

**STORMWATER MANAGEMENT DISTRICT MEETING**  
**January 24, 2023 at 9:32 a.m., Meeting Room A – Administration Building**

**Item # 1 – Call meeting to order**

**Item # 2 -** The Secretary called the Roll, with the following members present:

David J. Moore, Chair, Lorain County Commissioner  
Michelle Hung, Secretary/Treasurer, Lorain County Commissioner  
Jeff Riddell, Vice Chair, Lorain County Commissioner  
J.R. White, County Administrator, absent  
Peter Zwick, LC Engineer's Office  
Greg Peltz, LCAPA

Erica Hawkins, Secretary

Also present: Rob Duncan, LCCDD, Jessica Hozalski, Lyn Ickes & Matt Arnold, Stormwater Management District

Commissioner Moore thanked Hawkins for what she is doing. He knows their Clerk is under a lot of stress and family issues right now. Hawkins said thank you, just bear with her. Commissioner Riddell said hey you can't be any newer than me. Hawkins said they'll get through it together.

**Item #3 – Approval of minutes**

Motion by Commissioner Moore, seconded by Commissioner Hung to approve the minutes of September 13, 2022 as submitted. Upon roll call the vote taken thereon resulted as: Ayes: All. Motion carried.

**Item #4 – New Business**

Commissioner Moore said we have different options. We can either keep this board the same or does anyone want to make a change? Everyone cool with the way it is? Commissioner Hung said she would make the motion to keep the officers the same and nominating Commissioner Riddell to be the Vice-Chair, Moore seconded. The following resolution was adopted:

**RESOLUTION NO. SWMD-23-1**

In the matter of electing Jeff Riddell as the     )  
Vice-Chair for the Lorain County Stormwater)  
Management District for 2023                     )

January 24, 2023

BE IT RESOLVED, by the Lorain County Stormwater Management District hereby elect Jeff Riddell as Vice-Chair for Lorain County Stormwater Management District for 2023.

Motion by David Moore, seconded by Michelle Hung to adopt. Upon roll call the vote taken thereon, resulted; Ayes: All / Nays: None

Motion carried. \_\_\_\_\_(discussion was held on the above)

**JOURNAL ENTRY**

Hawkins said County Administrator has signing authority. Don Romancak said the purpose behind this is in working with the County prosecutor's office, the Stormwater district has never really designated an authorized signatory, so we would hunt down the President who would be signing MOU's and various reports and/or contracts and this action would provide another person besides the Board to be able to and sign off on contracts. Moore asked who would be the only one authorized? The President of the Board and/or the County Administrator. Commissioner Hung asked Peltz if he would be drafting a resolution to add the County Administrator? Greg Peltz said they could do that but arguably the Board can take that action now just approving him to have signing authority on behalf of the Stormwater Management District. Riddell said he would recommend that it be or, not and/or because if you say and/or it has to be both. Commissioner Hung said she thinks they've done that on other boards as well where you have the extra signer in the building. Commissioner Moore moved to add the County Administrator to have signing authority or the President of the Board to have signing authority as stipulated by Mr. Peltz to write it up, seconded by Commissioner Hung. The following resolution was adopted:

**RESOLUTION NO. SWMD-23-2**

In the matter of adding the County Administrator     )  
to have signing authority or the President of the     )  
Board to have signing authority                             )                     January 24, 2023

BE IT RESOLVED, by the Lorain County Stormwater Management District adds the County Administrator to have signing authority or the President of the Board to have signing authority; as stipulated by Mr. Peltz to write it up.

Motion by David Moore, seconded by Michelle Hung to adopt. Upon roll call the vote taken thereon, resulted; Ayes: All / Nays: None  
Motion carried. \_\_\_\_\_ (discussion was held on the above)

**JOURNAL ENTRY**

Hawkins said add 10% contingency to Stormwater project contracts. Romancak thanked the Board and said over the years the Stormwater district bid out a few projects and we have been including a contingency as part of the bid based on how things may come in, we end up with very little contingency. In other contracts that he is familiar with the County doing, such as home repair, we take the bid and then add a 10% contingency that can be approved previously. What you have before you is an example. One where there is a 10% contingency added to the contract. All he is asking is that we take the contingency out of the bid where all the contractors know it's there. They've got a total contract amount and on the last invoice, contract is over, they must have earned the entire amount so they remove that from the bid price, award it the resolution and that contingency can only be touched if its approved by the County Engineers office or the Engineer of Record and the Stormwater Coordinator. This way if we do go over contract a little bit on the bid items, we're not coming back to the Board for a \$50 change order because we needed some addition stone to repair erosion. Greg Peltz said the Board can take that action to approve that in a general sense and not on an individual basis. Moore said more of a policy. Moore said it sounds like we're just making a motion to accept this as new policy for the County Stormwater District to add a 10% contingency to stormwater projects. Moore said he just said that in the form of a motion. Commissioner Hung said you did a very good job Commissioner and I will second that.

