

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

February 2, 2010

CALL TO ORDER

President Walt Daniels called the meeting to order at 6:40 P.M.

PLEDGE OF ALLEGIANCE TO THE FLAG

ATTENDANCE

Those present at the meeting were:

Board Members:	Walt Daniels, Tim Greive, Benjamin Yoder
Attorney:	Eric Luckage, Esq., Albers & Albers
Consultant:	Andrew Bohlen, CDM
Administrative Assistant:	Cathy Herrick
Public Members:	Paul Rennick, CPA, Balestra, Harr & Scherer, Consultants, and Matthew Bonzella

APPROVAL OF MINUTES

The Regular Board Meeting Minutes of January 5, 2010, were presented for approval.

- **Action Taken/Required:** Tim Greive motioned, seconded by Ben Yoder to accept and approve the Regular Board Meeting Minutes of December 1, 2009, as presented. Vote: *Tim Greive, Yes; Ben Yoder, Yes; Walt Daniels, Abstain.*

REPORTS OF BOARD, AND COMMITTEES

Treasurer's Report: Mr. Yoder reported the District's beginning cash balance for the month of January 2010, was \$534,067.83. Cash receipts for the month were \$70,477.63, which included Storm water fees collected totaling \$70,365.89 and interest earned of \$111.74. Disbursements for the month were \$51,301.55, with an ending cash balance of \$553,243.91, as of January 31, 2010.

Mr. Yoder then presented the expenses for January 2010, as follows:

Payment of the Expenses:

Note: Arche Insurance dba Pillar Insurance, Invoice No. 1092, (PKG80410228) for 2010 renewal of the District's Insurance policy was approved for payment at the 1/5/2010 meeting but was not written until 1/14/2020. This payment was represented utilizing check No. 1613.

- Deerfield Township, Inv. #PW-09001, Greenfield Place Storm Sewer Repair, \$40,000.00;
- CDM, T.O. #17, Inv. No. 80335817/12, \$3,098.71;
- CDM, T.O. #18, Inv. No. 80335812/11, \$4,700.00;
- CDM, T.O. #20, Inv. No. 80335815/11, \$1652.25;
- Albers & Albers, Inv. #11329, \$4,810.00;
- Balestra, Harr, & Scherer, CPAs, \$960.00;
- Susan Berger, website maintenance, \$31.25;
- Warren County Water & Sewer, Inv. 10-004, \$268.25;
- CNA Surety, Bond #060170817527, B. Yoder, \$200.00;
- Cincinnati Bell, (513)2298363881, \$34.05;
- Cathy Herrick, wages for January, 2010, \$915.75;
- Cathy Herrick, expense reimburse, \$179.47;

- **Action Taken/Required:** Tim Grieve motioned, seconded by Ben Yoder to accept and pay the invoices for January, 2010, as presented. *Vote: All Yes.*

SPECIAL ORDERS None noted.

COMMENTS FROM GENERAL PUBLIC Matthew Bonzilla, 2823 Ashwood Drive, Loveland, Ohio addressed the Board at this time. Mr. Bonzilla had previously submitted a Request for Assistance form for the Board's consideration. He was advised that a field investigation had been conducted and a field report was being presented at this meeting. Mr. Bohlen presented the results of the field investigation and potential solutions to repair the area. It was agreed, this was a private property issue. A concern expressed by the District on private property issues is whether or not the problem affects other properties in the area. A discussion ensued as to how the District wished to handle private property requests for assistance. It was agreed to further assist Mr. Bonzilla at this time with cost estimates to repair the sinkhole with no promise of actual assistance from the District in the repair.

➤ **Action Taken/Required:** At the direction of the Board, Andrew Bohlen agreed to investigate the costs associated with fixing the sinkhole located on the property at 2823 Ashwood Drive, Loveland, Ohio and report back to the Board regarding his findings.

