

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

March 11, 2008

**CALL TO ORDER**

President Walter Daniels called the meeting to order at 6:45 P.M.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**ATTENDANCE**

**Those present at the meeting were:**

Board Members:	Walt Daniels and Tim Grieve
Attorney:	Eric Luckage, Esq., Albers & Albers
Administrative Assistant:	Cathy Herrick
Engineering Consultants:	Chris Calpin, Samantha Doering, CDM
Public Members:	Dave McElroy, WCSWD, Diana Halligan, Dr. Daniel Shull

Susan Berger, Secretary/Treasurer, was unavailable to attend this meeting due to a death of a close family friend.

**APPROVAL OF MINUTES**

The Board reviewed the Regular Board Meeting minutes of February 18, 2008, 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 February 18, 2008. Vote: All Yes.

**REPORTS OF BOARD, AND COMMITTEES**

**Treasurer's Report:** The Treasurer's report was included in the Board's meeting packet and noted as reviewed.

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**Review of Monthly Invoices and Tim sheets/Expenses:**

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

***Payment of the Expenses:***

- CDM, Inv. #1, T.O. #11, \$2,605.00;
- CDM, Inv. #1, T.O. #12, \$5,701.83;
- CDM, Inv. #1, T.O. #13, \$7,980.00;
- CDM, Inv. #1, T.O. #14, \$8,715.00;
- Warren County Water & Sewer, District 15 billing service, \$521.60;
- Warren County Water & Sewer, District 2 billing service, \$255.25;
- Albers & Albers, Inv. #10656, \$6,706.25;
- Cathy Herrick, wages for March, \$665.00;
- Cincinnati Bell, monthly voicemail/telephone, \$41.48;
- Minuteman Press, copy service, \$ \$27.12;
- Cathy Herrick, Reimbursement Postage, \$7.74;
- Cathy Herrick, Reimbursement, Mileage, \$47.25.

- **Action Taken/Required:** Tim Grieve made a Motion, seconded by Walt Daniels to accept and pay the invoices for March, 2008, as presented. Vote: All Yes.

**SPECIAL ORDERS**

**Memorandum of Understanding with Deerfield Township:** Eric Luckage presented a draft copy of the memorandum or Letter of Understanding as he entitled the document for the Board's review. Mr. Luckage pointed out this document was being created due to the previously discussed intent of the Deerfield Township Trustees to take the responsibility of handling storm water improvements projects and Phase II requirements which were deemed necessary within the road right-of-ways of the Township thus assisting the District in keeping the costs to the residents at the lowest possible amount. The two Boards recently met at the Deerfield Township Trustees' work session on January 25, 2008, whereas President Dan Corey suggested this document be created to clarify the two entities roles with respect to the District's responsibilities in storm water management and the Township's agreed responsibilities in exclusively handling storm water improvement projects and Phase II requirements within the road right-of-ways.

Mr. Luckage reiterated this document was a rough draft. The Board agreed to some changes and asked that Mr. Luckage make those changes and then send the document to Tom Swope, the Township's attorney, for review.

**Election of Officers:** It was brought to the attention of the Board, the one year period of each position as officer of the Board had now expired and election for the current year was required. Susan Berger had emailed prior to this meeting, she was agreeable to continue to serve as the Secretary/Treasurer of the Board for the current term. Upon agreement of Walt Daniels and Tim Grieve, the following motion resulted:

- **Action Taken/Required:** Tim Grieve made a Motion, seconded by Walt Daniels to continue in the positions currently held and being: Walt Daniels, President, Tim Grieve, Vice-President and Susan Berger, Secretary/Treasurer forming the Board of Trustees for the Deerfield Regional Storm Water District for a one year period. Vote: All Yes.

**COMMENTS FROM GENERAL PUBLIC** Dr. Daniel Shull, 6471 Irwin-Simpson Road, (also owner of 6351 Irwin-Simpson Road) addressed the Board at this time. Dr. Shull stated he was the representative of the South side of the Highview Farm area and being adjacent to the Charleston Park sub-division. Dr. Shull informed the Board of an on-going drainage problem which is affecting his property and causing continuing damage. Dr. Shull feels he is paying more in storm water fees than he should as the majority of his property is agricultural in nature and has learned that residents in the Charleston Park sub-division are paying significantly less with his property receiving their storm water runoff. Walt Daniels informed Dr. Shull, CDM has been contracted to do a water study to include every watershed in Deerfield Township with Phase I of the study to be completed in 2008. Mr. Daniels said he hoped this study would give the District a clearer vision of all problem areas within the Township so they could be addressed.

