

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

November 11, 2008

**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, Susan Berger
Attorney:	Eric Luckage, Esq., Albers & Albers
Engineering Consultant:	Chris Calpin, CDM
Admin. Assistant:	Cathy Herrick
WCSWCD:	Dave McElroy

Public Members: Bill Coffey, Lynn Hand, Tim Mara, Jon Winer, Gary Algie, Paul Abbinante, Mike Valentine, Ravneet Mann, Barry Feldstein.

**APPROVAL OF MINUTES**

- **Action Taken/Required:** Tim Greive motioned, seconded by Walt Daniels to accept and approve the Regular Board meeting minutes of September 9, 2008 and October 14, 2008 as presented. Vote: All Yes.

**REPORTS OF BOARD, AND COMMITTEES**

**Treasurer's Report:** Ms. Berger presented the treasurer's report which included the 2008 Income/Expense versus Budget report, an updated 2008 budget, indicating adjustments made in the legal category (up from 65,000.00 to \$85,000.00), in the accounting category (up from \$2,000.00 to \$10,000.00) and also in the contract office category (up from \$15,000.00 to \$16,000.00). Also presented, a Revised 2008 Appropriation Resolution reflecting the adjustments made.

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- **Action Taken/Required:** Walt Daniels motioned, seconded by Tim Greive to approve the revised 2008 Budget as presented. Vote: All Yes.

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

Ms. Berger presented the expenses for October as follows:

**Payment of the Expenses:**

- CDM, Proj. #63210, T.O. #11, \$5,667.26;
- CDM, Proj. #63353, T.O. #12, \$21,747.16;
- CDM, Proj. #63108, T. O. #13, \$1,160.00;
- CDM, Proj. #63251, \$7,289.41;
- Albers & Albers, Inv. #10930, \$10,759.60;
- Cathy Herrick, wages for October, \$1092.88;
- Cathy Herrick, reimbursement postage and mileage, \$48.74;
- Warren County Water & Sewer, Inv. #08-166, \$263.00;
- Cincinnati Bell, monthly voicemail/telephone, \$34.74
- Mason City Schools, deposit on auditorium for 12/9/08 meeting, \$25.00.

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

**Storm Water Fee Refunds:** It was reported 27 properties were discovered to be in the Warren County's database, incorrectly listed as being situated within Deerfield Township and were being billed for storm water fees by the District. The accounts have now been removed from the database as being located within Deerfield Township and refund checks need to be created to these property owners.

- **Action Taken/Required:** Tim Greive motioned, seconded by Walt Daniels to approve preparation and disbursement of refund checks for the 27 properties which were billed for storm water fees on behalf of the District by the Warren County Water & Sewer Department and for removal of said properties from the database accordingly. Vote: All Yes.

**SPECIAL ORDERS** None noted.

**PUBLIC FORUM**

Mr. Tim Mara, Attorney at Law and counsel for the Landen Farms Homeowners' Association, addressed the Board on behalf of the Association. The CSA had approached the Board previously in July, 2008, requesting a working group consisting of the District, the Deerfield Township Trustees, and Warren County representatives be convened to discuss the on-going sediment and erosion occurring within Landen Lake.

The Board informed Mr. Mara and other members of the Landen Lake community in attendance, the District was not the governing body which could assist them in rectifying any future events which may occur as a result of sediment and erosion within Landen Lake. There was a discussion regarding the purpose of the formation of the District and the duties or responsibilities of the government body. A period of questions and answers followed and the Board informed the community members of possible options in seeking assistance in controlling this on-going problem but, indicating to the group that the District was not responsible nor obligated within their jurisdiction to maintain the lake.

The Board also informed the group of the current watershed study being conducted by the District's engineering firm, CDM, which could prove to be a valuable tool to the entire Township, including Landen Lake, in better controlling such erosion and sedimentation problems within the watershed. It was also noted, all information and activities of the District, were being posted on the District's website located at [www.deerfieldstormwater.com](http://www.deerfieldstormwater.com) as it is completed and available but that the watershed study for Deerfield Township was only in Phase I and as there are three phases in completing the entire study, it would take possibly an additional two more years to complete.

Mr. Bill Coffey, Chairperson, Sailboat Point Community of Landen, addressed the Board expressing his concern of duplicating efforts if information is not shared. Again, the Board advised of activities of the District being public information and every effort being made by the District to share information as it is arrived at via posting updates on the District's website or verbally at the regular, monthly Board meetings.

Mr. Barry Feldstein, Landen CSA Association Vice-President, expressed his concern that the control of sedimentation and erosion of the lake was an on-going problem and although the lake was presently under control, the situation will occur again and felt a concentrated effort should be made to focus on the situation to avoid future events.

