

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

April 14, 2009

CALL TO ORDER

President Walter Daniels called the meeting to order at 6:32 P.M.

PLEDGE OF ALLEGIANCE TO THE FLAG

ATTENDANCE

Those present at the meeting were:

Board Members:	Walt Daniels, Tim Grieve
Attorney:	Eric Luckage, Esq., Albers & Albers
Engineering Consultants:	Chris Calpin, CDM
Administrative Assistant:	Cathy Herrick
Public Members:	Paul Abbinante

Secretary/Treasurer, Travis Fliehman, was unavailable to attend this regular meeting due to employment obligations, with prior notice of same.

APPROVAL OF MINUTES

The Board reviewed the Regular Board Meeting minutes of March 10, 2009.

- **Action Taken/Required:** Tim Grieve motioned, seconded by Walt Daniels to accept and approve the minutes from the Regular Board Meeting of March 10, 2009. Vote: All Yes.
- **Action Taken/Required:** By agreement of the Board, the Special Meeting minutes of March 31, 2009, were tabled to the May 12, 2009 meeting.

REPORTS OF BOARD, AND COMMITTEES

Treasurer's Report: Due to the unavailability of Travis Fliehman, Secretary/Treasurer, Cathy Herrick gave a brief summary of the District's general checking account stating the account was reconciled and balanced with the monthly bank statement leaving a current ending balance of \$400,405.82.

Deerfield Regional Storm Water District
Board of Trustees Regular Meeting, April 14, 2009

Review of Monthly Invoices and Time sheets/Expenses:

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

Payment of the Expenses:

- CDM, Proj. #67989, T.O. #15, \$1988.22;
- CDM, Proj. #683331, T.O. #16, \$1,850.18;
- CDM, Proj. #68941, T.O. #17, \$3,270.00;
- CDM, Proj. #68945, T.O. #18, \$240.00;
- Albers & Albers, Inv. #11069, \$13,135.00;
- Cathy Herrick, wages for March, 2009, \$1,102.50;
- Cathy Herrick, expense reimbursement, \$89.83;
- Susan Berger, contract web design, \$75.00;
- Cincinnati Bell, monthly voicemail/telephone, \$34.74;
- Minuteman Press, copy service, \$11.34;
- Warren County Water & Sewer, Inv. 09-046, \$2,010.25
- Warren County Water & Sewer, Inv. 08-184, \$2006.50;
- Coalition of Ohio Regional Districts (CORD) \$150.00;
- Warren County Recorder, G.P. Easements, \$676.00;
- Warren County Auditor, Resolution of Necessity
Recording fee, \$1.00;
- Warren County Recorder, G.P. Easements, \$68.00.

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

Approval of 2008 Annual Financial Report This agenda item was tabled until the May 12, 2009, Regular Board meeting.

SPECIAL ORDERS

COMMENTS FROM GENERAL PUBLIC Mr. Paul Abbinante addressed the Board. Mr. Abbinante stated he was a member of the Board in the Hunter's Green homeowner's association and had received a complaint from one the residents regarding a flooding problem located on North Trail. During a rain event, there appears to be flooding where the pond exits on the north side into the creek which is obstructed with debris and silt causing the creek to backfill into the pond. Mr. Abbinante was seeking guidance in resolving this situation.

The Board suggested filling out a Request for Assistance form, a copy of which was given to him. It was also suggested that he return the form with any photos or any other

information which may be available and then a representative from the District's engineering firm, CDM would further investigate the problem and report their findings back to the Board and consider ranking within the District's project list.

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 - Task I –Data Collection and Field Work CDM is currently monitoring rainfall data utilizing the “chalking” method. Five field investigations were conducted and the data is being correlated with the City of Mason.

Task Order No. 15. – 2008 Greenfield Place Storm Sewer Replacement It was reported that all 15 temporary and permanent construction easements with regard to the Greenfield Place Storm Sewer Replacement Project had been returned to the District signed and notarized and were ready for recording. A detailed list of all easements was provided for review of the Board.

