

DEERFIELD REGIONAL STORM WATER DISTRICT
Special District Board Meeting
Held at the Offices of Camp, Dresser & McKee, Inc.
8805 Governors Hill Drive, Suite 260
Cincinnati, OH 45249-3315

March 31, 2009

The Deerfield Regional Storm Water District Board of Trustees met at the offices of Camp, Dresser, & McKee, Inc. for the purposes of approving and adopting the Resolution of Necessity, with regard to the proposed Greenfield Place Storm Sewer Repair Project, and other general purposes.

CALL TO ORDER:

President Walt Daniels called this Special Meeting to order at 5:01 p.m.

ATTENDANCE:

Those present at the meeting were:

DRSWD Members:	Walt Daniels and Tim Greive
Administrative Assistant:	Cathy Herrick
CDM Engineering:	Chris Calpin, Andrew Bohlen
DRSWD Attorney:	Eric Luckage, Esq. (via telephone conference call)
Public Members:	Debbie Krueger, Ravneet Mann

It was noted, Travis Flieman, Secretary/Treasurer of the Deerfield Regional Storm Water District, emailed he would not be available to appear at this special meeting due to obligations associated with his employment.

COMMENTS FROM GENERAL PUBLIC

Public member, Debbie Krueger, addressed the Board with questions regarding the choice of appraiser utilized in the assessment portion of the Greenfield Place Storm Sewer Repair Project. Ms. Krueger was particularly interested in why a real estate type appraiser was used versus an engineering type appraiser.

Eric Luckage explained to Ms. Krueger, Mr. Anthony Mollica was chosen to conduct the appraisal and assessment analysis due to his expertise and qualifications as a specialized appraiser and that he, however, work closely with the engineers in preparing his report.

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The content of the Resolution of Necessity was explained stating the Resolution approves the plans, specifications, profiles and cost estimates to complete the Project and states the amount of the special assessment to be imposed upon those properties who have been identified as benefiting from said project and the method or methods of levying said assessments, the mode of payment including the number of annual installments. The Resolution also states that the property owners shall be notified by certified mail of the action being taken and their right to object to the proposed assessment within the 28 day period following receipt of said certified letter.

UNFINISHED BUSINESS AND GENERAL ORDERS:

Deerfield Regional Storm Water Annual Report to Ohio EPA The final report which was prepared by CDM was presented to the Board for approval and submission to the Ohio EPA for the fiscal year 2008.

- **Action Taken/Required:** Walt Daniels motioned, second by Tim Greive to approve and submit the Phase II, NPDES Annual Report for 2008, year 6, as presented. Vote: All Yes.

It was noted, the Secretary/Treasurer's bond needed to be paid to Pillar Insurance and an invoice for same had been received.

- **Action Taken/Required:** Tim Greive motioned, seconded by Walt Daniels to approve providing the \$100.00 to Pillar Insurance Agency to secure the surety bond for the Secretary/Treasurer of the District Board. Vote: All Yes.

Greenfield Place Resolution of Necessity The Resolution of Necessity with regard to the Greenfield Place Storm Sewer Repair Project was introduced. Walt Daniels read into the record the following, being the first paragraph of said resolution and purpose of same:

“Resolution declaring the necessity pursuant to O.R.C. 6119.46 to construct a storm sewer line for the Greenfield Place Storm Sewer Replacement Project of the Deerfield Regional Storm Water District, Warren County, Ohio stating the nature and location of the project and lots to be assessed, approving the plans, specifications, profiles and estimates of cost, stating what portion shall be paid by assessments, stating the method or methods of levying assessments, stating the mode or payment and number of annual installments, stating whether bonds shall be issued in anticipation of the assessments and ordering the preparation of a list of estimated assessments.” (A copy of the Resolution in its entirety, including Exhibits “A” and “B” is attached hereto, as if fully rewritten)

- **Action Taken/Required:** Walt Daniels motioned, seconded by Tim Greive, to approve and accept the Resolution of Necessity as written. Vote: Null

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- **Action Taken/Required:** Walt Daniels motioned, seconded by Tim Greive to withdraw approval and acceptance of the Resolution of Necessity as written. Vote: All Yes.

A discussion ensued regarding the content of the Resolution of Necessity noting within the body of the Resolution, particularly Paragraph 2, whereas it states: *“The Board of Trustees of the Deerfield Regional Storm Water District, Warren County, Ohio met at a regular session on the 31st day of March, 2009, with the following members present: Walt Daniels, Tim Greive and Travis Flielman”* should be amended to reflect this meeting was a “special meeting” of the District Board and that Travis Flielman was not present at this meeting.

It was also noted, public member, Debbie Krueger, received a physical copy of the original Resolution of Necessity, read same in its entirety and stated that the Board did not need to read the entire resolution to her.

- **Action Taken/Required:** Due to the Absence of Travis Flielman, Walt Daniels motioned, second by Tim Greive, that Tim Greive shall be elected as Secretary Pro Tem (temporary acting Secretary/Treasurer) at this special meeting and for the purposes of the special meeting of March 31, 2009. Vote: All Yes.