**RESOLUTION NO. SWMD-23-3**

In the matter of accepting a new policy for the Lorain )  
County Stormwater Management District to add a 10% )  
Contingency fee to all Stormwater Projects ) January 24, 2023

BE IT RESOLVED, by the Lorain County Stormwater Management District accepts a new policy for the Lorain County Stormwater Management District to add a 10% contingency fee to all Stormwater Management Projects.

Motion by David Moore, seconded by Michelle Hung to adopt. Upon roll call the vote taken thereon, resulted; Ayes: All / Nays: None  
Motion carried. \_\_\_\_\_(discussion was held on the above)

**JOURNAL ENTRY**

Romancak said next up, the County owns several fields that it actually empowers the Soil & Water District to bid out and they have been farmed in the past by private farms. The Soil & Water District collects rent and then remits that rent to the County General Fund. Those funds end up being used to pay Soil & Water. What they have found is we have a local farmer, Jerry Thome, who has made improvements in his fields and it just so happens that in the one field he made major improvements to, our field drainage ties into his and we actually had some flood complaints from some home owners there. We've investigated and we see that improvements are needed. We have an infestation of phragmites that's slowing water from going into a ditch and the ditch probably needs to be reshaped and dug so that it's draining positively towards the new improved drainage. Commissioner Hung said Mr. Romancak you can't throw out phragmites and not tell us what they are. Romancak said they are very tall weed like grasses that's an invasive species. Actually, Lyn knows it better than anyone having battled it now for 9 years? 10 years? Lyn Ikes said maybe working on 11. Commissioner Moore said she's a phragmites expert. Moore said you're bringing this up, basically you have a farmer that is doing all of the work on his own? Romancak said correct. Moore said and are you going to be coming to us to say we're going to be working on another project? Romancak said this is County owned land that then goes to private. The private sector has already improved their land and he's given us a good outlet to utilize. In this case it makes a whole lot of sense to take advantage of it and to help then improve the drainage that we're accepting from homeowners that front on Murray Ridge. Mr. Bob Brook being the one I've talked to the most. Romancak said we've had both Matt and Lyn, Lyn's taking a look at some of the phragmites in the area and Matt has looked at and the next field as well. Romancak said what I'm looking for is figuring out how to instruct Soil & Water to address the drainage issues. They manage our land. Commissioner Moore said I'm sure you already have notes and everything and if we have to do anything we're going to be very grateful to the individual for doing this. Romancak said it just so happens on the next project, Jerry Thome has improved his drainage and then he goes across a privately-owned field that is owned by a church that then goes into our land and our land had poor drainage again so I'm looking to basically get our drainage put in order. On one, we're solving a homeowner's problem improving our property, improving the farmers yield hopefully, and taking advantage of something Mr. Thome did. Then on the other side of the street, we always preach that what everyone needs to have is an adequate outlet for the stormwater and at this case we're at the end and once it hits our field it goes through a regular ditch, but it empties into a ditch that we do have on maintenance already. Romancak said I'm looking for from this Board, if its ok, to work with Soil & Water to figure out the best way to address the drainage. That may be installing a swale, it could be a tile, at this point in time I'm not entirely sure. Matt has put together a report we shared with you on a couple different occasions. Commissioner Moore asked if he needed a

verbal agreement? Romancak said just a verbal and what he would like to do is eventually we would have to come back to spend the money, I just want to make sure we're going to work with Soil & Water and take advantage of the relationships we have there already and who has already made improvements. Riddell asked where would the funds come from for our work on our property? Romancak said that is a question he would recommend since the General Fund is receiving the revenue from these, that it be a general fund but ultimately that decision could be made later. If we had to we could use Stormwater funds as this is improving drainage in the area. Commissioner Moore said what about the 6 1/2? Romancak said we'll be going to that, he's been spending that pretty well and you'll see some progress. Commissioner Hung said I support that Don just if you keep the Board posted and let us know the progress and come back to us later if we need to consider some funding. Romancak said I appreciate that and it gives us some direction to move that one forward. Hung said that means don't spend any money until you come back to us.

