

**MINUTES
BOARD OF TRUSTEES MEETING
LORAIN COUNTY RURAL WASTEWATER DISTRICT
JANUARY 14, 2010**

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.

Trustees in Attendance:

Secretary-Treasurer Lahetta called the roll with the following trustees shown in attendance:

James McConnell	Neil Lynch	Thomas Lahetta
Gerald Cowie	Cindy Kurpely	Doug Edwards
James Wright	Rick Hutman	Dominic Ferritto
John Piwinski	Rita Canfield	Ernest Hartman
Scott Grills	Louise Grose	

Also in Attendance:

Dennis O'Toole, Attorney
Rich Radachi, CPA
John Kniepper, Chief Utilities Executive ALMU
Becky Haines, Special Projects Administrator ALMU
Robert Berner, Executive Director
Helen Haddox, Office Manager

Election of Officers:

In accordance with Article IV, Section 1 of the LORCO Bylaws, election of officers is to take place at the first meeting of the year. Dennis O'Toole, Attorney to the Board then opened the floor for nominations for President.

Election of Officers was conducted, according to the procedures of the by-laws, with the following results:

James McConnell, President
Neil Lynch, Vice President
Thomas Lahetta, Secretary-Treasurer

Approval of Minutes:

President McConnell announced that the minutes of the regular meeting held on December 10, 2009 had been mailed to all the trustees and called for any additions or corrections. It was moved by Ernest Hartman, with a second by Louise Grose to approve the minutes as written. All voted yea. Motion carried.

Old Business:

There was no old business to come before the board.

New Business:

President McConnell called for suggestions to set dates and times for the regular monthly meetings in 2010. Following discussion, it was moved by Cindy Kurpely, with a second by John Piwinski to designate the second Thursday of the month at 7:00 p.m. as the date and time for the regular monthly meetings. All voted yea. Motion carried.

President McConnell called for suggestions for a retirement function for Fred Alspach so the board has an opportunity to express their sincerest gratitude to him. A committee was established. Members include Ernest Hartman, Cindy Kurpely, Dennis O'Toole, John Kniepper and Rich Radachi. The committee was given the authority to plan and schedule the function. A tentative date has been set for the evening of Thursday, March 25th.

Attorney O'Toole updated the members on the pending Environmental Review Appeals Commission.

Attorney O'Toole informed the members that the City of Elyria has denied LORCO and ALMU a permit to cross the City's right of way for the Phase I project. The City of Elyria has also informed RLCWA that it is not permitted to dig in the City's right of way if it relates to the LORCO Phase I project. Counsel recommended that LORCO not pursue legal action at this time and proceed with the Phase I construction.

Attorney O'Toole reported that the easement appropriations are going well. The Court has consolidated all of the cases under one judge and he expects a number of cases will be resolved before the end of the month. Any unresolved cases should go to trial by mid-March.

RESOLUTION NO. 2010-01 It was moved by Jim Wright, with a second by Ernest Hartman, to approve a resolution authorizing the President of the Board and the Executive Director to enter into and execute loan agreements with financial institutions.

WHEREAS, the LORCO RURAL WASTEWATER DISTRICT Board of Trustees finds it necessary to authorize the negotiation of a loan up to, One Million and Five Hundred Thousand Dollars (\$1,500,000.00), with the assurance or repayment under Chapter 6119.06, paragraph (l) of the Ohio Revised Code, without the requirement of a guaranty from individual members of LORCO.

WHEREAS, the selected financial institution needs an assurance from the District that the loan will be paid back.

WHEREAS, this board authorizes the LORCO Board President, Executive Director and Legal Counsel to negotiate the terms of a loan, not to exceed, One Million and Five Hundred Thousand Dollars (\$1,500,000.00), and present to the full board for review and consideration.

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

1. The LORAIN COUNTY RURAL WASTEWATER DISTRICT hereby provides assurance that the District will make repayment to the selected financial institution in compliance with Chapter 6119.06, paragraph (I) of the Ohio Revised Code.
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.

The vote resulted in 14 yeas and 0 nays. Motion carried.

RESOLUTION NO. 2010-02 It was moved by Dominic Ferritto, with a second by Louise Grose, WHEREAS, the following have been submitted:

Payrolls disbursed on – 12/02/09, 12/16/09 and 12/30/09	\$ 8,369.62
OPERS – contributions 11/28/09 – 12/25/09	\$ 2,211.58
First Merit – federal payroll taxes for December	\$ 1,201.31
Treasurer State of Ohio – Audit	\$ 1,198.56
Village of Grafton – bimonthly treatment	\$ 752.51
Anthem Blue Cross Blue Shield	\$ 606.86
Treasurer State of Ohio – 4 th quarter payroll taxes	\$ 491.09
Fred Alspach – Oct - Dec mileage reimbursement	\$ 305.80
Computers By Steve – 2009 website hosting	\$ 300.00
Rural Urban – public notice	\$ 292.50
LMRE – NISC accounting software	\$ 96.08
Helen Haddox – petty cash reimbursement	\$ 84.04
First Merit – monthly analysis fee	\$ 60.44
Verizon – landline	\$ 63.85
W.G. Carter – business cards	\$ 87.54
Bobel's Office Supply – general office supplies	\$ 80.73
Verizon – wireless	\$ 50.13
Stumphauzer O'Toole (000M) – legal fees for 10/29/09 – 11/23/09	\$ 1,541.45
Stumphauzer O'Toole (002M) – legal fees for 10/23/09 – 11/25/09	\$ 20,881.52
Stumphauzer O'Toole (004M) – legal fees for 10/27/09 – 11/17/09	\$ 18,843.55
Radachi & Company – accounting fees for 11/02/09 – 11/30/09	\$ 3,480.00
Alspach – consultant services for 11/01/09 – 11/28/09	\$ 2,668.00
Alspach – consultant services for 11/29/09 – 12/25/09	\$ 2,501.25
LMRE – rent for November	\$ 250.00
LMRE – fourth quarter postage	\$ 183.46
LMRE – fourth quarter copies and faxes	\$ 155.25

