

**SUMMARY OF MINUTES  
BOARD OF DIRECTORS  
MUSKINGUM WATERSHED CONSERVANCY DISTRICT  
Held at New Philadelphia City Council Chambers  
September 23, 2011, 9:00 a.m.**

A meeting of the Board of Directors of the Muskingum Watershed Conservancy District was held at the New Philadelphia City Council Chambers, 150 East High Avenue, New Philadelphia, Ohio, on Friday, September 23, 2011, at 9:00 a.m., pursuant to notice duly given all Directors, and the general public in accordance with law.

**1. ROLL CALL**

Directors present were: Mr. Boyle, Mr. Horstman, Mr. Kokovich, and Mr. Pryce.

On motion by Mr. Horstman, seconded by Mr. Boyle, Mr. Parham was excused.

Present from MWCD staff were Scott Barnhart, Mary Burley, James Cugliari, John Hoopingarner, Darrin Lautenschleger, Doug Little, Karen Miller, John Olivier, Boris Slogar, and Mark Swiger.

Mr. Kokovich, President of the Board of Directors, presided.

**2. INTRODUCTION OF VISITORS AND PUBLIC COMMENT**

Also in attendance for all or portions of this meeting were: Jim Pringle (*MWCD Legal Counsel*); Curt Schneider (*Chartwell Group*); David and Brenda Haught (*As Promised Assisted Living, East Liverpool*); Linda Aller and Julie Weatherington-Rice (*Bennett & Williams*); Merle Pearson, Freida Schott, Kellen Oyer, Jill VanVoorhis, and Donna Middaugh (*Tuscarawas River Buried Valley Watershed Council*).

Ms. Aller addressed the Board about the Tuscarawas River Buried Valley Watershed Council (Council). The council began meeting in February of 2004 and was incorporated and granted 501c3 status in January 2005. There are 11 Board members including members from Tri-County Protect Our Water Coalition, Citizen's Against American Landfill Expansion, Club 3000 and concerned citizens. Their purpose is to protect water resources long term by establishing a Sole Source Aquifer (SSA).

SSAs are certified by the U.S. Environmental Protection Agency and eligible where groundwater provides more than 50% of the water in the designated region. Ms. Aller explained the importance of obtaining the Federal designation of a SSA.

There are currently 5 designated SSAs in Ohio located in all or parts of 20 counties. The designation the Council is seeking will place portions of 13 more counties under protection.

MWCD has jurisdiction over the whole SSA area because it is located in the Tuscarawas River Watershed along the waterways. MWCD has a regional GIS system that covers the whole SSA area. The Council needs MWCD's GIS data layers to help complete the petition documentation. The Council is seeking approval for the MWCD to "house" the finished SSA GIS database that communities in the SSA can access for local planning and zoning protection efforts.

On motion by Mr. Pryce, seconded by Mr. Horstman, the Board granted authorization for the MWCD to provide a repository for GIS layers developed as part of the SSA Petition process after the SSA is approved by the USEPA and to make these data layers available to the public.

### 3. APPROVAL OF MINUTES

On motion by Mr. Boyle, seconded by Mr. Horstman, the minutes of the August 19, 2011, meeting of the Board of Directors were approved.

### 4. FINANCIAL

Mr. Cugliari presented the financial report for the periods ending August 31, 2011. The total revenue excluding the Atwood Resort operations is \$24,278,187.00 with expenses of \$6,532,847.00 resulting in an excess of revenue over expenses of \$17,745,340.00.

#### Conservation Fund

- Funds have been received for the Gulfport Energy oil and gas lease at Clendening Reservoir in the amount of \$13,231,011.60.
- The other revenue operations in this fund are all on target to meet budget projection.
- Expenses continue to be in line with budget, noting that the Mineral Operations – Gas and Oil account has incurred more expenses than last year as a direct result of the leasing activity.

#### Recreation Fund – Parks

- Total revenues are 91.62% of budget compared to 91.95% of budget in 2010.
- Vacation cabins revenue is 94.33% of budget compared to 86.29% in 2010. This is due in part to the change made in accepting reservations earlier than the traditional November date.
- Park camping is at 95.33% of budget compared to 96.26% in 2010. 2011 revenue is up slightly over one-half percent from 2010.
- General park is 91.32% of budget compared to 100.26% in 2010.
- Alive Festival revenue is at 115.90% of budget and nearly the same as 2010.
- Expenses continue to run ahead of last year but are at 70.11% of budget compared to 68.33% in 2010.

#### Recreation Fund – Non Parks

- Total revenues are 73.06% of budget compared to 76.41% in 2010.
- Marina operations are at 71.51% of budget compared to 89.79% in 2010. A large part of this is due to the fact that Tappan Marina did not submit their report until late and payment to the Conservancy District has still not been received for July. We are still waiting for the August report which was due September 10, 2011.
- Piedmont Marina operations and camping revenue are both slightly ahead of 2010.
- Cottage Sites, Club Sites and Multiple Docks revenues are all within budget expectations.

