

**MINUTES
BOARD OF TRUSTEES MEETING
LORAIN COUNTY RURAL WASTEWATER DISTRICT
JULY 9, 2009**

Call to Order:

The regular meeting of the Board of Trustees of the Lorain County Rural Wastewater District was held at the LORCO offices, 22898 West Road, Wellington, Ohio. President McConnell called the meeting to order at 7:05 p.m. with the pledge of allegiance.

In the absence of Secretary-Treasurer, Tom Lahetta, and with no objection President McConnell appointed the Executive Director to call the roll.

Trustees in Attendance:

Doug Edwards	Rick Hutman	Dominic Ferritto
Ernest Hartman	John Piwinski	Gerald Cowie
Louise Grose	Thomas Lahetta	Dorothy Collins
Cindy Kurpely	Neil Lynch	James McConnell

Also in Attendance:

John Kniepper, Chief Utilities Director, ALMU
Becky Haines, Special Projects Coordinator
Dennis O'Toole, Attorney
Helen Haddox, Office Manager
Fred Alspach, Executive Director

Approval of Minutes:

President McConnell announced that the minutes of the regular meeting held on June 11, 2009 were mailed to all trustees and called for any additions or corrections. It was moved by Ernest Hartman, with a second by Louise Grose to approve the minutes of the June 11, 2009 meeting as written. All voted yea. Motion carried.

Old Business:

Executive Director, Alspach reported that he had met with OEPA officials in Columbus and that the American Recovery and Reinvestment Act (ARRA) and Ohio EPA-Water Pollution Control Loan (WPCLF) documents are being reviewed and pending the Permit to Install the LORCO loan application will be reviewed for approval by the OWDA on July 30, 2009. It was also reported that the Ohio EPA-Division of Environmental Financing (DEFA) has issued a 30-day FINDING OF NO SIGNIFICANT IMPACT (FONSI) notice.

New Business:

President McConnell reported that an Executive Committee meeting will be held on Wednesday July 15, 2009 at 6:00 p.m. A letter will be sent to the Executive Committee members on Friday as a reminder. In addition President McConnell requested a common meeting date for a LORCO Special Meeting, to discuss personnel. It was determined that board members could meet on Wednesday July 29, 2009 at 7:00 p.m. at the LORCO office for a Special Meeting.

It was noted that President McConnell and Mr. O'Toole have met with Mayor Grace, of Elyria, and his staff over the last several weeks and will continue meeting with

regard to the Mayor's protest of LORCO's planned service in parts of Carlisle and Eaton Townships. Such meetings included an "all parties" meeting coordinated by NOACA on July 7, 2009.

Executive Session

It was moved by Ernest Hartman, with a second by Cindy Kurpley to go into executive session at 7:12 p.m. to discuss potential litigation and personnel. A roll call vote was taken showing all regular meeting board members present. Motion carried.

It was declared by President McConnell to go back into regular session at 7:50 p.m. All board members at the regular meeting were present.

Regular Session

Dennis O'Toole, Attorney to the board, discussed the parameters of pipeline inspectors being temporarily hired and trained by Avon Lake Municipal Utilities.

RESOLUTION NO. 2009-40 It was moved by Doug Edwards, with a second by Cindy Kurpley to authorize legal counsel to take appropriate action to litigate the issues before the LORCO Board and protect the interests of the District.

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 the 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.

A vote was taken as follows: 12 Yea, 0 Nay. Motion carried.

RESOLUTION NO. 2009-41 It was moved by Doug Edwards, with a second by Cindy Kurpley to approve an agreement with Fred Alspach to continue the duties of Executive Director to the LORCO Board of Trustees.

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 the 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.

A vote was taken as follows: 12 Yea, 0 Nay. Motion carried.

RESOLUTION NO. 2009-24 It was moved by John Piwinski, with a second by Cindy Kurpley WHEREAS the LORCO Rural Wastewater District Board of Trustees has commenced the construction of Phase-I of The Carlisle-Eaton Wastewater Project; and

WHEREAS, the LORCO Rural Wastewater District Board of Trustees has previously entered into an agreement with Avon Lake Municipal Utilities for the provision of assistance and professional services in the construction of Phase-I of The Carlisle-Eaton Wastewater Project; and

WHEREAS, the LORCO RURAL WASTEWATER DISTRICT Board of Trustees finds it necessary to hire certain inspection personnel trained by Avon Lake Municipal Utilities for use in the construction of Phase-I of The Carlisle-Eaton Wastewater Project.