Task Order No. 15 – Amendment No. 2 CDM prepared and presented Amendment No. 2 to Task Order No. 15, to the Board for consideration. This amendment would include a summary of anticipated costs associated with bidding services, resident representative services, construction administration services and post-construction inspection coordination services and deliverable review with regard to the Greenfield Place Storm Sewer Replacement Project.

Task Order No. 16 – Greenfield Place Storm Sewer Repair – Miscellaneous Support After adoption of the Resolution of Necessity by the District board, 617 assessment letters were sent out via certified mail service and to-date, 362 returns have been received and 1 refusal. Also, 23 exclusion letters were sent out via regular mail service advising property owners that due to further investigation, they were determined to be located outside the benefiting area of the Project.

➤ **Action Taken/Required:** Walt Daniels motioned, seconded by Tim Greive to authorize Cathy Herrick to record the 15 temporary and permanent construction easements with regard to the Greenfield Place Project, with the Warren County Recorder, and to issue recording fees in the sum of \$676.00 for same and to further issue a \$1.00 recording fee to record the Resolution of Necessity with the Warren County Auditor's office. Vote: All Yes.

Eric Luckage added, the assessment letters which are returned unclaimed, should then be sent via regular mail service and in the event these letters are again returned unclaimed or

the addressees cannot be found, the subject addressees shall be notified by a publication announcement to be placed into a newspaper of general circulation.

- **Action Taken/Required:** Tim Greive motioned, seconded by Walt Daniels to authorize CDM and Albers & Albers to provide notice of service of the letter of assessment upon affected property owners, whose letters were found to be undeliverable via certified mail or regular mail service, by utilizing publication of said notice of estimated assessment within a newspaper of general circulation. Vote: All Yes.

The Board inquired as to the status of any potential stimulus funds being disbursed by the Ohio Water Pollution Control Loan Fund and the District's application for same. It was noted, although CDM had submitted project details there have been approximately 14,000 applications received by the Ohio EPA's Division of Environmental and Financial Assistance and it was unknown as to the method being utilized in ranking of these applications.

Task Order No. 17 – 2009 General District Support Services CDM prepared a brochure for the District to be distributed at the 2009 Ohio Storm Water Conference for consideration of the Board. After reviewing the brochure, there was one noted change which the Board requested being the date located on the bottom portion of the brochure, stating "Serving Deerfield Township Since 2003" to be amended to read, "Serving Deerfield Township Since 2004". It was also noted, all District Board members were currently registered for attendance at the 2009 Ohio Storm Water Conference.

Task Order No. 17 – Amendment No. 1 – CDM has prepared an Amendment No. 1, to Task Order No. 17, providing costs for responding to email or voicemail communications which are forwarded to CDM by the District and received from public members. This amendment would also provide for assuming responsibility of handling the District's utility billing issues with regard to delinquent accounts and new developments or accounts not receiving a storm water bill.

- **Action Taken/Required:** Chris Calpin requested the District Board approve CDM creating a letter to inform public members of any increase or decrease in their utility fees as some areas are being re-evaluated due to their original plans of development either being more-than or less-than originally planned for and informing these public members of any increase in fees or in the case of a decrease, how they may request a refund.

CDM successfully coordinated a schedule of quarterly meetings between the DRSWD Board and the Deerfield Township Trustees for the remainder of 2009. A schedule of meeting dates, was emailed to all Board members with the first scheduled meeting to take place on April 23, 2009 beginning at 5:30 p.m. These meetings are taking place during the Deerfield Township's regularly scheduled work sessions and are a coordinated effort

on the part of both entities to share information and keep communications open. The Board further requested that Chris Calpin, District Engineering Consultant, Eric Luckage, District attorney, and Cathy Herrick, District Administrative Assistant be in attendance at these meetings.