#### Atwood Resort Operations

- The main area for the resort is that the debt to Fifth Third Bank has been paid in full, with the final payment on the Interest SWAP being booked in September.

#### Maintenance Assessment Fund

- Second half settlements continue to come in as we are at 79.11% of budget. Through September 16, 2011, we still have four counties to report.

Overall the fund balance through August 31, 2011 is \$26,008,229.61 and very solid. The approximate breakdown is \$11,500,000.00 of Maintenance Assessment and the balance of \$14,500,000.00 in operations. We will continue to monitor our operating expenses the balance of the year and work has begun on the 2012 budget.

In addition, Mr. Cugliari presented a report of the average monthly costs associated with maintaining the Atwood Lake Resort property as requested by Mr. Pryce.

Utilities (sewer, electric and gas) .....	\$20,698
Debt retirement .....	17,980
Wages and benefits .....	10,373
Water plant design .....	7,440
Real estate taxes .....	5,524
Contract services .....	2,826
Materials and supplies.....	2,626
Insurance .....	167
Total .....	\$67,634

On motion by Mr. Pryce, seconded by Mr. Boyle, the financial report was accepted as presented.

## **5. PAYMENT OF BILLS**

On motion by Mr. Horstman, seconded by Mr. Boyle, a report of the payment of bills for the period ending August 31, 2011, was approved as presented.

## **6. BUSINESS**

### **6.01a LEASE TRANSACTIONS**

On motion by Mr. Boyle, seconded by Mr. Pryce, the assignments, cancellations, new leases, farm leases, mortgage consent and agreement cancellations, and mortgage consent and agreements were approved and execution by the proper officers of the MWCD authorized.

### **6.01b PIEDMONT MARINA BANKRUPTCY MEDIATION SETTLEMENT**

On motion by Mr. Horstman, seconded by Mr. Boyle, purchase of Piedmont Marina at a cost of \$375,000, as recommended and set forth in the above memorandum, was approved, pending final approval of the bankruptcy court trustee.

### **6.01c ATLAS ENERGY – ASSIGNMENT OF DEEP MINERAL RIGHTS – TAPPAN**

On motion by Mr. Boyle, seconded by Mr. Horstman, assignment of a 200.17 acre lease at Tappan Lake from Viking Resources, LLC, to Atlas America, LLC, as recommended and set forth in the above memorandum, was approved. Mr. Pryce-abstain.

### **6.02a BUDGET ADJUSTMENTS**

On motion by Mr. Boyle, seconded by Mr. Pryce, budget adjustments made during the month of August, as recommended and set forth in the above memorandum, were approved.

### **6.02b 2012 BOATING SAFETY EDUCATION GRANT PROGRAM**

On motion by Mr. Horstman, seconded by Mr. Boyle, a proposed Resolution of Authorization to enter into a grant agreement for funding from the ODNR Boating Safety Education Grant Program, as recommended and set forth in the above memorandum, was adopted.

**6.02c 2012 MARINE PATROL ASSISTANCE GRANT PROGRAM**

On motion by Mr. Pryce, seconded by Mr. Boyle, a proposed Resolution of Authorization to enter into a grant agreement for funding from the ODNR Marine Patrol Assistance Grant Program, as recommended and set forth in the above memorandum, was adopted.

**6.02d 2012 NAVIGATIONAL AIDS GRANT PROGRAM**

On motion by Mr. Boyle, seconded by Mr. Pryce, a proposed Resolution of Authorization to enter into a grant agreement for funding from the ODNR Navigational Aids Grant Program, as recommended and set forth in the above memorandum, was adopted.

**6.02e ATWOOD RESORT LOAN – FIFTH THIRD BANK**

On motion by Mr. Pryce, seconded by Mr. Boyle, action taken by the Chief Financial Officer to pay off a loan with Fifth Third Bank for renovations of Atwood Resort, as recommended and set forth in the above memorandum, was ratified.

**6.02f DEBT PAYOFF**

On motion by Mr. Pryce, seconded by Mr. Boyle, use of proceeds from a recent lease with Gulfport Energy to pay off existing debt, as recommended and set forth in the above memorandum, was authorized.

**6.02g AUDIT MODIFICATION AGREEMENT**

On motion by Mr. Horstman, seconded by Mr. Pryce, a Modification Agreement with Rea & Associates to perform addition work for the current audit of MWCD records, as recommended and set forth in the above memorandum, was approved.

**6.03a HUMAN RESOURCES SUMMARY**

On motion by Mr. Boyle, seconded by Mr. Pryce, human resources activities, as recommended and set forth in the above memorandum, were approved.