Mr. Dave McElroy, Director of the Warren County Soil and Water Conservation District was in attendance and spoke to the attendees advising erosion and sedimentation will continue as it is a natural occurrence within any watershed. Mr. McElroy advised, Simpson's Creek will continue to carry sediment into Landen Lake as a natural process as with any normal working stream. He also informed the group that during upstream construction and post construction, BMP's (Best Management Practices) are supposed to be monitored to alleviate future problems associated with upstream disturbances or changes. The regulatory agency for construction monitoring is the Warren County Soil and Water Conservation District and the regulatory agency for post construction monitoring is the Warren County Engineer's office. Mr. McElroy affirmed that the Deerfield Regional Storm Water District's primary purpose was to uphold the Ohio EPA's Clean Water Act and the Phase II mandates created therein which include education of the public regarding issues pertaining to storm water and

keeping Deerfield Township in compliance by meeting the requirements of the Act but, had no responsibility or liability in these regulatory BMP's. It was noted the District did work closely with Warren County and would be sharing all findings of the Comprehensive Water Shed Study within Deerfield Township with the County upon its completion.

Jon Winer of 3884 Spring Mill Way - Mr. Winer and his neighbor Warren Timmer, had previously approached the Board with a problem where their properties back up to Landen CSA property along Simpson Creek where the creek bank is eroding causing landslides and damage to their property. The Board had directed CDM to do an investigative field study and advise the Board of their findings and suggested ways to fix the problem. Chris Calpin reported to the Board and Mr. Winer, the investigative report had been completed but had not yet been submitted or reviewed by the Board. At the Board's request, Mr. Calpin proceeded to share the findings and recommendations suggested to remedy the problem. Mr. Winer inquired as to how this fix could be accomplished and if the District would assist with same. Mr. Winer was informed that due to the major project underway within the Greenfield Place subdivision as it is ranked first priority on the District's CIP list and although his project is now ranked as second on the CIP list, it would be most likely up to a year before the District could even consider any type of assistance. The Board suggested Mr. Winer investigate with his other neighbors as to their willingness to participate in contributing to the costs of fixing this problem. The DRSWD Board also suggested Mr. Winer approach the CSA Board with his findings and the results of the investigative report to inquire as to the CSA's willingness to assist in the repair of this problem and again, submit a Request for Assistance to the District's Board for further consideration including any willingness on the part of his neighbors and the CSA Board to contribute to the fix.

- **Action Taken/Required:** The Board requested Chris Calpin send copies of the investigative field report on the Winer/Timmer properties to the property owners, as well as, to the Landen CSA which includes CDM's suggested fixes for the problem.

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

**CDM Update:** Chris Calpin presented and reviewed the CDM monthly update to the Board. A copy of said report is available in its entirety.

**Simpson's Creek Bank Stabilization** This information was shared in the Winer/Timmer field investigative report which indicates the various suggested methods available for repairing the stream's banks. A complete report is available for review.

**Greenfield Place Subdivision Business:** As a part of the CDM Monthly Update report, Chris Calpin highlighted the site survey of existing topography and storm sewer physical features have been completed for the project. CDM has reviewed the site development drainage report and storm sewer design drawings and profile. CDM has also completed a

pipe material comparison between HDPE pipe which could be supplied at no charge by ADS. The Board had a discussion regarding the different types of pipes, costs and the possibility of a bidding process regarding the same. Also, Mr. Calpin advised CDM has begun preparing contract documents for the project.

Further, with respect to the Greenfield Place Subdivision Sewer Repair project, the Board discussed the necessity of obtaining temporary construction easements from 17 properties to access certain areas of the subdivision to perform the fix. (CDM provided a listing of these properties and owners).

- **Action Taken/Required:** By agreement and direction of the Board, Chris Calpin shall contact individually, the 17 residents as mentioned above, to advise and discuss the necessity of temporary construction easement.

Mr. Calpin presented for consideration of the Board, a copy of CDM's Task Order No. 16- Greenfield Place Storm Sewer Repair Miscellaneous Support. The task order would encompass various miscellaneous services not included in any of the current task orders and which potentially could be necessary in the Greenfield Place Subdivision Storm Sewer repair project. The Board reviewed and discussed the task order.

- **Action Taken/Required:** Tim Greive motioned, seconded by Susan Berger to approve and accept CDM's Task Order No. 16 - Greenfield Place Storm Sewer Repair Miscellaneous Support not to exceed the sum of \$26,213.00. Vote: All Yes.

