

**MINUTES
BOARD OF TRUSTEES MEETING
LORAIN COUNTY RURAL WASTEWATER DISTRICT
November 12, 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 7:00 PM with the pledge of allegiance.

Trustees in Attendance:

| | | |
|----------------|-----------------|------------------------|
| Scott Grills | Jim Wright | Doug Edwards |
| Rick Hutman | Howard Born | Mary Beth Derikito (A) |
| Rita Canfield | John Piwinski | Gerald Cowie |
| Thomas Lahetta | Dorothy Collins | Cindy Kurpely |
| Neil Lynch | James McConnell | |

Also in Attendance:

John Kniepper, Chief Utilities Executive, Avon Lake Municipal Utilities
Becky Haines, Special Projects Coordinator, Avon Lake Municipal Utilities
Dennis O'Toole, Legal Counsel
Rich Radachi, CPA
Helen Haddox, Office Manager
Fred Alspach, Executive Director

Approval of Minutes:

President McConnell announced that the minutes of the regular meeting held on October 8, 2009 and the minutes of the special meeting held on October 22, 2009 were mailed to all trustees and called for any additions or corrections. It was moved by Doug Edwards, with a second by Scott Grills to approve the minutes of both the October 8, 2009 meeting and the October 22, 2009 meeting as written. All voted yea. Motion carried.

Old Business:

President McConnell reviewed the Ohio EPA Citizen Advisory issued to the city of Avon Lake, which authorizes the impact of 9.64 acres of wetlands and 1,850 linear feet of streams to construct the project.

New Business:

President McConnell advised the board that the start of construction was published in the November 6, 2009 edition of the Rural-Urban Record newspaper to get the word out as quickly as possible. McConnell also reiterated the need for a letter to all current homeowners in the ALMU-LORCO Phase-I Facility Planning Area. McConnell called for an executive session at the end of this meeting to discuss personnel.

Attorney, O'Toole, noted that the meeting held November 5, 2009 before the Environmental Review Appeals Commission produced a unanimous decision not to grant a stay to the city of Elyria regarding the project not going forward. As of November 6, 2009 work had begun on the project by several contractors. The Ohio EPA requires that we meet the 10-point check list associated with the certification.

RESOLUTION NO. 2009-83 It was moved by John Piwinski, with a second by Scott Grills WHEREAS, the following have been submitted:

| | | |
|---|----|-----------|
| First Merit – interest | \$ | 34,507.06 |
| Payrolls disbursed on – 10/07/09 and 10/21/09 | \$ | 2,339.10 |
| OPERS – contributions 09/19/09 – 10/30/09 | \$ | 945.79 |
| Village of Grafton – Wastewater Treatment | \$ | 794.58 |
| Anthem Blue Cross Blue Shield | \$ | 606.86 |
| First Merit – federal payroll taxes for October | \$ | 255.08 |
| Bobel’s Office Supply – general office supplies | \$ | 209.34 |
| Fred Alspach – 3 rd quarter mileage reimbursement | \$ | 189.20 |
| LMRE – NISC accounting software | \$ | 96.08 |
| First Merit – monthly analysis fee | \$ | 60.00 |
| Verizon – landline | \$ | 53.91 |
| Chronicle Telegram – Public Notice 10/19/09 | \$ | 50.89 |
| Verizon – wireless | \$ | 50.21 |
| Stumphauzer O’Toole (000M) – legal fees for 08/26/09 – 09/21/09 | \$ | 12,060.50 |
| Stumphauzer O’Toole (002M) – legal fees for 08/27/09 – 09/24/09 | \$ | 2,139.00 |
| Radachi & Company – accounting fees for 09/01/09 – 09/24/09 | \$ | 4,857.50 |
| GRW Engineers (03328-18) – services for 08/23/09 – 09/19/09 | \$ | 1,753.01 |
| GRW Engineers (03328-20) – services for 08/23/09 – 09/19/09 | \$ | 2,190.00 |
| Alspach – consultant services for 07/01/09 – 08/08/09 | \$ | 5,069.20 |
| Alspach – consultant services for 08/09/09 – 09/05/09 | \$ | 800.40 |
| Alspach – consultant services for 09/06/09 – 10/03/09 | \$ | 2,101.05 |
| LMRE – rent for September | \$ | 250.00 |
| LMRE – third quarter postage | \$ | 208.53 |
| LMRE – third quarter copies and faxes | \$ | 133.50 |

NOW, THEREFORE BE IT RESOLVED,

- 1) That in anticipation of receiving permanent construction funding from the Ohio Water Development Authority, 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 OWDA 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: 14 yea. 0 nay. Motion carried.

Executive Director, Alspach, reviewed the off-site wetlands mitigation, the advertisement for commencement of work and various other news articles. He also reviewed the monthly financial payments and deferrals, which were part of the Board’s package.

Other Business:

Chief Executive Director of Utilities for the City of Avon Lake, John Kniepper, reported that the American Recovery and Reinvestment Act forgivable principal loan for \$5,000,000.00 could be on the OWDA agenda for this month. ALMU Special Projects Coordinator, Becky Haines gave an update to the start of construction following the pre-construction meeting held November 4, 2009. An Underground Utilities representative is currently contacting homeowners regarding the potential location of the household service laterals. Next week four more contractors will begin on their segments of the project.

Carlisle Township resident, Carl Denk, encouraged the idea of a letter to homeowners with a list of agencies that can provide financial aid. He asked for and was advised that specifications and diagrams are on file for household laterals and tap in procedures, which will be provided at the appropriate time.

Executive Session

It was moved by Thomas Lahetta, with a second by Scott Grills to go into executive session at 7:33 p.m. to discuss personnel issues. A roll call vote was taken showing all fourteen regular meeting board members present voting yea. Motion carried.

It was moved by Howard Born, with a second by Jim Wright to return to regular session at 9:03 p.m. All board members were present and voted yea. Motion carried.

RESOLUTION NO. 2009-84 It was moved by Howard Born, with a second by Jim Wright to approve the contractual agreement with Robert J. Berner as the LORCO Executive Director for a two-year period commencing December 1, 2009 The vote resulted as follows: 13 Yea, 1 Abstain (Edwards) 0 Nay. Motion carried.

Adjourn:

With no further business to come before the Board, a motion was made by John Piwinski, with a second by Doug Edwards to adjourn at this time 9:07 p.m. The board will meet again in regular session at 7:00 p.m. on Thursday, December 10, 2009 at the LORCO offices located at 22898 West Road, Wellington, Ohio 44090.

President

Secretary-Treasurer