- **Action Taken/Required:** Walt Daniels motioned, second by Tim Greive, to adopt the Resolution of Necessity for the Greenfield Place Project, as follows:

Section One: That this Board hereby declares it necessary for the preservation and promotion of the public health, safety and welfare to construct storm sewer lines in the Improvement Area, (hereinafter the "storm sewer line project") which shall be located as set forth on **Exhibit A** attached hereto and incorporated herein. The lots or parcels of land which are to be assessed as part of said project include those parcels and lots as set forth on **Exhibit B** attached hereto and incorporated herein;

Section Two: That this Board hereby approves the Plans, Specifications, Profiles and Estimates of Costs of the proposed project on file with the Secretary of this Board of Trustees at the offices of the District for the construction of the storm sewer line project as prepared by Camp Dresser & McKee, Inc., Cincinnati, Ohio;

Section Three: That the entire cost of the storm sewer line project, including all engineering, legal and incidental expenses incurred since work began on this project in May 2007 plus all construction, engineering and all other incidental expenses related to the project yet to be incurred, is presently estimated to be five hundred fifty-seven thousand two hundred twenty-four dollars (\$557,224.00); of said amount the District shall pay a total of two hundred thousand dollars (\$200,000.00) toward engineering, legal and other administrative expenses related to the project, and one hundred percent of the remaining amount, presently estimated to be three hundred fifty-seven thousand two hundred twenty-four dollars (\$357,224.00) and which estimated

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assessment costs may be revised and increased or decreased according to the actual costs of the project, shall be collected by special assessment of the properties within the Improvement Area as designated in **Exhibits A and B** hereto, which are hereby determined to be specially benefited by the storm sewer line project;

Section Four: That such special assessments shall be levied against such properties in accordance with the following method:

One-hundred per cent (100%) of the assessment costs of the storm sewer line project in the Improvement Area, which are presently estimated to be three hundred fifty-seven thousand two hundred twenty-four dollars (\$357,224.00) and which estimated assessment costs may be revised and increased or decreased according to the actual costs of the project, plus any applicable interest, shall be assessed in proportion to the benefits which result from the project. Interest charges will apply if the final assessment is not paid in full by the date determined by the District and referenced in Section Five below, prior to the certification of the final assessments to the Warren County Auditor for placement upon the tax list and duplicate.

Section Five: That the mode of payment shall be the levy of special assessments by the District against the benefited properties as set forth on **Exhibit B**, with said assessment to be levied over a period of ten (10) years, with interest, after an opportunity of not less than thirty (30) days after the passage of the assessing Resolution has been given to property owners to pay said assessment, without interest, in full;

Section Six: That bonds or notes in anticipation thereof or other obligations shall be issued in anticipation of the collection of the special assessments. For any properties which have qualified for an agricultural deferral of the assessment herein to be levied under O.R.C. 929.03, such deferred assessments shall accumulate interest at the same rate of interest as the said obligations incurred in anticipation of such assessments, calculated according to the following simple interest formula:

assessment amount X (times) interest rate X (times) number of years, or part thereof, that said property is exempted, not to exceed ten years or the number of years for which the obligations are issued, whichever is lesser

Section Seven: That there shall be prepared a list of estimated assessments in accordance with the method of assessment set forth above showing the amount of the assessment against each lot or parcel of land to be assessed and that such list shall be filed in the office of the Secretary of the Board of Trustees and that, pursuant to Ohio Revised Code Section 6119.47, notices of the passage of this resolution of necessity and the filing of the estimated assessments shall be sent via certified mail to the owners of the lots and parcels set forth on **Exhibit B** attached hereto;

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Section Eight: That, pursuant to Ohio Revised Code Section 6119.011(G), the Board finds that determinations have been made that the Greenfield Place Storm Sewer Replacement Project is consistent with any applicable comprehensive plan of water management approved by the director of natural resources of the State of Ohio or in the process of preparation by such director and is not inconsistent with the standards set for the waters of the state affected thereby by the water pollution control board of the State of Ohio.

Section Nine: That it is found and determined that all formal actions of this Board of Trustees concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board of Trustees, and that all deliberations of this Board of Trustees and of any of its committees resulting in such formal action, were in meetings open to the public, in compliance with the law, including Section 121.22 of the Revised Code of Ohio;

Section Ten: That this Resolution shall be effective immediately upon its passage.

Vote: All Yes.

- **Action Taken/Required:** By agreement of the Board, Eric Luckage shall provide information regarding the Resolution of Necessity to Susan Berger, to update the District's website with said information for public viewing.

ADJOURNMENT:

- **Action Taken/Required:** Tim Greive motioned, seconded by Walt Daniels to adjourn this Special Meeting of the Deerfield Regional Storm Water District at 5:35 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:

Tim Greive, Vice-President, Secretary Pro Tem
Acting Secretary/Treasurer of Special Meeting of March 31, 2009

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