Romancak said next up is the annual meeting. We had talked a little bit last year and between Covid for two years and then all of the things being implemented, it's been an event that we have normally done on an evening. It's a stand-alone meeting. We'll invite all of the townships and our other partners, Soil & Water, City of Oberlin, Village of South Amherst. We will put together a meal and it is educational. We'll bring in guest speakers. In the past we've had Army Corps talk about waters of the US and Ohio EPA, changes in regulation. OSU professor on developing two stage ditches and more innovative ways of doing things. Cold water consulting, doing stream restoration projects and how that works hand and hand with Soil & Water. We'll give reports on what we have done in the last year and what we want to do in the future. It's also an open forum in a controlled way so that the township is able to talk to the Board and the staff about what they would like to see, changes made in programs. It's been these types of things that have developed such as planning grants. Commissioner Moore said that sounds pretty intense. Romancak said we get it done in about two and a half hours. We do keep them focused and we also feed them. Commissioner Hung said I know we've been talking about this for some time so have we landed on a date? Romancak said no. They were trying to get it in for the end of last year and it just did not work. He would be looking at sometime in the fall. The hardest part is working with the township schedules. One of the things we could do is work it with the LCTA and double it up. Commissioner Moore said that's what he was thinking. Riddell said they are always looking for a speaker for their meetings anyways so we could come that evening and that date is already on their calendar. Romancak said we'd be looking at September or October. Commissioner Moore said its what, two years without a meeting, that's a long time. Commissioner Hung asked why so late? She thinks he has a lot of good news to share. Is it not enough time to work on it? Matt Arnold said most of the people they work with are farmers. Jessica Hozalski said LCTA meeting for guest speakers are already booked out to June at least and that's another hurdle. Commissioner Hung asked when is our next meeting here? Can you do some behind the scenes work and give us an idea. Romancak said our next regularly scheduled meeting is May 23. Hung said give us an update on what the townships are thinking. Commissioner Riddell asked if it was possible for them to rally to the March meeting? Romancak said it would be possible but the only thing that might be a little bit difficult is the educational component where we bring in a speaker. He has a couple of consultants that would jump at the chance. Moore said you by yourself have a lot of data and I think you could run that meeting for two hours easily if we could do it this March. Because if not, we're looking at November at the earliest if you don't do it in March. Commissioner Hung asked Hozalski didn't she just say they were booked with speakers until July? Hozalski said she would say June. Commissioner Riddell said and you have a new President, right? Romancak said yeah, Jared Smith is the new President and he's been very responsive. They'll always been responsive. Moore said he would ask them though. Tell them hey we know you have a guest speaker in March but we would like to come out in March. If not, we're going to have to wait until probably November or January. December is the Christmas one. Romancak said we will find a way to do something.

Romancak said next up, temporary employees. Last year we attempted, I don't know if Michelle or David if you heard that we did attempt to hire two. We had one in the building and we lost her. Literally lost her, she disappeared. Hung said that happens. The purpose behind it was to provide support to Lyn on maintenance, actually dealing with the phragmites. We don't want people going out on their own, it's almost impossible and with some of it, just the work let alone safety. Also, with Matt on doing the investigations and dry weather screenings. In addition, we are continuing to work more closely with the county Engineer's office on maintenance and being able to do inspections both pre and post work being done by both in house county employees, Engineers employees, as well as the contractors that are hired. What he found is when people know we're watching, the work gets better. Commissioner Moore said what are you asking us? Romancak said I'm asking to again go forward and be authorized to bring in some seasonal help to start. You had asked a question a couple of days ago as to whether or not Stormwater could use additional employees and he didn't say yes but he didn't say no. He's looking at it. I could see the potential for two Stormwater tech positions but he's trying to figure out if they can keep them busy year-round. Unfortunately, a lot of the work that we do is weather sensitive. This is not a good time of year. We can't do dry weather screenings, we can't treat phragmites, even inspections are difficult when you have snow and ice. It's really a question of can we do it and it's an issue that the County Engineer has faced as well and even if we do get the approval, as we found out last year, it is not always easy to attract people to actually work. Commissioner Hung said he has two years to start the project and four years to finish it. Romancak said we've also had some conversations and we are trying to figure out if we can share employees with the County Engineer as well so that may be some of our busy time. It's such an overlap but if we can take them on in the summer and then in the winter there are inspections and things but winter seems to be the dead time for everybody to keep people busy. But we are looking at every way to get the most out of people that we would bring in to ensure they would be gainfully employed for 12 months instead of 9. Commissioner Hung said so you're asking for two? You've got it in your Stormwater budget for these two? You've looked it? Romancak said right now it's not in the budget for any full time but we do have some money in for temporary seasonal like we did last year. Romancak said still working on it but the seasonal is what's going to be important for Matt and Lyn to be able to do their jobs. The big thing is with Matt, if we can get our lab built in the basement as well or get Matt a lab some place that he can work. What we're going to do then is transfer work that we've been farming out to K.E. McCartney and Associates and bring that in house which will greatly reduce our costs. Basically, that savings would be moved then to other projects and to pay more of Matt's salary. We have him now going out and assisting so that KEM is sending one employee rather than two but I think we can do better. He has the capabilities and the equipment to do the testing that's necessary and again we are also exploring different options of working with the health district and other entities to see if we couldn't share resources or do testing for them or have them do testing for us when it needs to go to a lab. At this point in time we are going to need the temporary the employees as well Matt's lab. Commissioner Hung said I think you broke off into another issue here which Karen has talked to us about this lab so I don't know if any Commissioner here as a further update on where we are at on that. Moore said Dan Gross came up to him and said it's going to be about \$30,000 to create this lab and you guys need an extra bathroom. We're still in discussion mode as to whether the crime lab should stay down there or whether or not you guys can take over some of that space so that is all being discussed. Hung said Karen was looking at that and how the space would be configured. Moore said we're kind of working on it as we speak because we know Matt needs to wash up when he comes in from phragmites. Hung said you're asking for temporary employees, I certainly don't have a problem considering full time it's just we need to know what the cost will be. Romancak said we're going to keep trying. Moore asked if we're at the same salary because that was the discussion last year. Romancak said we actually increased it to \$18. Commissioner Riddell asked how do you get from 10 years to 2 years without additional staff. Romancak said a big part of what they've done is normally Peter is still a workhorse in this for the County Engineer's office, we've brought in Bramhall Engineering, KEM, KS Associates so we've brought in all of these outside contractors to