Mr. Bohlen presented another field investigation report at this time, being for 6565 Claiborne Court, Mason, Ohio. As it appears, the property owners, Eric and Suzanne Bergesen, are experiencing regular flooding events as the result of an undersized storm water infrastructure. This on-going problem appears to be affecting the property at 6563 Sherbourne Court as well. After discussion of the situation, the Board agreed this was a private property issue (or neighbor to neighbor) and due not only the undersized pipes utilized for drainage but the incorrect grading of backyard of 6565 Claiborne Court. Several possible solutions were offered but by agreement of the Board, this was determined to not be an area that the District could handle. The Board agreed to send a copy of the field investigation report to the Warren County Engineer's office to assist in remedying this problem should the properties owners pursue their assistance.

UNFINISHED BUSINESS AND GENERAL ORDERS

CDM Update:

Task Order No. 12 – Storm Water Modeling and System Evaluation

2010 Master Plan The Master Plan draft has been completed and the watershed mapping model has also been validated. Ben Yoder and Andrew Bohlen met at CDM and reviewed and discussed the draft and its findings and potential applications. The Board discussed whether the Plan and Model were ready for distribution to the Warren County Engineers Office. The Plan had not yet been finalized but with the model, would prove to be a valuable tool for Warren County to be able to utilize, particularly the pre and post construction run-off rates and tables contained in the model.

Further discussion regarding the Master Plan and its content ensued. Mr. Yoder raised a question as to some content of the draft, particularly the five recommendations as to future activities or goals of the District. Questions regarding necessity of certain recommendations, costs to achieve same and the purpose were answered and discussed. The Board explained to Mr. Yoder the particulars and history behind the creation of these potential recommended projects and the purposes of the District. By agreement of the Board, and with concurrence from legal counsel, the term "recommendation" was agreed to be modified to "potential applications" in finalizing the draft copy of the Master Plan.

➤ **Action Taken/Required:** Tim Greive motioned, seconded by Walt Daniels to share a copy of the Storm Water Master Plan and Model with the Warren County Engineer's Office after noted revisions are made. Vote: *All Yes*.

Task Order No. 20 – 2009 NPDES Phase II Compliance Services

Illicit Discharge Investigation - The current storm system mapping which was performed by Warren County has been evaluated by CDM and is completed. CDM is currently preparing a scope, cost and schedule for incorporating all information and preparing a map in compliance with the Phase II permit mandates. The final map will specify the individual responsibilities of both the District and the Warren County Engineer's Office with regard to such occurrences.

SWMP Annual Report Evaluation - CDM has a draft Annual Report prepared which is currently undergoing quality review. CDM also met with WCSWCD and discussed the levels of progress being made by this agency to achieve various minimum control measures which could be utilized and included in the final Annual Report.

CDM has forwarded copies of the draft BMP tables to Tim Greive for review. Discussion of same was planned for the next regular meeting.

Task Order No. 22 – 2010 General District Support Services

As-Needed Engineering – CDM met with Ben Yoder on January 27, 2010, to discuss the draft storm water Master Plan and familiarize him with the NPDES Phase II mandates.

Billing Assistance – During a quality assurance review of the WCWS Department utility billing data base, CDM identified seven residential properties which do not receive storm water utility bills. These were storm water only accounts. The Board agreed a letter should be sent to each property owner explaining the fee along with their storm water bill.

Another commercial property, Great American Insurance was identified as to being billed in 2009 for storm water only user fees. Warren County Water and Sewer contacted CDM about the parcel which was annexed by the City of Mason in December of 2008. The property located on Wilson Avenue in Mason, was billed \$1,964.85 in storm water fees for the year 2009, which is after the property was annexed from Deerfield Township into the City of Mason.

- **Action Taken/Required:** Tim Greive motioned, seconded by Ben Yoder to issue a refund in the sum of \$1,964.85 to Great American Insurance located on Wilson Street, Mason, Ohio. Vote: *All Yes*.