Deerfield Township Street Sweeping Request It was reported, Larry Weis, Director of Public Works for Deerfield Township, had contacted the District regarding the desire of the Township, to utilizing a street sweeping contractor to conduct cleaning of dedicated Township streets. CDM provided a map of the actual streets which were being requested to be cleaned. It was noted, certain streets are treated with more sand and other materials which require cleaning as not to allow this debris to runoff and end up in water ways.

The Board discussed the benefits of assisting the Township with this endeavor and also how this type project would be valuable in meeting compliance with the NPDES Phase II mandates of the District.

- **Action Taken/Required:** Walt Daniels motioned, seconded by Tim Greive to authorize payment for street sweeping of the dedicated streets within Deerfield Township as a one time project basis, contingent upon a written agreement between Deerfield Township and the Deerfield Regional Storm Water District and not to exceed the sum of \$20,000.00 in costs. Vote: All Yes.
- **Action Taken/Required:** By agreement of the Board, CDM and Albers & Albers shall create a written agreement between the Deerfield Regional Storm Water District and Deerfield Township coordinating the contracting of a street sweeper. It was also agreed, CDM would communicate further with Larry Weis regarding this project and the topic should be discussed further at the April 23, 2009, meeting with the Township Trustees.

Task Order No. 18 – 2009 Private Drainage Problem Investigation CDM responded to several township residents telephone calls. Chris Walker of 9940 Whippoorwill Lane, was referred to Larry Weis, Deerfield Township Public Works Director. Jonathan Winer, 3884 Spring Mill Way, called for an update on his original complaint. The District had previously suggested Mr. Winer confer with his homeowner’s association and report back to the District his findings. No update was provided to the District at this time. Also, CDM responded to a phone call received from Bill Kramer of 8388 Timber Lane regarding the formation of a sinkhole on his property and suggesting that he complete and submit a Request for Assistance for consideration of the Board.

- **Action Taken/Required:** Tim Greive motioned, seconded by Walt Daniels, to accept and approve Amendment No. 2, to Task Order No. 15, between Owner and Engineer, not to exceed the sum of \$41,310.00. Vote: All Yes.

- **Action Taken/Required:** Tim Greive motioned, seconded by Walt Daniels, to accept and approve Amendment No. 1, to Task Order No. 17, between Owner and Engineer, not to exceed the sum of \$12,200.00. Vote: All Yes.

A discussion regarding Task Order No. 16, which is specifically for miscellaneous support for the Greenfield Place Project, was conducted. CDM reported they had reached 60% of the budgeted amount in responding to the many inquiries recently received regarding the Greenfield Place Project. It was decided, this task order may need to be amended to accommodate the anticipated further responses to public inquiries.

- **Action Taken/Required:** By agreement of the Board, Chris Calpin shall email an electronic copy of the proposed amendment to Task Order 16 for further consideration of the Board.

CDM presented Task Order No. 20, 2009 NPDES Phase II Compliance Services (the "Project")

- **Action Taken/Required:** Tim Greive motioned, seconded by Walt Daniels to accept and approve Task Order No. 20 between Owner and Engineer in the sum of \$69,250.00. Vote: All Yes.

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

Regional Storm Water Collaborative: Regarding the 2008 ad campaign contracted with WCPO television, a telephone survey was to be conducted as part of the agreement to check the effectiveness of said campaign but, WCPO failed to renew their contract with the survey company and did not inform the Collaborative representative of this so a survey was never completed. WCPO is providing additional ad spots to try to accommodate the Collaborative and is also refunding \$1,000.00. Each member organization shall receive a portion of this refund dependant upon the percentage paid for the StormCenter Project.

It was further reported, the Collaborative is anticipating receiving funds from the Phase II penalty funds and to be utilized in the 2009 StormCenter Project but, the amount is still unknown.

- **Action Taken/Required:** Walt Daniels motioned, seconded by Tim Greive that any monies received back from WCPO as a result of a refund from the funds paid for the 2008 StormCenter Project, upon receipt, shall be donated back to the 2009 StormCenter Project by way of the Regional Storm Water Collaborative. Vote: All Yes.