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of the LORCO Rural Wastewater District that:

1. It is in the best interests of the organization to enter into an agreement with Avon Lake Municipal Utilities whereby Avon Lake Municipal Utilities will hire ____ personnel in the position of Inspector; and
2. Avon Lake Municipal Utilities will hire Inspector personnel for a period not to exceed sixty days (60), and during such sixty (60) day period, Avon Lake Municipal Utilities shall provide all training to Inspector personnel to permit them to perform satisfactorily the duties of Inspector for Phase-I of The Carlisle-Eaton Wastewater Project; and
3. During the sixty (60) day period when Avon Lake Municipal Utilities is providing training of said Inspector personnel, Avon Lake Municipal Utilities will provide for payment of all compensation and provide all employee benefits to said Inspector personnel; and
4. LORCO Rural Wastewater District shall reimburse Avon Lake Municipal Utilities for all expenses incurred by Avon Lake Municipal Utilities for compensation, benefits, and training of the Inspector personnel during the sixty (60) day period during which Avon Lake Municipal Utilities employs the Inspector personnel; and
5. At the conclusion of the sixty (60) day period when Avon Lake Municipal Utilities provides training to the Inspector personnel, the Inspector personnel will cease to be employed by Avon Lake Municipal Utilities, and will transfer to the employment of LORCO Rural Wastewater District; and
6. Thereafter, the Inspector personnel will be employees of LORCO Rural Wastewater District, on such terms and conditions of employment as previously set by Avon Lake Municipal Utilities, and LORCO Rural Wastewater District shall be responsible for all compensation, benefits, and insurance coverage for said Inspector personnel, including, but not limited to, Workers' Compensation coverage.

The vote resulted as follows: 12 Yea, 0 Nay. Motion carried.

Executive Director Alspach reported that in accordance with the Ohio Revised Code and the board's position to adopt a temporary budget before July 31, 2009, while anticipating a substantial change to the budget before the end of 2009, It is recommended by Mr. Radachi, CPA to the board, that the 2010 Temporary Budget be adopted as exhibited.

RESOLUTION NO. 2009-15 It was moved by Thomas Lahetta, with a second by Louise Grose WHEREAS, the State of Ohio requires that all Public Entities approve their 2010 TEMPORARY OPERATING BUDGET prior to July 31, 2009, and;

WHEREAS, the 2010 TEMPORARY OPERATING BUDGET IS enclosed and;

WHEREAS, full discussion has been held

NOW, THEREFORE BE IT RESOLVED

1. The Lorain County Rural Wastewater District 2010 Temporary Budget Appropriation is hereby approved with Exhibits attached.
2. That it is found and determined that all formal actions of the Board of Trustees concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board of Trustees and of any of its committees resulting in such formal action and were in meetings open to the public, in compliance with the law, including Section 121.22 of the Revised Code of Ohio.

Vote resulted as follows: 12 yea, 0 nay. Motion carried.

RESOLUTION NO. 2009-16 It was moved by Doug Edwards, with a second by Dominic Ferritto, WHEREAS, the following have been submitted:

Payrolls disbursed on – 06/03/09 & 06/17/09	\$ 2,211.54
Easement acquisition expenses for June	\$ 1,400.00
Village of Grafton – Wastewater Treatment	\$ 771.82
OPERS – contributions 05/30/09 – 06/26/09	\$ 592.13
North Coast Administrators – monthly health insurance	\$ 526.66
First Merit – federal payroll taxes for June	\$ 226.44
Ohio Treasurer of State – 2 nd quarter taxes	\$ 195.00
CJ Business Forms – #10 business envelopes	\$ 158.38
First Merit – monthly analysis fee	\$ 59.21
Chronicle Telegram – Public Notice 04/21/09	\$ 50.89
LMRE – administrative contract for May	\$ 9,566.60
LMRE – office rent for May	\$ 250.00
Stumphauzer O'Toole (000M) – legal fees for 04/28/09 – 05/26/09	\$ 11,353.60
Stumphauzer O'Toole (002M) – legal fees for 04/24/09 – 05/22/09	\$ 4,739.00
Stumphauzer O'Toole (003M) – legal fees for 04/20/09 – 05/05/09	\$ 4,296.90
Radachi & Company – accounting fees for 05/01/09 – 05/29/09	\$ 8,468.00
GRW Engineers (03328-05) – Bidding/Award Services 04/19 – 05/30/09	\$ 38,700.00
GRW Engineers (03328-17) – Project Budget Revisions 04/19 – 05/30/09	\$ 10,977.35