**Assessment Meeting** - The Board proposed a special meeting to discuss and explain the assessment process to the Greenfield Place Subdivision and Chestnut Oaks Subdivision residents affected by and benefiting from the storm sewer repair with said meeting to be held on December 9, 2008, 7:00 p.m to 9:00 p.m.

- **Action Taken/Required:** Susan Berger motioned, seconded by Tim Greive to approve the next regular meeting of the District's Board on Tuesday, December 9, 2008, to begin at 5:30 p.m. at the Mason High School Auditorium, located at 6100 Mason-Montgomery Road, Mason, Ohio and a Special Meeting of the District Board to be held at the same location beginning at 7:00 p.m. to 9:00 p.m. for the purpose of discussing the Greenfield Place Subdivision Storm Sewer Repair and Assessment Process to those residents who will be affected and will benefit from the project. Vote: All Yes.

Chris Calpin and Eric Luckage presented a draft letter which had been prepared to be sent to the affected residents of the Greenfield Place Subdivision and the Chestnut Oaks Subdivision advising of the special meeting and requesting their attendance. The Board discussed the letter and made suggested changes.

- **Action Taken/Required:** Chris Calpin shall make the suggested changes to the draft letter to the above-mentioned residents and mail same, as soon as practicable.
- **Action Taken/Required:** Walt Daniels agreed to act as the Board's spokesman with respect to the Greenfield Place Storm Sewer Repair Project through its completion allowing the Board to continue with its other regular business.
- **Action Taken/Required:** The Board agreed to approve the expenditure of \$25.00 for the deposit required to secure the Mason High School Auditorium for the purpose of holding a special meeting for the Greenfield Place Storm Sewer Repair Project meeting to inform the residents of the assessment and project details.
- **Action Taken/Required:** Chris Calpin and Eric Luckage shall work with Susan Berger in preparing an agenda for the Special Meeting.

**Regional Storm Water Collaborative Update:** Susan Berger announced that the Storm Center group would be making a presentation on Monday, November 17, 2008, at the Mason Municipal Building. She planned to attend on behalf of the District.

**2009 Storm Water Conference Abstracts:** The Board discussed the possibility of preparing an abstract to contribute to the 2009 Storm Water Conference of which the District has contributed to as a sponsor and plans to attend in May. Various ideas were shared and were planned to be discussed further at a later date.

**DFT/SWD Communications:** None specific reported.

### **NEW BUSINESS**

**COMMENT FROM BOARD MEMBERS** Mr. Bill Coffey thanked the Board for the way the Landen CSA portion of the meeting was conducted and how their questions were addressed. He further commented, the Board was doing a good job and there was not an easy solution to their concerns but the District was going about it with the right approach.

### **RESOLUTIONS**

Eric Luckage presented the following resolutions: Resolution No. 2008-38, Amending District's Regular Board meeting minutes of July 22, 2008 to reflect CDM T.O. #13 invoice in the sum of \$13,135.50 be changed to \$3,135.50 and the addition of T.O. #14 invoice in the \$13,983.56; Resolution No. 2008-39, Approving payment of September invoices as presented; Resolution No. 2008-40, Authorizing CDM to prepare design plans, specification profiles and estimates of cost for the Greenfield Place Storm Sewer Repair Project; Resolution No. 2008-41, Accepting the CDM refund check in the sum of \$6,543.50 for Task Order #14 and issuing payment in the correct amount of \$5,857.90;

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Resolution No. 2008-42, Authorizing issuance of storm water fee refunds to Socialville Foster Road residents; Resolution No. 2008-43, Approving payment of October invoices as presented; Resolution No. 2008-44, Accepting and approving CDM Task Order #15, 2008 Private Greenfield Place Storm Sewer Repair Project in the sum of \$36,140.00; Resolution No. 2008-45, Approving sponsorship of the 2009 Storm Water conference at the Gold Level and at the cost of \$2,000.00.

**MOTION FOR ADJOURNMENT**

➤ **Action Taken/Required:** Susan Berger motioned, seconded by Walt Daniels, to Adjourn at 10:12 p.m. Vote: All Yes.

**Next Regular Meeting: December 9, 2008 beginning at 5:30 p.m. to be held at the Mason High School Auditorium, 6100 Mason-Montgomery Road, Mason, Ohio.**

**Special Meeting to discuss the Greenfield Place Subdivision Storm Sewer Repair Project to be held on December 9, 2008 beginning at 7:00 p.m. to 9:00 p.m. to be held at the Mason High School Auditorium, 6100 Mason-Montgomery Road, Mason Ohio.**

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