Mr. Bohlen wanted to follow-up on the issue of annexation throughout the Township and how the District could keep informed of such happenings. It was suggested that Ben Yoder would investigate with the Township and Bill Becker as to how the District could

stay ahead of these annexations and keep informed and would he would email Mr. Bohlen with his findings with regard to the same.

Delinquent/Inactive Utility Accounts – The delinquent account and collection procedure was reviewed and discussed with Eric Luckage prior to this meeting and have arrived at the best information to be included in letters to be sent to any storm water account holders who would be sent this type of letter in future collection efforts. Andrew Bohlen will make changes to the letter and then share with Eric Luckage for review.

A copy of CDM's monthly report is available in its entirety for review.

Paul Rennick, CPA, Updated Accounting Procedures - Paul Rennick, CPA, Balestra, Harr, and Scherer, addressed the Board as the District had entered into a contract for accounting services with his firm for a period of one year. Mr. Rennick gave an overview of the proposed changes and updates to the accounting procedures of the District and plans to streamline the accounting practices of the District and hopefully create a virtually paperless environment. Online banking and use of credit cards for minor expenses are being considered. QuickBooks 2010 is being utilized and all District information has been proofed at this time. Mr. Rennick is currently compiling the 2009 Annual Financial Report and will submit it to the Board in draft form for review and prior to filing. Also, Mr. Rennick reported he would be working with Cathy Herrick to assist in the current audit of the District being conducted by the State for the years 2008 and 2009.

Mr. Rennick advised of a proposed credit card policy which had been created and revised by Eric Luckage for the purpose of the District securing a credit card for the District's use in making minimum purchases and as approved by the Board.

- **Action Taken/Required:** Tim Greive motioned, seconded by Walt Daniels to authorize making a credit card application between the District and Fifth Third Bank. Vote: *All Yes*.
- **Action Taken/Required:** Ben Yoder motioned, seconded by Tim Greive to amend the Deerfield Regional Storm Water District's Code of Regulations, Chapter 7, to include the credit card policy as presented. Vote: *All Yes*.

Public Notification of District Board Meetings – Mr. Luckage updated the Public Notice resolution regarding the change of date for the District's monthly board meetings from the second Tuesday of each month to the new meeting time of the first Tuesday of each month. Upon reviewing the current method of public notification of the monthly board meeting, Mr. Luckage was concerned that, although the notices are posted on the websites, the District is not permitted to continuously post a notice on the meeting room and administration office doors. His concern was that notices placed on the doors only a

few days before the meetings might not be sufficient to properly notify the public and website postings alone are not sufficient in his opinion. Cathy Herrick was previously asked to investigate the feasibility of posting a permanent notice at the meeting room entrance to notify public members of the change in meeting dates and to make the public aware of said monthly board meetings in an on-going manner. Upon investigation and inquiry, it was learned that the Deerfield Township Trustees did not approve of a permanent sign or notification being placed at the entrance. Mr. Luckage said he would like to see a permanent notification placed at at least one location easily accessible to the public. Ms. Herrick inquired at the Kings Mills Post Office who agreed to view the notice with no guarantee of placement. If approved, the Board requested that notice also be placed at the Fields Ertle post office as well. Mr. Luckage further stated he had checked with the Attorney General's office regarding website posting of such information, who confirmed that no authority has determined whether it is adequate to post public notices solely on web sites.

- **Action Taken/Required:** Walt Daniels motioned, seconded by Ben Yoder to amend the Public Notice Resolution No. 2007-48, adopted November 27, 2007, which amended Resolution 2005-18, adopted April 12, 2005 to reflect that the Regular Monthly Board meetings of the District are now being held on the first Tuesday of each month and public notices of said meetings are to be placed on the District's and the Township's websites monthly and permanently at the two post offices within the Township, if permitted. Vote: *All Yes*.

Regional Storm Water Collaborative Update – None noted.

