

**MINUTES  
BOARD OF TRUSTEES MEETING  
LORAIN COUNTY RURAL WASTEWATER DISTRICT  
October 8, 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	Berry Taylor (A)	Doug Edwards
Rick Hutman	Howard Born	Ernest Hartman
Rita Canfield	John Piwinski	Gerald Cowie
Louise Grose	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  
Helen Haddox, Office Manager  
Fred Alspach, Executive Director

**Approval of Minutes:**

President McConnell announced that the minutes of the regular meeting held on September 10, 2009 were mailed to all trustees and called for any additions or corrections. It was moved by Gerald Cowie, with a second by John Piwinski to approve the minutes of the September 10, 2009 meeting as written. All voted yea. Motion carried.

**Old Business:**

President McConnell informed the board that the Avon Lake Municipal Utilities loan application to the Ohio Water Development Authority was approved and that the details of the agreement between LORCO and ALMU are being finalized. There is now sufficient funds to proceed with the Phase-I project. He noted that the OWDA staff did a good job defining the project and supporting its merits. Ms. Farmer was very meticulous and thorough.

As LORCO is faced with a substantial increase in PVC pipe prices, the authorization has been provided to the contractors to take delivery at the current lower cost.

President McConnell's intention is to put together a fact sheet mailing, newspaper advertisement and web site page, regarding the most recent timeline and other issues of the project.

**New Business:**

President McConnell called for an executive session at the end of the regular meeting to discuss personnel.

Dennis O'Toole, Attorney to the Board, reported that his office is initiating five appropriation actions following multiple contacts with these property owners and full explanations of their options with legal action as a last resort.

**RESOLUTION NO. 2009-80** It was moved by Cindy Kurpley, with a second by Berry Taylor to approve Appropriation and perpetual easement rights for PPN: 11-00-010-000-005. The vote resulted as follows: 15 Yea, 0 Nay. Motion carried.

**RESOLUTION NO. 2009-79** It was moved by Thomas Lahetta, with a second by Cindy

Payrolls disbursed on – 09/09/09 and 09/23/09	\$	2,339.10
Anthem Blue Cross Blue Shield (2 months)	\$	1,213.72
OPERS – contributions 08/22/09 – 09/18/09	\$	630.53
First Merit – federal payroll taxes for September	\$	255.08
Ohio Treasurer of State – 3 <sup>rd</sup> quarter taxes	\$	245.86
LMRE – NISC accounting software (2 months)	\$	192.16
Fred Alspach – LORCO petty cash reimbursement	\$	159.02
Comp Management – workers' comp group administration fee	\$	80.00
First Merit – monthly analysis fee	\$	61.12
Verizon – landline	\$	53.91
First Merit – credit card	\$	59.78
Ohio Rural Water Association (ORWA) Dues	\$	50.00
Verizon – wireless	\$	45.20
Stumphauzer   O'Toole (000M) – legal fees for 07/23/09 – 08/18/09	\$	9,589.85
Stumphauzer   O'Toole (002M) – legal fees for 07/22/09 – 08/14/09	\$	7,318.68
Stumphauzer   O'Toole (004M) – legal fees for 07/21/09 – 07/27/09	\$	4,750.00
Radachi & Company – accounting fees for 08/03/09 – 08/25/09	\$	4,988.00
GRW Engineers (03328-17) – services for 07/26/09 – 08/22/09	\$	1,330.00
GRW Engineers (03328-18) – services for 07/26/09 – 08/22/09	\$	9,387.50
GRW Engineers (03328-20) – services for 07/26/09 – 08/22/09	\$	2,192.65
LMRE – rent for August	\$	250.00

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: 15 yea. 0 nay. Motion carried.

**Other Business:**

Executive Director, Alspach reported that the PLAN REVIEW-APPROVAL GRANTED letter from the Lorain Soil & Water Conservation District was received and granted approval with respect of the LC Erosion and Sediment Control Rules and the ODNR Rainwater and Land Development Manual. Jim Kooser of the URS Corporation had provided notification his conversation with Ohio EPA, Division of Surface Water indicated that aside from the off-site mitigation plan, nothing else was required for the 401 Water Quality Certification. Also various news articles were enclosed for the board members' review. The monthly Deposits and Disbursements were reviewed along with current Deferrals.

**Audience Participation**

Mr. Carl Denk of Carlisle Township commented on the discussion of a mailing regarding the up-to-date status of LORCO to Carlisle and Eaton Township residents. Mr. Rick Krueck, Councilman of the Village of Kipton posed a question of why Kipton Village could not be served by a wastewater treatment package plant sooner than later. Information will be provided to Mr. Krueck to contact the Ohio EPA for further information.

**Executive Session**

It was moved by Scott Grills, with a second by Ernest Hartman to go into executive session at 7:41 p.m. to discuss personnel and litigation issues. A roll call vote was taken showing all fifteen regular meeting board members present voting yea. Motion carried.

It was declared by President McConnell to go back into regular session at 8:35 p.m. All board members were present.

**RESOLUTION NO. 2009-81** It was moved by Howard Born, with a second by Scott Grills to Authorize the initiation of litigation against the Ohio Environmental Protection Agency and other necessary parties to protect and secure LORCO's American Recovery and Reinvestment Act stimulus award and prevent the awarding or distribution of those funds to any other non-related party or entity. The vote resulted as follows: 15 Yea, 0 Nay. Motion carried.

President McConnell announced that a possible SPECIAL MEETING OF THE LORCO BOARD OF TRUSTEES could be called for October 22, 2009. All board members will be notified.

**Adjourn:**

With no further business to come before the Board, a motion was made by Ernest Hartman, with a second by John Piwinski to adjourn at this time 8:44 p.m. The board will meet again in regular session at 7:00 p.m. on Thursday, November 12, 2009 at the LORCO offices located at 22898 West Road, Wellington, Ohio 44090.

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary-Treasurer