NOW, THEREFORE BE IT RESOLVED,

- 1) That in anticipation of receiving permanent construction funding with a financing guarantee from the USDA/ Rural Development, the LORCO Rural Wastewater District may be required to expend or incur cost for planning and/or fees for the purpose of making capital improvements to their wastewater collection facility, which costs expended or incurred will be considered a part of the total USDA/Rural Development construction loan and the LORCO Rural Wastewater District may claim such costs as reimbursable expenses through the loan.
- 2) 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 the 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.

Vote resulted as follows: 12 yea. 0 nay. Motion carried.

President McConnell presented the following resolutions regarding appropriations and perpetual easement rights:

RESOLUTION NO. 2009-17 It was moved by Ernest Hartman, with a second by Thomas Lahetta to approve Appropriation and perpetual easement rights for PPN: 11-00-091-000-136. The vote resulted as follows: 12 Yea, 0 Nay. Motion carried.

RESOLUTION NO. 2009-18 It was moved by John Piwinski, with a second by Dominic Ferritto to Appropriation and perpetual easement rights for PPN: 11-00-091-000-137. The vote resulted as follows: 12 Yea, 0 Nay. Motion carried.

RESOLUTION NO. 2009-19 It was moved by Gerald Cowie, with a second by Louise Grose to approve Appropriation and perpetual easement rights for PPN: 11-00-091-000-138. The vote resulted as follows: 12 Yea, 0 Nay. Motion carried.

RESOLUTION NO. 2009-20 It was moved by Dominic Ferritto, with a second by Cindy Kurpley to approve Appropriation and perpetual easement rights for PPN: 11-00-091-000-139. The vote resulted as follows: 12 Yea, 0 Nay. Motion carried.

RESOLUTION NO. 2009-21 It was moved by Doug Edwards, with a second by Ernest Hartman to approve Appropriation and perpetual easement rights for PPN: 11-00-086-000-037. The vote resulted as follows: 12 Yea, 0 Nay. Motion carried.

RESOLUTION NO. 2009-22 It was moved by Cindy Kurpley, with a second by Rick Hutman to approve Appropriation and perpetual easement rights for PPN: 11-00-087-000-039. The vote resulted as follows: 12 Yea, 0 Nay. Motion carried.

RESOLUTION NO. 2009-23 It was moved by Thomas Lahetta, with a second by John Piwinski to approve Appropriation and perpetual easement rights for PPN: 11-00-086-000-038. The vote resulted as follows: 12 Yea, 0 Nay. Motion carried.

RESOLUTION NO. 2009-25 It was moved by Ernest Hartman, with a second by Louise Grose to approve Appropriation and perpetual easement rights for PPN: 11-00-091-000-023. The vote resulted as follows: 12 Yea, 0 Nay. Motion carried.

RESOLUTION NO. 2009-26 It was moved by John Piwinski, with a second by Cindy Kurpley to approve Appropriation and perpetual easement rights for PPN: 11-00-033-000-024. The vote resulted as follows: 12 Yea, 0 Nay. Motion carried.

RESOLUTION NO. 2009-27 It was moved by Dominic Ferritto, with a second by Thomas Lahetta to approve Appropriation and perpetual easement rights for PPN: 11-00-010-000-004. The vote resulted as follows: 12 Yea, 0 Nay. Motion carried.

RESOLUTION NO. 2009-28 It was moved by Gerald Cowie, with a second by Ernest Hartman to approve Appropriation and perpetual easement rights for PPN: 11-00-010-000-024. The vote resulted as follows: 12 Yea, 0 Nay. Motion carried.

RESOLUTION NO. 2009-29 It was moved by John Piwinski, with a second by Cindy Kurpley to approve Appropriation and perpetual easement rights for PPN: 10-00-024-000-169. The vote resulted as follows: 12 Yea, 0 Nay. Motion carried.