DFT/SWD Communications: Walt Daniels reported he had spoken with Dan Corey who informed him the Township Trustees were currently interviewing two or three potential candidates to fill the position with the District board which will be created with Mr. Daniels resignation and hoped to have the new candidate on board by the March meeting.

Mr. Daniels also noted a discussion with the Township regarding hazardous liquids or materials and the handling of the same within the Township and how the fire department is working with the Township in protecting the streams or waterways from being contaminated with these types of spills. Mr. Daniels said this was something that the District might want to contribute to or support the fire departments efforts in achieving a plan of action in the event of such an occurrence.

NEW BUSINESS

COMMENT FROM BOARD MEMBERS Mr. Luckage had a couple of items he wished to discuss resulting from the previous board meeting. Regarding the District's

renewal of the insurance policy, there appeared to be some confusion as to the renewal period of the policy. Mr. Markovic, agent of Pillar Insurance, presented the quote for the renewal policy at the District's January 5, 2010 meeting. In the quote it was stated that the policy would be in effect for the period of December 15, 2009 through December 15, 2010 at the rate of \$1,937.00 annually. However, the question arose as the actual policy and declaration stated this quote was for the period of three years being December 15, 2009 through December 15, 2012. Mr. Luckage was concerned as to whether the Board agreed to pay the three year premium or the annual premium as previously done in past years. Upon checking with Mr. Markovic, the three year premium amount was only an internal quote and although the policy guaranteed the annual premium amount of \$1,937.00 for the three year period, it did not lock the District into any type of agreement to continue coverage with Pillar Insurance for more than one year or annually at this rate. Thus, only one year of premiums is due and that amount was authorized at the January Board meeting.

Secondly, Mr. Luckage wanted to remind the District Board that, according to District Bylaws, officer terms expire on February 16, and it would be necessary to hold an election of officers at the March meeting and should be added to the agenda for same.

At this time, Walt Daniels addressed the Board expressing his gratitude for having the opportunity to be a charter member of the Deerfield Regional Storm Water District since its formation in 2004 and saying it was an honor and a privilege to serve Deerfield Township in this capacity for the past six years. He hopes the District will continue in the path which has been defined thus far and for the betterment of the Township residents. Mr. Daniels spoke to each member of the Board noting his appreciation for their assistance and said he looked forward to following the activities and achievements of the District in its continued and future endeavors.

Tim Greive presented an award to President Daniels, on behalf of the District and as a token of appreciation for his exemplary and dedicated public service to the District and the residents of Deerfield Township.

RESOLUTIONS Eric Luckage presented the following previously adopted resolutions: Resolution No. 2010-01 Approving and accepting the Temporary 2010 Budget as presented; Resolution No. 2010-02 Approving and accepting payment of the December 2009 invoices as presented; ; Resolution No. 2010-03, Approving Renewal of the District's insurance policy with Arche Insurance dba Pillar Insurance for the policy period of December 15, 2009 through December 15, 2010 for an annual premium amount of \$1,937.00 and declining of the Terrorism coverage in the renewal of the District's insurance coverage with Pillar Insurance; Resolution No. 2010-04, Approving Gold level sponsorship of the 2010 Southwest Ohio Sediment and Erosion field Day event in the sum of \$500.00 and Resolution 2010-05, Approving the Engagement Letter between the District and Balastra, Harr & Scherer, Consultants to provide full accounting services for

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Board of Trustees Regular Meeting, February 2, 2010

a one year period beginning in December 2009 and continuing for the entire year of 2010, at a cost of \$10,994.00 and further authorizing Ben Yoder to sign said agreement on behalf of the District Board.

MOTION FOR ADJOURNMENT

- **Action Taken/Required:** Walt Daniels motioned, seconded by Ben Yoder, to Adjourn at 8:57 P.M. *Vote: All Yes.*

Next Regular Meeting: March 2, 2010

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

Attest:

Benjamin Yoder, Secretary/Treasurer