In the meantime, Mr. Daniels asked that CDM meet with Dr. Shull and assess his problem and also check the amount of impervious surface he has on his properties.

- **Action Taken/Required:** CDM shall arrange a time to meet with Dr. Shull and view his properties and the drainage problems occurring and shall also recheck Dr. Shull's properties' impervious surfaces to confirm the amount of ERU's he is being charged are accurate and shall report back to the Board with his findings.

Mr. Daniels thanked Dr. Shull for attending the meeting and presenting his concerns.

### **UNFINISHED BUSINESS AND GENERAL ORDERS**

#### **CDM Update:**

#### **Task Order No. 12 – Storm Water Modeling and System Evaluation – Phase I -**

**Task I –Data Collection and Field Work** It was reported this portion of the project which includes Data Collection & Field Work was to be compiled utilizing the SWMM5 public domain software. CDM has begun gathering data such as stream crossings, parcel data from the Warren County Auditor’s website, as well as, state auditor land use codes to assist with watershed characterization and soil data which has been downloaded from the Soil Survey Geographic database. CDM met with Chuck Petty, Warren County Engineer, to obtain a copy of the GIS file indicating detention basins located in Deerfield Township. Further, watersheds and their associated subcatchments were delineated, with calculations of overland flow paths and slopes within each subcatchment being completed for the southern part of the Township and the northern portion being started.

**Task Order No. 13. – General District Support Services (Meetings/NPDES Compliance)** Due to the inclement weather, the Board meeting of February 12, 2008, was cancelled thus, the Board reviewed several documents which were time sensitive, via email and resulted as follows:

- 1) MS4 General Permit and Construction General Permit – The Board approved the suggested comments which were sent to the Ohio EPA on February 12, 2008, regarding the Construction General Permit and sent on February 20, 2008 for MS4 General Permit so that they could be included in prior to the close of public comment period. The Ohio EPA contacted the District requesting the information be sent electronically as there were so many comments received statewide to which CDM complied by emailing the information on February 28, 2008. Samantha Doering, GIS Specialist of CDM presented a review of the BMP’s for the Board indicating which items were currently completed and those which needed further action.
- 2) Completed NPDES Annual Report. Distributed final draft of annual report via email to the Board for review on February 29, 2008.
- 3) Walt Daniels and Chris Calpin attended Deerfield Township’s HOA Consortium meeting on February 23, 2008. Shared information on services being provided and projects being conducted by the DRSWD.

**Task Order No. 14. – 2008 Private Drainage Problem Investigation Support**

**Greenfield Place Flooding Issue Update:** CDM working with Warren County Water and Sewer Department conducted a televising project of the infrastructure of the Greenfield Place subdivision and particularly the areas where the pipes appear to be defective. The televising was completed on March 5, 2008 and a copy of the DVD containing the information was given to CDM for review although additional areas need to be reviewed. CDM presented a Power Point presentation to the Board visualizing the affected pipes which also indicted there were areas that may need to be revisited due to obstructions not allowing the closed circuit camera to obtain a clear vision of entire area in question between the two sinkholes. CDM had prepared a summary report of the findings, of which, Mr. Daniels requested CDM forward to Susan Berger for posting on

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the Deerfield Regional Storm Water website ([www.deerfieldstormwater.com](http://www.deerfieldstormwater.com)) in its entirety and can be reviewed by interested parties.

Mr. Calpin also reported he had spoken to Eric Luckage regarding the letters to provide notice to the residents of Greenfield Place whose properties may need to be accessed for CDM to perform the camera inspections of the underground pipes. Mr. Luckage said the letters had been sent to the residents via certified mail.