move all of these projects forward. On the management side it's a little bit easier because we aren't doing the work in house, we're bidding it out so where the bottle necks end up hitting besides Peter once we get through the design phase of it is getting these contracts through purchasing, legal has to review them, but it's not in the overall scope of County business it's not huge. For my little department it is gigantic, you know, \$6 ½ million, but most of that work is being done by others and then for us it's just making sure we're following all of the steps. Romancak said we're very much consultant dependent at this time. That's really how it is working, a lot of these projects and when we go over them you'll see survey done, in design, needs design, it's a lot of engineering and craftsmanship that's needed and if we get into tracking down easements that's going to fall on the 4 of us here as well as working with the townships who are our partners in this to get people to assign easements and we do have a couple of projects that we'll go petition and those are a heavy lift for the Clerk's office as well as us but the clerk takes the brunt of it. Jessica has done well supporting the Clerk on these. There is one that will be coming up that's a doozy. Commissioner Moore said when you say doozy what do you mean? Romancak said 1600 property owners or parcels in the benefit area. Moore asked how many owners? Romancak said probably close to a 1000. Almost every resident of LaGrange or every household of LaGrange Village. Moore asked if we changed that letter that goes out from the prosecutor's office? Greg Peltz said not my office. Moore said I'm sorry from our Clerk. Romancak said we have the letter and then there is a second letter that will be going with it and the question is can we just attach it to? Peltz said we've already tweaked the language. The first letter is a notification letter to say "hey, this is happening." The second letter is from Don saying "here's a little more fine detail of everything." The first letter we've already tweaked so we've already included the Board may implement assessments or they may not so we've already tweaked it above and beyond what the Revised Code demands in an effort to lighten the blow on Don's office. Commissioner Moore asked how long Romancak thinks they have been waiving those assessment fees 10 years? Romancak said since 2015. He said they also stopped collecting on ditches that were previously approved where we were collecting. The Board also suspended the collection of those and the Stormwater department is picking up that cost so that essentially we aren't double taxing the people for paying a stormwater fee that for those lucky enough to live on a ditch that was improved prior to this district coming in had to pay a maintenance fee on top of their Stormwater fee so we got rid of that. Romancak said he will move forward with trying to get temporary employees.

Next up is actually one of the contracts that's been making life a little more bareable for Peter and my staff and that is to go with K.E. in this one for Foster ditch which is one of the ARPA improved projects. Peter did the preliminary assessment and it is a project that is needed and it is a large project, over a mile, and Peter's rough cost without doing any engineering was roughly \$1 million to construct. What they're looking to do is bring in KEM to do the engineering as well as Cold Water Consultants to do two things. One is to keep us in line with wetland requirements because many of these failed ditches had this bad tendency to create wetlands which is a regulatory expense for our program and working through them properly. The other thing that Cold Water does is work on bringing in grant funding that would supplement our own funds to make for better projects. Examples are Great Lakes Restoration Initiative funds, Eaton Township park, our Lake Avenue project in Elyria Township. Cold Water helped on all three of those by bringing in federal money and state money for Lake Avenue. Romancak requests that you authorize us to enter into this contract with KEM & Associates and Cold Water. We did a formal RFQ, reviewed the qualifications and KEM and Cold Water teamed up and are the most qualified to be able to do this project with experience within Lorain County and both have done well working with the County Engineer's office. Commissioner Moore said you're asking us to enter into a contract without a dollar amount? Romancak said page 3. Moore said he just wants to make sure he has it. Moore said the question is to move forward with the bid or not, correct? Romancak said correct. Moore said he moved to move forward, Riddell seconded for discussion. Riddell said we're over the \$50,000 limit so what was your process to justify this award? Romancak said first we advertised in the paper and also sent out to

