

**MINUTES  
BOARD OF TRUSTEES MEETING  
LORAIN COUNTY RURAL WASTEWATER DISTRICT  
May 11, 2006**

**Call to Order –**

The regular meeting of the Board of Trustees of the Lorain County Rural Wastewater District was held at the Carlisle Township Town Hall. President McConnell called the meeting to order at 8:05 p.m. with the pledge of allegiance.

Attorney O'Toole administered the Oath of Office to Dwaine Clinker (Rochester Village) and Nancy Gildner (South Amherst Village Alternate).

**Trustees in Attendance –**

James Wright	Ernie Walker	Dominic Ferritto
Ed Born	Ernest Hartman	Barbara Harper
John Piwinski	James McConnell	Gerald Cowie
Don Wittmer	Thomas Lahetta	Dorothy Collins
Dwaine Clinker		Neil Lynch

**Also in Attendance –**

Fred Alspach, Executive Director  
Dennis O'Toole, Legal Counsel  
Becky Haines, Administrative Assistant

**Absent –** Rick Hutman, Scott Grills

**Approval of the Minutes –**

President McConnell noted that the minutes of the regular meeting held on April 13, 2006 were mailed to all board members and called for any corrections or additions. It was moved by Ernest Hartman with a second by Thomas Lahetta to approve the minutes as written. All voted yea. Motion carried.

**Old Business –**

President McConnell reported that an Executive Committee meeting was held on Wednesday, April 26<sup>th</sup> and committee members discussed the request of Palmer Development, Inc. for a wavier of Section 9 Default (i) of the Tap In Agreement. Following full discussion, a motion was made by Ernest Hartman with a second by Thomas Lahetta to recommend the waiver of the default option language, paragraph (i), in the Tap In Agreement with Palmer Development, Inc. The vote was as follows: 8 yeas 5 nays and 1 abstention (Ferritto). Motion carried.

**New Business –**

Attorney O'Toole reported on the suggested addendum to the LORCO-Avon Lake Agreement, which provides for the LORCO Phase-I service area attachment to the Avon Lake force main at State Route 82 and State Route 57 and includes an increase in the gallons of flow per day to 2MGD (million gallons per day). Avon Lake is thereby the designated wastewater treatment facility for the Carlisle and Eaton Township service area. The only exception being the proposed Barrington Park Subdivision. Avon Lake will install the main pump station, master meter and force main line. Such agreement

shall remain in effect for forty-years (40) after the first day wastewater is discharged to the Avon Lake Water Pollution Control Center. It was moved by John Piwinski, with a second by Barbara Harper to approve this agreement as amended. Vote resulted as follows: 14 yeas, 0 nays. Motion carried.

President McConnell stated that the work session of May 5, 2006, which was held at the USDA Rural Development office in Massillon, was an in depth four hour meeting, which resulted in several recommendations to complete the LORCO application for a USDA loan guarantee program commitment.

President McConnell reviewed the LORCO bylaws whereby the Executive Committee could make decisions regarding the financing or construction of Phase-I should such decision be time sensitive. He then asked if there were any objections should a decision be necessary. There were no objections.

**Resolution 2006-08** was moved by Barbara Harper with a second by Don Wittmer WHEREAS, the following have been submitted:

Payroll 3/26/2006 - 4/07/2006	\$	1,389.96
Payroll 4/08/2006 - 4/21/2006	\$	1,389.96
LMRE – NISC fees for March & April	\$	185.92
Computers by Steve	\$	150.00
FirstMerit Bank – loan extension fee	\$	300.00
Ohio EPA – Permit to Install Review Fee	\$	15,100.00
LMRE – Mays rent	\$	250.00
LMRE – Administrative Contract for May	\$	4,257.36

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: 14 yeas 0 nays. Motion carried

**Resolution 2006-09** Be it resolved by the Board of Trustees of the LORCO Rural Wastewater District that it was moved by John Piwinski with a second by James Wright;

Whereas, the Board has previously determined the appropriate amounts of tap-in permit fees that shall be applicable to users, and

Whereas, the Board recognizes that after the initiation of the construction of the Phase-I project that it may be in the best interest of the District to reexamine the structure of the tap-in permit fees and possibly to modify the same so as meet its duty of fiscal responsibility; and

Whereas, the Board is desirous of advising its constituents and potential users, including developers and builders, as expeditiously as possible, of the possibility of future tap-in permit fee increases and modifications after the start of Phase-I construction,

NOW THEREFORE BE IT RESOLVED: That the executive director is hereby authorized and directed to conduct such investigation and research regarding future rate schedules and structure for tap-in permit fees to be placed into effect after the initiation of the Phase One construction or at such other time as appropriate, and to make a recommendation to the finance committee for its review and referral to the full board.