**Riverwoods Trails/Kings High School** – CDM met with Chuck Petty, Warren County Assistant Engineer, to gather information pertaining to the area including aerial photographs showing the sequence of development within the area over the years, storm water drainage approval for 2004 Kings School improvements and past drainage plans for the Kings Schools. A meeting has been scheduled with Mr. Steve Waldman, Manager of School Business Affairs for Kings Local Schools on Wednesday, March 12, 2008, at 9:00 a.m.

**Other Private Drainage Problem Investigations** – CDM sent a formal request to Mr. Chuck Petty, Warren County Assistant Engineer requesting the incorporation of the drainage concerns at 9944 Coventry Court and 6576 Fields-Ertel Road into the County's Fields Ertel corridor improvement project.

Mr. Mike Sanderson of 4905 Riverwalk Drive, Kings Mills, Ohio, contacted CDM requesting assistance with a sinkhole situation similar to the one occurring in the Greenfield Place Subdivision. Although Mr. Sanderson's property is in Warren County, it was discovered it is within Union Township and CDM advised of their limitations to assist residents within Deerfield Township.

**Certification of Delinquent Accounts Update:** In Ms. Berger's absence, she had sent an email response to areas which she would report on. By agreement of the Board, Cathy Herrick read Ms. Berger's comments into the record as follows: Since the actual certification does not happen until after the September deadline, Theresa Reier at Warren County Water and Sewer has been requested to direct all delinquent payment inquiries directly to the District. If a customer sends a payment directly to the District, the District can request that the Auditor's office remove them from the certification list.

Ms. Berger further indicated that according to the contract with the Warren County Water and Sewer Department, they are only obligated to provide the District with a list of certification information one time per year. Ms. Berger suggested requesting the information in late May to early June of each year being a few months after the storm water only billings have been sent out and thus allowing enough time to meet the September deadline for certifications of delinquent accounts.

**Inactive Accounts:** Ms. Berger's comment was read as follows: She had not yet been able to meet with Warren County to discuss this in detail and hoped to have updated information for the April meeting.

**Regional Storm Water Collaborative:** Ms. Berger's comments again were read into minutes as follows: The television advertisements were scheduled to begin in April. The new website [www.savelocalwaters.org](http://www.savelocalwaters.org), created to replace [www.saveohiowaters.org](http://www.saveohiowaters.org), shall be available by that time as well, with the old website expiring on March 12, 2008. A redirect will be in place whereas anyone accessing the previous website will be sent to the new site.

**DFT/SWD Communications:** Walt Daniels reported he had not had any further communications with the Township Trustees to date.

### **NEW BUSINESS**

**Dave McElroy, Director, Warren County Soil & Water Conservation District** – The Board welcomed Dave McElroy, Director of WCSWCD. Mr. McElroy wanted to update the Board on the activities of the WCSWCD. He informed the Board they are currently compiling a data base of all the detention basins and retention ponds located within Warren County. Jeff Thomas of the WCSWCD has the data base up and running and now includes latitude and longitude of all locations and they hope to have a complete listing soon. Mr. McElroy also said a public education meeting regarding retention and detention ponds was held and they are planning to conduct another session.

Mr. McElroy also informed the Board of the WCSWCD initiating another program to create public awareness whereas they are teaching anyone interested how to create a rain garden which he explained was created to imitate nature and absorb water and particularly peak run-off waters. He added, these types of gardens could help in controlling excessive storm water in many areas. They are planning to create these gardens at various locations within the County and that the Ohio EPA has given a grant to help with the costs in doing so.

The WCSWCD is also working on updating ordinances for stream set backs for new developments. The new ordinances would require set backs of 50 feet from a small stream, 75 feet from a medium stream and 100 to 300 feet from a large stream.

The group of Miami students being hosted by the WCSWCD has been visiting various facilities throughout Warren County gathering data as to good housekeeping practices in relation to storm water and pollution control. Mr. McElroy added, he hoped to see that municipal and government facilities were setting a good example. He planned to meet with the students at the end of the week and discuss their findings.

The WCSWCD will be holding their annual tree sale beginning April 17-19, 2008.

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

**Storm Water Utility Fee Refunds Policy:** Ms. Berger's comments were once again read into the minutes as follows: The storm water utility fee refund form has now been added to the Deerfield Storm Water website and can be accessed by clicking on the area "Who to Contact". Ms. Berger indicated when she meets with the Warren County Water and Sewer Department in the upcoming month she will request that all inquiries regarding refunds be sent directly to the District for consideration.