design firms that we had this project. We made Peter's report available. Then qualifications were submitted. They reviewed the RFQ's. They did not get a lot. The design professionals were swamped with all of the subdivisions and a lot of the other work because of ARPA funds. We did not have to go through many. Two firms who could have bid on it separately decided to team up and so it made it relatively easy to recommend. He then had a conversation with them and designed more closely the scope and then got to a price that he got comfortable enough to bring down to this Board. Peltz said this is for engineering or consulting services correct? Romancak said yes but it's just for this specific project. Riddell said we also passed a blanket resolution that looked like miscellaneous services for \$49,500. Romancak said and just to reiterate, we did advertise for this. Moore, Riddell, Hung, Ayes.

Romancak said next up is a little policy guidance from this Board. Over the years, Ohio EPA continues to constrict property development subject to erosion and sediment control rules and to comprehensive stormwater management. It's a fancy way of saying if you build a house out in the country now based on EPA's and our rules that EPA tells us to pass, each individual home owner, if they're building in a subdivision it's obvious, but if they do minor subdivision lot splits. Say a farmer splits off 4 or 5 lots, we have to look at that as a common plan of development and so within those 5 parcels, if an acre of land is disturbed they have to follow erosion and sediment control rules during construction and they have to put in the stormwater control measure. Typically we see those as large retention basins. Romancak said what we are proposing rather than making Peter's life miserable and the new home owners life miserable and try and shoe horn in stormwater control measures on the small, an acre or two acre parcel. You end up using a lot of land quick. What he's looking to do is to negotiate with ideally townships and with villages and with metroparks to work on their land that's already public and tax exempt and build stormwater control measure so that we can create essentially credits and then rather than forcing someone to build something they can write us a check to reimburse us for that and come in compliance rather than incurring a cost of hiring an engineer, incurring a cost of another construction company to build their storm water control measure. Commissioner Moore said he doesn't like either one of those options. Riddell said it sounds like we need to be talking about a requirement that if you want to split off lots, you have to retain enough space to allow for that community retention. The lots become more valuable. Moore said you're saying you are going to follow this rule of logic and all you're looking at from us is it is okay for us to go down that path. Commissioner Hung said you're just coming to us with this idea at this time, correct? Romancak said correct. Hung said if we agree to the idea then you would have something written up that we could go over. Commissioner Hung asked if he could get it written up and sent over to them ahead of time so they can read it. Commissioner Moore said its 10:15 a.m. and we have an 11:00 a.m. Don said we'll move through this quickly then.

Romancak said education books: print and computer, we had previously sent down copies that I do see before you that Lyn is also our outreach manager to teach people about stormwater. It is a permit requirement and we come up with something different than the plain ordinary brochure. What makes this really unique is Lyn was able to identify a provider locally in County that this book, if the Board approves, would also be available online and would be read. Lyn is now a voice actor as well and the distribution would be through the different schools across the area. What we're looking at is to get approval for both getting these printed. We'd have to bid them out and I'm not sure if we have quotes yet or not. Lyn Ikes said she has quotes for "Rosie." Romancak said these are mock ups of what would go out. Commissioner Hung said who is the one doing the editing and looking it over and finalizing. Romancak said this is close to final we would send it out to a printer. Hung would like to read this over. Page 7, number one appears to be shower but what is number two? Hung said for number two if it's sprinkle there is no 'r' and number one is drizzle and there is no 'r'. Lyn said she has three copies of that on her computer so you may have actually gotten an older copy. She went through the other day and notices she was missing, number four may have been wrong as well. Hung said for editing in the

Commissioners office we run through several people that take a look at it and edit it she was trying to figure out what the process was before this goes out to print and you print how many copies, who all is looking at it to make sure it's good. Lyn said she understood. Hung said who would that be? Lyn said they sent them around the office and she thinks the verbiage was checked but no one reviewed the puzzles and activities. Hung said she volunteers if someone wants to send one down. Lyn said that one is about water and what happens with water so we've got Rosie who ends up as a rain drop that falls on a tomato leaf, gets sucked up into the tomato plant versus Robbie who ends up in a gutter and he and his friends are collecting all of the trash, where the trash goes down into the storm drain and then goes out to the river eventually and ends up in Lake Erie. Between the two characters they tell the story of the water cycle. The older group one is mostly definitely more Lake Erie centric. Commissioner Moore asked who pays for this. Romancak said stormwater. Moore said it should say "paid for by" on there somewhere. He doesn't want people thinking it's a marketing piece, its an educational piece so people need to know who is paying for it. Commissioner Hung said if you want to send them down to all three Commissioners. Hawkins said she thinks there are some in Theresa's office as well. Hung said we like to see the latest and greatest stage that you're in. Romancak said the last piece of the educational books is we're looking at some software that's relatively cheap. Commissioner Moore said what's the ask. Romancak said the ask is whether they can work with IT to get this Microsoft Office. Riddell said do we just need an updated version of Office? Ickes said she thinks it's only available on Microsoft Office 365.