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.

The vote resulted in 14 yeas and 0 nays. Motion carried.

Policy Committee Chairman Lynch reported that a meeting had been held earlier in the evening to consider changes to Article IV - Benefits policy and to review a proposed new Administrative, Chapter XI – Sewer Service Lateral Installation Plan (SSLIP) policy.

After considerable discussion, the committee was not prepared to make a recommendation to the board regarding the Article IV – Benefits policy at this time. It was suggested that the costs be further researched and brought back to the committee at their next meeting.

After reviewing the proposed administrative policy ADM 1101 – ADM 1103, Chapter XI – Sewer Service Lateral Installation Plan, the committee recommended the policy with the language in the first paragraph being changed to the following:

The Sewer Service Lateral Installation Plan (SSLIP) is designed to allow future Benefited Users to purchase a service lateral for a future wastewater service tap(s) prior to the sanitary line installation being completed in front of the affected property. Under the Sewer Service Lateral Installation Plan service laterals may be installed in the Phase-I project. All future projects will be determined by the District Board. The objectives of this plan are that:

A motion was made by Ernest Hartman with a second by Scott Grills to accept the policy with the recommended language changes. The vote resulted in 13 yeas, 1 abstention (Edwards) and 0 nays. Motion carried.

Executive Director Berner reported on the payment of deferments to date, the payments scheduled, and the projected estimate of total reimbursements from OWDA.

Executive Director Berner updated the members on the Voluntary Participation Plan. Nineteen letters were sent out on November 19, 2009. LORCO has received four responses with no commitments of money. There is still strong interest, however, most of the developers are reluctant to commit due to the current state of the economy.

Executive Director Berner informed the members that he attends the monthly construction business meetings at ALMU. Representatives from LORCO/ALMU will attempt to attend one Eaton and Carlisle Township meeting per month.

Executive Director Berner informed the members that he has been in communication with the homeowners in Country Place who are interested in connecting to the district. GRW is working on the cost to install the main sewer at Country Place during the Phase I construction.

Executive Director Berner reported that he is looking into Phase II planning and has been reviewing the studies completed for New Russia Township, Amherst Township, the Village of Kipton and the Village of South Amherst.

Executive Director Berner informed the members that a pre-application was submitted to the Ohio Job Ready Sites Program for Grant Assistance. Berner spoke with Sheena Metzger at ODOD. The pre-application was received after the deadline and will not be reviewed. He has since been registered to receive information on future applications.

Chief Utilities Executive for Avon Lake Municipal Utilities, John Kniepper reported that the \$5,000,000.00 American Recovery and Reinvestment Act funding may be available at the end of this month. ALMU is working with the township officials regarding encroachment of property owner's land. Inspectors have been provided with Right of Entry documents to seek permission to use property adjacent to the road right way. Contractors who work outside the prescribed area do so at their own risk and are responsible for damages. ALMU is taking the proactive approach and notifying township officials of any damage noted prior to beginning construction.

Special Projects Administrator for Avon Lake Municipal Utilities, Becky Haines gave an update on the Phase-I construction. Three miles of pipeline is in the ground and thirteen full-time inspectors are in the field. The contractors have cleared trees and scrub in the areas they are presently working. The inspectors are meeting with the landowners to determine the location of the lateral placement. Landowners are asked to contact the ALMU office regarding damage claims. ALMU will investigate the incident and provide the landowner with information in which to submit a claim. ALMU has the right, and will enforce such, by retaining moneys due the contractor until all claims have been satisfied. Any collateral damage to roadway pavement, berms or pavement markings as determined from pre and post construction conditions shall be borne by the contractor.

Other Business:

President McConnell called for any other business to come before the Board and asked the audience if they had any questions or remarks. None were presented. President McConnell called for an Executive Session to discuss property.

At 8:20 p.m. a motion was made by Cindy Korpely, with a second by Ernest Hartman to move into Executive Session. Roll call was taken and all voted yea. Motion carried.

At 9:30 p.m. President McConnell declared the end of Executive Session and reconvened the regular session. All board members were present.

Adjourn:

With no further business to come before the Board, a motion was made by Dominic Ferritto, with a second by Ernest Hartman to adjourn at this time 9:35 p.m. All voted yea. Motion carried.

The board will meet again in regular session at 7:00 p.m. on Thursday, February 11, 2010 at the LORCO offices located at 22898 West Road, Wellington, Ohio 44090.