Sterling Lakes Apartments – As Ms. Berger had been dealing directly with the property manager of Sterling Lakes Apartments, she left a comment that the amount which they are requesting a refund of, is in fact owed to them and the Board should direct payment of same. Walt Daniels inquired if we knew the exact amount due. It was not clear of the exact amount other than a previously submitted request which Mr. Daniels felt should be verified before payment was made.

- **Action Taken/Required:** Walt Daniels made a Motion, seconded by Tim Grieve, authorizing the issuance of a refund to the Sterling Lakes Apartments in the sum of \$6,818.73 for a previous over billing and contingent upon verification by Susan Berger, Secretary/Treasurer. Vote: All Yes.

**Saturday Stream Snapshot Presentation by Diana Halligan:** Diana Halligan presented a power point presentation to the Board regarding the recently conducted Saturday Stream Snapshot program sponsored by the Greenacres Foundation and in conjunction with various storm water and other governmental agencies throughout the greater tri-state area. Ms. Halligan gave each attendee a copy of the report and data sheets indicating various local watersheds and how they measured up to the water quality standards.

The purpose of the program is to collect baseline water quality information once a month each year, beginning in March and ending in November, the data is then entered into the Little Miami Watershed Volunteer Monitoring Database. The information is then made available to interested parties to help in watershed planning and protection activities. The data also assists in identifying water quality problems which is then shared with the responsible persons which can address the problems. This information sharing is valuable tool to many including the Ohio EPA who has now made the findings part of the Credible Data Program for the first time this year. It was noted, the District had received a complimentary DVD from Anne Lyons, Water Quality Project Manager, of the Greenacres Foundation, containing all the data and findings of this year's Saturday Stream Snapshot project.

Mr. Daniels on behalf of the Board, thanked Diana for taking the time to present this information. Mr. Daniels also inquired as to how the program is funded. Ms. Halligan

said it was a volunteer program and they worked through grants and donations. The Board discussed the benefits of the program to the District for gathering various benchmark data on water quality. All agreed that this will be very useful information for the District in meeting NPDES permitting requirements in the future and it would be work the District would not need to perform itself in the future. Dave McElroy, Director, Warren County Soil & Water Conservation District, indicated that his agency agreed with the benefit of the program and had contributed money to same.

- **Action Taken/Required:** Walt Daniels made a Motion, seconded by Tim Grieve, to make a donation to the Greenacres Foundation in the sum of \$500.00 to assist in their water quality work. Vote: All Yes.

**COMMENT FROM BOARD MEMBERS** None noted.

**RESOLUTIONS** Eric Luckage presented the following previously adopted resolutions: Resolution No. 2008-12, Approving a letter to CNA Surety regarding Broker of Record change on Secretary/Treasurers bond; Resolution No. 2008-13, Approving payment of the March invoices as presented; Resolution No. 2008-14, Authorizing certification of delinquent and unpaid District charges to the Warren County Auditor; Resolution No. 2008-15, Authorizing District's accountant, Balestra, Harr, & Scherer to compile District's Annual financial reports via Letter of Engagement; Resolution No. 2008-16, Partnering with WCSWCD and Deerfield Township to conduct Simpson's Creek clean-up project on April 27, 2008.

**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 imminent litigation with the District's attorney, Mr. Luckage. Roll Call Vote: Daniels: Yes; Greive: Yes.
- **Action Taken/Required:** Tim Grieve made a Motion, seconded by Walt Daniels to adjourn the Executive Session and return to regular session at 10:03 p.m. Vote: Daniels: Yes; Greive: Yes.

**MOTION FOR ADJOURNMENT**

- **Action Taken/Required:** Tim Grieve made a Motion, seconded by Walt Daniels, to Adjourn at 10:04 p.m. Vote: All Yes.

**Next Regular Meeting: April 8, 2008**

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

Attest:

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Susan Berger, Secretary/Treasurer  
By: Tim Grieve, Vice-President  
(due to Ms. Berger's absence at this meeting)