Romancak said next up, Soil & Water reimbursement for the KEM contract. Late last year, I believe we approved an amendment to KEM contract with us so that they could perform erosion and sediment control inspections because Soil & Water has gone through three erosion and sediment control employees there. We've had large gaps and we can't not do the inspections. Romancak has had a conversation with Will Schlechter and he is open to reimbursing us since they've collected money from the County to perform services that for much of the year they have been unable to. With your permission, I'd like to go to the Soil & Water board, formalize a request for reimbursement and bring that cash back to the stormwater district. Moore said we're okay with that right? Hung said we support you asking and then letting us know. Riddell said question, have you ever explored the Bowling Green/Ohio State/Ohio Northern for the engineering and construction management programs all require a summer practicum and some of them require two. You could find some highly motivated summer employees looking for that experience. Romancak said he knows they reached out to Cleveland State and Kent State but he doesn't recall if they did Bowling Green and we did go to community colleges. Riddell said we've used them for years and they're terrific summer employees because they're getting college credit and they're getting some bucks. Moore said if you're looking at hiring these two stormwater positions and you can't use them in the winter, that's what you go for. Riddell said he'd start with Bowling Green.

Moore said he knows we don't have a "K" on this agenda but with the permission of this board and since we're under new business, I would like to have public comment at this time because there is no room for public comment and I believe you, sir, came to our meeting and had some questions this would be the most appropriate time.

Paul Yoo – I made this complaint 6 years ago with my township trustees and here we are 6 years later and nothing has been resolved. We've had issues with the ditch being filled in and flooding. It's gotten to the point sometimes during heavy rain, Hawley Road by 18 and Barrett, the County will come down and barricade cemetery and Hawley because of flooding. Cemetery sometimes is flooded. So, there are draining issues. I've been trying to work with my trustees and have gotten nowhere. Here we are 6 years later and nothing is resolved. I have a couple of questions for you. Do you have a ditch drainage specification? Don Romancak said he did not. Mr. Yoo asked if he could get one for him. Romancak said he would need clarification. Mr. Yoo said he met with the EPA and they told me to ask you for a ditch



rating specification. He said there has to be one and if there isn't then someone needs to hire a PE to go out there. Romancak asked are you talking about, and you might not know, and I'll go through two things I've got going on in my mind first. First is are you talking about a general specification that would be a detail that would be shown on any set of plans that this is what the County ditch looks like or are you? Mr. Zwick from the Engineer said he heard Mr. Yoo's complaint in a recent meeting but what is your address and I'll look into this. Yoo said 22640 Hawley Road. Zwick asked do you think the EPA is asking you for an engineering plan with specifications? Yoo said he's got a series of questions because this has been eating at me for 6 years and I get tired of the political bullshit, pardon my French. Yoo asked if there was a permit required to touch the ditch? Romancak said there is not a permit required to maintain the rain. If I maintain, my ditch has been filled  $\frac{3}{4}$  for the last 30 years we've been there. Would we call that maintenance? Romancak said that would be maintenance and what you need to be careful of is not just the ditch itself, but what else is around. Where we get into an issue and this is why we hire consultants. Yoo said he started with ODNR. They said it is not their jurisdiction and to call wetlands. I called wetlands and they said it wasn't their jurisdiction and there was nothing they could do to help him. He called the EPA and they said it wasn't their jurisdiction but they gave me some insight. I called King Realty because there was a maintenance agreement and I went to my township trustees and they denied responsibility and I was told by somebody don't touch the ditch because if you do and it floods 18 or someone's basement, someone is going to be knocking on your door saying you owe us money. Yoo asked so who is responsible? He had one neighbor clean out the ditch himself and he spent \$1700 and he did it himself. Now, is there a specification that when it's cleaned out it meets that specification or did they just illegally clean it out. And the thing that really sticks me is just recently, the township and the County rebuilt two pieces of property on Hawley that looks like Martha Stewart got involved. Beautiful landscaping, ditch was cleaned out and the County has no financial responsibility yet according to our township notes, the township and the County paid for it. \$51,000. And it is all on private property. Romancak said a couple of corrections on that if he may. There are two MOU's in place for Hawley Road ditch improvement, the roadside bid that is in the public right of way. The second one is basically providing an outlet for your property at the request of the township and that was cost shared between the township and those properties. Currently, the County has in place about \$15,500 to protect the roadway, to prevent the continued erosion of the roadside ditch from the water that was coming in and then we did improvements to provide an outlet and homeowners were committed to pay as well as the township. According to the township trustees meeting notes, it's probably around \$50,000. Greg Pitts, one of our trustees stated that he is willing to split the \$6,000 with the homeowner. When you tell us we can't touch our ditches on private land then you do this on private land? I don't get it. Romancak said again, there were two projects. Yoo said you're talking about the two properties that were side by side? Romancak said he's talking about the roadside ditch. Romancak said he's not saying there wasn't work done on the private property. Yoo said there is one piece of property where the ditch flows into Hawley Road. I can understand that's one of those iffy situations, but the lot next to it is 100% on private property out of the right away and you guys worked on it with the township. Romancak said yes, and the property. Yoo said but then he has a note from Karen saying the County did not get involved in it and it is our responsibility. Romancak said in general, that is your responsibility. The township came, they provided a solution to a township project, we provided funding to the township, the township bid it out. Yoo said he can see harboring the road by Hawley but you went up another piece of property that is 100% private land. For the record, we've had issues with septic systems as well. There are three houses upstream from him that had flooded their septic system from that ditch backing up. He tried getting the health department involved and that's why he got EPA involved because it's a health issue and everyone kind of said we can't do anything. Riddell said why don't we take Peter up on his offer. Moore said what he is looking at is how we fix the problem. Yoo said going back to the Engineer's estimate, it was \$180,000. We didn't ask the County to pay for it. He got 4 homeowners together and they said we'll cut you a check right now, just clean the ditch, but the County said no. Moore said that doesn't sound right. Hear me out, we have

