting. It was reported, the estimated costs including planning, design, assessment and construction cost for the reinforced concrete pipe option would be \$557,224.00 and the same costs for HDPE pipe would be \$524,789.00.

Task Order No. 16 – Greenfield Place Storm Sewer Repair – Miscellaneous Support CDM has received 11 of the 15 temporary and permanent easements signed and notarized from the affected property owners. Mr. Calpin said he hoped to have the remainder of the easements by weeks end. It was agreed, upon receipt of all easements, the Resolution of Necessity could be done.

CDM reportedly submitted the “Project” to both the Ohio Water Pollution Control Loan Fund program and the state of Ohio Federal Stimulus Initiative program for possible funding. Mr. Calpin advised, at last glance, the stimulus funds designated for Ohio were approximately 280 million dollars with 4 billion applications being received.

CDM has reportedly provided Anthony Mollica, Appraiser, the necessary information to update the affected properties located within the assessment area boundary which have been determined and modified through the site investigation process.

Task Order No. 17 – 2009 General District Support Services Mr. Calpin shared information regarding the upcoming 2009 Ohio Storm Water conference being held at the Manor House in Mason on May 14-15, 2009. The District had previously made a commitment as a sponsor of the conference which includes two attendees admittance. By agreement of the Board, Tim Greive and Travis Fliehman will attend and represent the District. CDM will also be in attendance with their booth location next to the District’s.

➤ **Action Taken/Required:** Walt Daniels requested Cathy Herrick to send a copy of the 2009 Ohio Storm Water Conference information to Susan Berger for posting on the District’s website for any interested community members who may wish to attend.

CDM is preparing Task Order No. 20 – 2009 NPDES Phase II Compliance Services. This task order will detail the activities of the District which are necessary to maintain compliance with the Phase II mandates. Mr. Calpin plans to submit this task order at the April, 2009 meeting for consideration of the Board.

Task Order No. 18 – 2009 Private Drainage Problem Investigation CDM responded to a resident’s drainage complaint regarding a property located in the Loveland Park area. Mr.

Calpin advised said resident to complete and submit a Request for Assistance form to the District and attend a monthly Board meeting to further discuss the problem.

A complete copy of the CDM Monthly Update and supporting documents is available for review in its entirety.

Regional Storm Water Collaborative: Ms. Berger's email update was read into minutes by Tim Greive as follows: The representatives of the RSWC communicated via telephone conference in February, 2009, to determine the status of StormCenter project. To date, the Collaborative has \$156,400.00 committed to the project. Ideally, they need \$250,000.00 to launch the project but could proceed with \$200,000.00. The Collaborative has been in touch with the Ohio EPA and have received approval to receive funding from the Phase II penalty monies (approximately \$50,000. to \$90,000.) Also, the Collaborative is applying for an earmark grant in the sum of \$250,000.00 for this project in 2010.

DFT/SWD Communications: Walt Daniels reported the District Board of Trustees attended the regular board meeting of the Deerfield Township Trustees on February 17, 2009. The Deerfield Township Trustees provided the District Trustees with their philosophy with respect to the activities of the District. Mr. Daniels commented, the District would make every effort to accommodate the views of the Township Trustees and was very interested in joining hands but again, the District was a separate government entity and any decisions made by the District would be made with the best interest and needs of the community in mind.

The Township Trustees invited the District Board of Trustees to attend quarterly work sessions to keep communications open on a regular basis. Chris Calpin said he followed up on coordinating this action but, had not heard back from the Township.

Mr. Daniels announced by agreement of the Board, Susan Berger was being considered to service and maintain the District's website, as an independent contractor of the District. It was decided further discussion of this and other personnel issues would be conducted in an Executive Session immediately following the conclusion of this regular meeting.

NEW BUSINESS

Dave McElroy, Director, Warren County Soil & Water Conservation District – The Board welcomed Dave McElroy, Director of WCSWCD. Mr. McElroy commented on the District efforts saying the District was a rare and unique organization of which Deerfield Township was fortunate to have. He said the relationship between the District, the Township and Warren County was very beneficial and particularly appreciated the monetary support received from Deerfield Township.

Mr. McElroy asked to share a PowerPoint presentation with the District on the recently concluded countywide detention basin study conducted by the WCSWCD. Mr. McElroy stated that out the 190 basins studied, 72% were dry with 40 being wet ponds. They studied the basins for various conditions and discovered 112 basins were working properly, 33 need attention at the present time, and 45 were being watched for possible future attention.