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 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 Yeas 0 Nays. Motion carried.

**Resolution 2006-10** Be it resolved by the Board of Trustees of the LORCO Rural Wastewater District that a motion was made by Ernest Hartman with a second by Ernie Walker;

WHEREAS, LORCO is the Regional Wastewater District formed under Chapter 6119 of the Ohio Revised Code; and

WHEREAS, New Russia Township is an active member of LORCO; and

WHEREAS, New Russia Township is considering a proposal to utilize existing capital resources to assist in and advance the proposed wastewater service to New Russia Township residents as authorized by statute; and

WHEREAS, LORCO has provided a preliminary engineering report to New Russia Township, which identifies basic issues regarding central collection and treatment of wastewater; and

WHEREAS, New Russia Township has requested input from LORCO as to whether LORCO would be willing to consider New Russia Township's proposal to assist in and advance the proposed wastewater service to New Russia Township residents as part of LORCO's future system plans;

NOW, THEREFORE, BE IT RESOLVED by the LORCO Board of Trustees that acceptance of and support for the efforts of New Russia Township is in the best interests of LORCO and its members, and therefore LORCO is in support of and will consider New Russia Township's proposal to assist and advance plans and designs for a "Northwest Service Area Project" in accordance with Section 6119.19 of the Revised

Code, and the Executive Director is hereby authorized to take such action deemed necessary to fulfill the intent of this resolution and to keep the board informed of the final proposal of New Russia Township; the executive director is further authorized to submit, process and complete plans and designs and complete an application for funding assistance upon final approval of the board.

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 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 Yeas 0 Nays. Motion carried.

Executive Director Alspach presented the administrative report detailing a review of the weekly staff report, news articles, and an updated list of letters of support to be included with the USDA Rural Development loan guarantee application. He also advised of the potential of having a financial management seminar in the Fall of 2006. The Great Lakes-Rural Communities Assistance Program would conduct this program. More information will be presented at the next board meeting.

Attorney O'Toole then reviewed the Tap In Agreement, which was negotiated with Forest City Development. Their situation is unique as they are the developer and then sell the lots within the subdivision to builders. Following full discussion a motion was made by John Piwinski with a second by Ernest Walker to approve the Tap In Agreement with amendments for Forest City Development. The vote resulted in 14 yeas 0 nays. Motion carried.

Administrative Assistant Haines stated that the Cash Flow Deferral Statement was included in the board packages and asked if anyone had any questions or concerns. Currently staff is working with Radachi & Company on the end of the year audit which must be completed and submitted to the State Auditor by May 31<sup>st</sup>.

In addition, Administrative Assistant Haines stated that preparations are underway for the LORCO exhibit at the Lorain County Fair and asked that those members who will be interested in working in the booth sign up at the July meeting so that schedules and arrangements can be ready at the August board meeting.

#### **Other Business-**

A joint Executive Committee and Finance-Audit Committee meeting has been scheduled for Thursday, May 25<sup>th</sup> at the LORCO office at 7:00pm.

President McConnell opened the floor for questions or comments from the audience and extended a thank you to the Carlisle Township Trustees for allowing LORCO to conduct its monthly board meeting at their town hall and to discuss the Phase-I project with their residents.

#### **Adjourn –**

With no further business to come before the board, it was moved by Dominic Ferritto with a second by Thomas Lahetta to adjourn at this time 9:35 PM and meet

again in regular session at 8:00 PM on Thursday, June 8th, 2006 at the Eaton Township Hall. All voted yea. Motion carried.

---

President

---

Secretary Treasurer