DFT/SWD Communications: This item was addressed within the CDM update and out of order of the agenda.

NEW BUSINESS

Balestra, Harr, & Scherer Engagement Letter for 2009 A proposed engagement letter was prepared and sent by Balestra, Harr, & Scherer regarding accounting services to be provided by the accounting firm for the District in 2009. The Board briefly discussed its content but, agreed to table the details of same until Travis Fliehman could review and confer with Balestra, Harr, & Scherer on the specifics of the engagement letter.

- **Action Taken/Required:** Tim Greive motioned, seconded by Walt Daniels to execute the 2009 Engagement Letter between the District and Balestra, Harr, & Scherer, LLC and Travis Fliehman shall finalize with said accounting firm, the scope of services to be provided. Vote: All Yes.
- **Action Taken/Required:** Walt Daniels motioned, seconded by Tim Greive to accept and approve renewal of the CORD (Coalition of Regional Districts) annual membership fee for 2009 in the sum of \$150.00. Vote: All Yes.
- **Action Taken/Required:** By agreement of the Board, a memorandum received from contractor, Susan Berger, outlining suggested changes to be made to the District's website, was tabled until the May 12, 2009 Regular District Board meeting.
- **Action Taken/Required:** Walt Daniel motioned, seconded by Tim Greive to enter into an agreement for web site design and maintenance services between the District and contractor, Susan Berger, for a period of one (1) year. Vote: All Yes.

COMMENT FROM BOARD MEMBERS None noted.

- **Action Taken/Required:** Due to the absence of Travis Fliehman, Walt Daniels motioned, seconded by Tim Greive to elect Tim Greive Secretary/Treasurer Pro Tem for the purposes of this Regular District Board meeting of April 14, 2009. Vote: All Yes.

RESOLUTIONS Eric Luckage presented the following previously adopted resolutions: Resolution No. 2009-10, Electing officers, Walt Daniels, President, Tim Greive, Vice-President, and Travis Fliehman, Secretary/Treasurer for a period of one year; 2009-11, Accepting and paying invoices for March, 2009 as presented; Resolution No. 2009-12, Approving and accepting Amendment No. 1 to T.O. #12 in the sum of \$10,000.00; Resolution No. 2009-13, Approving retaining Pam Krivda to perform review of administrative assistant position at the rate of \$165.00 per hour; Resolution No. 2009-14,

Approving offer to Susan Berger as independent contractor with District for website design and maintenance at the rate of \$25.00 per hour and for one year period.

EXECUTIVE SESSION

- **Action Taken/Required:** Walt Daniels motioned, seconded by Tim Grieve, requesting the Board of Trustees, Eric Luckage and Chris Calpin adjourn into Executive session beginning at 8:30 p.m., to consider appointment of a public employee and to discuss imminent litigation. Roll Call Vote: Walt Daniels: Yes; Tim Grieve: Yes.
- **Action Taken/Required:** Tim Grieve motioned, seconded by Walt Daniels to adjourn the Executive Session and return to regular session at 10:10 p.m. Roll Call Vote: Walt Daniels: Yes; Tim Grieve: Yes.
- **Action Taken/Required:** Walt Daniels motioned, seconded by Tim Grieve, to adjust the Administrative Assistant, Cathy Herrick's, pay by an additional \$1.00 per hour based on performance and making the new hourly wage \$18.50 per hour. Vote: All Yes.

MOTION FOR ADJOURNMENT

- **Action Taken/Required:** Tim Grieve motioned to adjourn the regular session at 10:15 p.m., seconded by Walt Daniels. Vote: All Yes.

Next Regular Meeting: May 12, 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 Grieve, Vice-President /Secretary/Treasurer Pro Tem
Acting Secretary/Treasurer for this Regular Meeting of April 14, 2009

Deerfield Regional Storm Water District
Board of Trustees Regular Meeting, April 14, 2009