➤ **Action Taken/Required:** Walt Daniels inquired as to the possibility of receiving an electronic copy of the presentation to place on the District's website. Mr. McElroy agreed to make a copy available for the District. Mr. Daniels requested that Cathy Herrick secure the copy and request Susan Berger to post it on the website for public viewing.

Amy Pond, Education Specialist for the WCSWCD was also in attendance and updated the District Board on the public educational efforts of the WCSWCD for 2008, and in compliance with the Phase II mandates of the Ohio EPA. She shared a list she had compiled and added there were areas that were specifically Deerfield Township endeavors and these statistics could be utilized by the District in completing their BMP's (Best Management Practices) for compliance with the Ohio EPA.

The WCSWCD will be holding their annual tree sale beginning April 23, 24 and 25, 2009. Orders can be placed now with pick up on the dates listed. Mr. McElroy said this activity not only gives Warren County residents the opportunity to purchase various trees to be planted within the County but also ensured his organization funding to conduct their annual farmer's breakfast where area farmers gather and share information.

Mr. Daniels thanked Mr. McElroy for attending the meeting and giving his presentation and an update as to the activities of WCSWCD.

COMMENT FROM BOARD MEMBERS None noted.

Public members, Raveet Mann and his wife, Jasmine Mann, 7921 Hedgewood Circle addressed the Board with a concern they had regarding storm water coming from the Chestnut Oaks subdivision and flowing through a culvert carrying trash and debris into their yard. After discussion, the Board advised this easement was created and approved by Warren County and could not be altered by the District. The only solution which could be offered was to occasionally clear the debris from the culvert which would allow freedom of the water flow as designed. It was suggested the Manns' should also discuss this problem with their homeowner's association with regard to cleaning up the debris.

RESOLUTIONS Eric Luckage presented the following previously adopted resolutions: Resolution No. 2009-06, Approving payment of the January invoices as presented; Resolution No. 2009-07, Approving and authorizing an increase to the budget amount for Task Order No. 12, Storm Water Modeling and System Evaluation in the amount of \$10,000.00 to support costs of model calibration by the chalking method; Resolution No.

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2009-08, Approving Camp, Dresser & McKee completing and filing the Notice of Intent for Coverage Under Ohio EPA General Permit; Resolution No. 2009-09, Accepting and Approving Amendment No. 1 to Task Order No. 16 between Owner and Engineer for Greenfield Place Storm Sewer Repair Miscellaneous Support not to exceed \$28,155.00.

Public member Chris Skindzier addressed the Board stating he appreciated the actions being taken by the Board and he hopes the District can bring Warren County and the Deerfield Township Trustees up-to-date with the needs of the community but, applauded the Township Trustees for creating the District and he looked forward to the future of Deerfield Township and the results of the Master Plan for same.

EXECUTIVE SESSION

- **Action Taken/Required:** Walt Daniels made a Motion, seconded by Tim Grieve, requesting the Board of Trustees, Eric Luckage and Chris Calpin adjourn into Executive session beginning at 9:30 p.m., to discuss qualifications and compensation of possible District personnel. Roll Call Vote: Walt Daniels: Yes; Tim Greive: Yes; Travis Fliehman, Yes.
- **Action Taken/Required:** Travis Fliehman motioned, seconded by Tim Greive, to retain Pam Krivda, Attorney, at the rate of \$165.00 per hour, to perform a review of the Administrative Assistant position to determine whether such position is more appropriately classified as independent contractor or an employee, and further approved the expenditure of not more than \$500.00 for said review. Vote: All Yes.
- **Action Taken/Required:** Travis Fliehman motioned, seconded by Tim Greive to offer Susan Berger an independent contractor contract to maintain the District's website and redesign the same as directed by the Board, at a rate of \$25/hour and for a one year term with options for renewal. Vote: All Yes.
- **Action Taken/Required:** Tim Grieve motioned, seconded by Walt Daniels to adjourn the Executive Session and return to regular session at 10:00 p.m. Roll Call Vote: Walt Daniels: Yes; Tim Greive: Yes; Travis Fliehman, Yes.

MOTION FOR ADJOURNMENT

- **Action Taken/Required:** Tim Grieve motioned, seconded by Walt Daniels, to Adjourn at 10:07 p.m. Vote: All Yes.

Next Regular Meeting: April 14, 2009

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

Attest:

Travis Fliehman, Secretary/Treasurer