three new Commissioners. All of this was done prior to 2021 would you say? Yoo said they just finished Hawley Road last fall. Yoo said 6 years ago is when he started to complain. Riddell said that is an unreasonable amount of time, he thinks we ought to take Peter up on his offer to come out and take a look at it. Peter said he thinks he was there 6 years ago, early on in my time with the County. There is no reason a homeowner can't clean their own ditch. Romancak said and he's never known us to tell someone to not clean their ditch. Yoo said he was told to get a copy of the ditch rating specs and he was told there has to be one. Zwick said he would also advise to check with an Engineer just like you check with a lawyer or someone else before you do something. As long as you aren't interfering and like Don says, as long as it's maintained, is there any reason not to encourage this? Yoo said if you get me the ditch cleaning spec, he can get it to a contractor and say clean the ditch per these specifications. As long as I meet these specifications there should be no problem. Greg Peltz said as a general matter, the adjoining property owners and the private ditch, which is a complaint that you provided to Wellington township, when is that document, it's an older document, the maintenance agreement. Romancak said that was part of the deed. Peltz said that would be the adjoining property owners. Now if you're speaking about the new Hawley Road improvement, that's a whole entire matter. That's another matter. Yoo said he wants to know if they say no funds are available, it's our own personal responsibility, then why are they rebuilding stuff down stream where it's 100% on private land. Peltz said now he understands. It's an entirely different project. Peltz said your private ditch, it is your duty to maintain. That's the maintenance agreement he was provided. You're familiar with that, right? Riddell said he thinks you have to remember where the County had to go on private property in order to facilitate protecting its road, which makes it its expense so that could be, the fact that it's on private property is secondary to the fact that the county has to protect the road. Riddell said he doesn't know the engineering but there is a right of way if the County has to use the right of way on public property in order to protect the public asset which is the road. Yoo said why can't we get the ditch cleaned out when it's causing issues like the flooding the septic system. Moore said let's stop at this moment, it's a good question. Let's say why can't he get county funds? Yoo said we're willing to pay for it but we need to know if it's cleaned out, what are the specifications on cleaning the ditch. Peter Zwick said Don, did you hire a consultant? Romancak said yes, that was Bramhall Engineering. It was to try and address the concerns of the township on the road and to make sure that the road wasn't creating hazards in the yards as well. If you recall I believe the one driveway would go underwater from the back up. It would cascade backwards. This provided for a better outlet for people upstream and with protecting the road, there ended up being a whole rock than anyone ever imagined by the time it was done. Moore said how do you fix his problem. Romancak said there are three methods available. The most painful and infuriating one is a ditch petition. The second one, which there is no guarantee of a resolve, is what happened the first time. The township applied for a community grant and at that time when that grant application came in there were other projects. There are a limited amount of funds available. That application did not score well so it was not funded. Yoo said they added 7/10 of a mile of more roadage. They want to go all the way down to Jones Road. Even Fred Pitts said what the hell are they doing, we just want our ditch clean. Romancak said again, he can't speak for Fred and he can't recall all of that that you said, I don't doubt that what you're saying is accurate. He said he does know when they do their specifications or our bid when we bid out we have an awful lot of line items and we have not seen that \$38,000 for a ditch project. Moore asked what's third. Romancak said third is that they would band together, which is kind of talked about within their deeds. They all have the right to improve their drainage on their land and it almost reads as an obligation that they all have to work together and they do it privately and that's the best way to go. You don't have to worry about prevailing wage, you don't need to worry about bid bonds, you don't need to worry about performance bonds. There are a lot of costs that we end up incurring when the County bids out. Yoo said they wouldn't even need a permit if they banded together? Romancak said he can't think of a permit they would need. Moore said the Engineer's office wouldn't need one, Stormwater Management wouldn't need one, Soil & Water wouldn't require one. Greg Peltz asked Mr. Yoo what his question was. Yoo said if I can clean the ditch