RESOLUTION NO. 2009-30 It was moved by Dominic Ferritto, with a second by Doug Edwards to approve Appropriation and perpetual easement rights for PPN: 11-00-010-000-044. The vote resulted as follows: 12 Yea, 0 Nay. Motion carried.

RESOLUTION NO. 2009-31 It was moved by Ernest Hartman, with a second by John Piwinski to approve Appropriation and perpetual easement rights for PPN: 11-00-010-000-003. The vote resulted as follows: 12 Yea, 0 Nay. Motion carried.

RESOLUTION NO. 2009-32 It was moved by Thomas Lahetta, with a second by Ernest Hartman to approve Appropriation and perpetual easement rights for PPN: 11-00-049-000-015. The vote resulted as follows: 12 Yea, 0 Nay. Motion carried.

RESOLUTION NO. 2009-33 It was moved by Doug Edwards, with a second by Rick Hutman to approve Appropriation and perpetual easement rights for PPN: 11-00-049-000-009. The vote resulted as follows: 12 Yea, 0 Nay. Motion carried.

RESOLUTION NO. 2009-34 It was moved by Dominic Ferritto, with a second by Cindy Kurpley to approve Appropriation and perpetual easement rights for PPN: 11-00-025-000-031. The vote resulted as follows: 12 Yea, 0 Nay. Motion carried.

RESOLUTION NO. 2009-35 It was moved by John Piwinski, with a second by Gerald Cowie to approve Appropriation and perpetual easement rights for PPN: 11-00-010-000-031 and 11-00-009-101-030. The vote resulted as follows: 12 Yea, 0 Nay. Motion carried.

RESOLUTION NO. 2009-36 It was moved by Doug Edwards, with a second by Louise Grose to approve Appropriation and perpetual easement rights for PPN: 11-00-024-000-173. The vote resulted as follows: 12 Yea, 0 Nay. Motion carried.

RESOLUTION NO. 2009-37 It was moved by John Piwinski, with a second by Dominic Ferritto to approve Appropriation and perpetual easement rights for PPN: 11-00-033-000-027. The vote resulted as follows: 12 Yea, 0 Nay. Motion carried.

RESOLUTION NO. 2009-38 It was moved by Doug Edwards, with a second by Gerald Cowie to approve Appropriation and perpetual easement rights for PPN: 11-00-087-000-045. The vote resulted as follows: 12 Yea, 0 Nay. Motion carried.

RESOLUTION NO. 2009-39 It was moved by Dominic Ferritto, with a second by Thomas Lahetta to approve Appropriation and perpetual easement rights for PPN: 07-00-043-101-013. The vote resulted as follows: 12 Yea, 0 Nay. Motion carried.

Executive Director, Fred Alspach, presented the updated Carlisle-Eaton Wastewater Project time line and the list of information that was required by a recent public documents request. A current summary of the LORCO Phase I project was drafted for inclusion in the Eaton Township newsletter. The Eaton Township newsletter information was provided to the board to review for any changes. There were none. The monthly deposits, disbursements and deferral statement was then reviewed.

Other Business:

John Kniepper, Chief Executive of the Avon Lake Municipal Utilities informed the board that ALMU has employed and is training the inspectors for the Phase-I pipeline construction. ALMU will employ the Inspectors for 60-days in accordance with LORCO's RESOLUTION NO. 2009-24. Eaton Township representative, Doug Edwards, questioned the sewer tap fees for Avon Lake, as identified by the COMET group. A letter from the ALMU offices identifies a large disparity between the COMET version of fees and what the fees really are. Huntington Township Trustee, Mary Beth Derikito, offered her thanks for the LORCO group's effort to better control pollution of untreated waste discharge into the Black River.

President McConnell reminded the Executive Committee to meet on Wednesday July 15, 2009 at 6:00 p.m. at 5455 Detroit Road, Avon, Ohio.

He also reminded the board members that a Special Board Meeting will be held Wednesday July 29, 2009 at 7:00 p.m. at the LORCO office.

Adjourn:

With no further business to come before the Board, President McConnell declared the meeting adjourned at this time 8:33 p.m. The board will meet again in regular session at 7:00 p.m. on Thursday, August 13, 2009 at the LORCO offices, 22898 West Rd. Wellington, OH.

President

Secretary-Treasurer