and I don't need a permit, put it in writing that you're allowed to clean the ditch. Peltz said let me stop you, I'm not going to do that because I can't act as your lawyer. I can tell you that you provided a complaint, you provided a maintenance agreement. That agreement does not extend the duty to retain to either the Stormwater District, the Wellington township or the County. So, I can't step over the line and be your lawyer in that regard and go to bat. I can tell you it's not the County, the township or the Stormwater. That maintenance agreement puts the duty on the adjoining land owners. Romancak asked Peltz if he could write him a letter just stating that from Stormwater District's perspective, we require no permits for this work. Peltz said sure. Romancak asked Yoo if that's what he was looking for. Yoo said can you tell me that you don't have any "ditch rating specifications"? The EPA told me not to do anything without the ditch rating specifications. Matt Arnold said sure you could hire a surveyor or an engineer to look at that ditch and give you those specifications but we do not have that on every ditch in the County. It would be an impossible task for us. Moore said it sounds like where we are stuck at is specifications of the grades right? And that would mean who is going to hire someone to clean that? Yoo said he'll hire a contractor on his own. Moore said he would ask the contractor, hey I need to clean the ditch and make sure it's to the specifications so that you aren't liable for that. Moore said what do you think Don? Don said there are a lot of contractors out there that specialize in drainage. Yoo said give him some names. Don said the we can give you a list we just can't make a recommendation. At least that way, it's someone that's done work for the County. Moore said if you want to move forward and have the County take care of it, what he said, it is a process. He would begin working with the Engineer's, hiring KEM, it'll probably cost up more than \$38,000 just to get the plan. Moore said do you want to continue as a private individual or do you want to come to us with the ditch petition? I think those are your options. Yoo said he thinks they tried the ditch petition. Moore said no he thinks it was the township trustees. Your group of people that live there can petition the Commissioners for cleaning project. You could do that; how many people are there 5? Yoo said depends on how far you go but 17. Moore said so those 17 would have to petition us and then you get in a rotation and we have \$6.5 million, he knows Don doesn't like that but we have a list, it'll take 10 years to get at it. We now have accelerated that to 2. Depending on what it is you want from us we could go through that petition process and the 17 of you can come to us and apply for that petition and we go through a hearing process. We're trying to get it done in quicker than a year. We're trying to find other options or you can hire a contractor and pay for it yourself and make sure he does all of the specifications. If you don't want to take that on, I see that as our responsibility. That's just his opinion. You've waited 6 years. The County can pay for it or you guys can pay for it. Yoo said he never expected the County to pay for it. Moore said I know you didn't but I'm telling you that there is an option available now, you just have to make that decision with the other 17 individuals. Moore said I'm glad you came in and I hope we can get this resolved because it's been 6 years. Riddell said Bramhall did some work in the area already didn't they? Romancak said they did and they did some limited survey. Riddell said he would have Bramhall do some survey to make sure the water runs the right way is not an expensive part of the proposition. I did it with a ditch behind my house. You're talking \$1500-\$2000. They're going to come out there and tell you how deep to make the ditch so that the water continues to flow. Moore asked if they were still going to do a letter. Romancak said yes. Moore asked if they could get him Bramhall's number. Romancak said sure. \_\_\_\_\_

## MEETING

Moore said May 23 we have another meeting here at 9:30 a.m. He sees there's no Correspondence, is there any old business? Romancak said no.

Moore said to Hawkins read off our next meetings. Hawkins said May 23, 2023 at 9:30 a.m. and then September 26, 2023 at 9:30 a.m. \_\_\_\_\_

## **ADJOURNMENT**

Moore moved to adjourn the meeting at 11:10 a.m., seconded by Hung. Upon roll call, the vote thereon resulted as: Ayes: all / Nays: None.

Motion carried.

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Respectfully submitted; Erica Hawkins – Records Custodian

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Michelle Hung, Secretary/Treasurer, SWMD