On motion by Mr. Pryce, seconded by Mr. Horstman, the Board approved a recommendation to hire Sean D. Logan as Chief of Conservation under a one-year contract with a 6-month probationary period. Mr. Logan is the former director of ODNR and formerly served as a Columbiana County Commissioner and Ohio Representative for the 3<sup>rd</sup> House District. He is a graduate of Muskingum University and Capital University Law School.

**6.03b OUT-OF-STATE TRAVEL – FEMA BASIC HAZUS-MH TRAINING**

On motion by Mr. Horstman, seconded by Mr. Boyle, an out-of-state travel request for Tom Fisher, as recommended and set forth in the above memorandum, was approved.

**6.03b OUT-OF-STATE TRAVEL – REAL ESTATE  
ACQUISITION FOR PLEASANT HILL SHORELINE PROJECT**

On motion by Mr. Horstman, seconded by Mr. Pryce, an out-of-state travel request for Boris Slogar, as recommended and set forth in the above memorandum, was approved.

**6.04 2011 ANNUAL MAINTENANCE ASSESSMENT**

In order to maintain the works of the Muskingum Watershed Conservancy District, it is necessary to levy an annual maintenance assessment as set forth in Ohio Revised Code, Section 6101.55. Following is the Certificate of Annual Levy for the MWCD.

It is recommended that the Board approve a maintenance assessment in the aggregate sum of \$11,218,257.98.

On motion by Mr. Horstman, seconded by Mr. Boyle, the following resolution was adopted:

**RESOLUTION OF ANNUAL LEVY  
OF THE  
MUSKINGUM WATERSHED CONSERVANCY DISTRICT**

**Resolved:**

1. That on this 23<sup>rd</sup> day of September, 2011, the Board of Directors of the Muskingum Watershed Conservancy District hereby determines, orders and levies a maintenance assessment for the year 2011, in the aggregate sum of \$11,218,257.98 for the account of the Maintenance Fund of said District. That said maintenance assessment shall be duly apportioned to the benefited properties and public corporations in said District in proportion to the benefits and that the amounts of said maintenance assessment imposed upon the properties and public corporations in said District be recorded in the Conservancy Assessment Record of the Muskingum Watershed Conservancy District.
2. That a certified copy of this resolution be recorded in the Conservancy Assessment Record of the MWCD.
3. The President and Secretary are directed to certify this Annual Levy to the County Auditors in the District, pursuant to law.
4. That the said amounts of said maintenance assessment shall be collectible and payable in the year 2012 in the sums specified at the same time that the state and county taxes are due and collectible.

On motion by Mr. Horstman, seconded by Mr. Boyle, the following certification was adopted:

**CERTIFICATE OF ASSESSMENT RECORD  
OF THE  
MUSKINGUM WATERSHED CONSERVANCY DISTRICT**

**This is to Certify:**

1. That on the 20th day of August, 2007, the Court of Common Pleas, Tuscarawas County, Ohio, Conservancy Division confirmed a readjustment of the appraisal of benefits to all the benefited property and public corporations in the Muskingum Watershed Conservancy District.
2. That the said readjustment of the appraisal of benefits to all the benefited lands and public corporations has been recorded in the Conservancy Assessment Record of the Muskingum Watershed Conservancy District which contains a notation of the items of property and the public corporations to which benefits have been appraised, the total amount of benefits appraised against each item or public corporation, and the total assessment levied against each item or public corporation.

3. That the Conservancy Assessment Record of the Muskingum Watershed Conservancy District contains a true and correct record of the benefits approved and confirmed by the Court.

On motion by Mr. Horstman, seconded by Mr. Boyle, the following certification was adopted:

**CERTIFICATE OF ANNUAL LEVY  
OF THE  
MUSKINGUM WATERSHED CONSERVANCY DISTRICT**

**This is to Certify:**

1. That on the 23<sup>rd</sup> day of September, 2011, the Board of Directors of the Muskingum Watershed Conservancy District duly levied a maintenance assessment for the year 2011, in the aggregate sum of \$11,218,257.98 for the account of the Maintenance Fund of said District. That said maintenance assessment has been duly apportioned to the benefited properties and public corporations in said District in proportion to benefits and that the amounts of said maintenance assessment imposed upon the properties and public corporations in said District have been recorded in the Conservancy Assessment Record of the Muskingum Watershed Conservancy District.
2. That the Conservancy Assessment Record of the Muskingum Watershed Conservancy District contains a true and correct record of the Annual Levy of 2011 and of the maintenance assessment for the year 2011 as determined, ordered, and levied by the Board of Directors of the Muskingum Watershed Conservancy District on the 23<sup>rd</sup> day of September, 2011.
3. That the said amounts of said Annual Levy and of said maintenance assessment shall be collectible and payable in the year 2012 in the sums specified at the same time that the state and county taxes are due and collectible.
4. Following here is: (A) The descriptions of the property opposite the names of the owners; and (B) The total amount of the annual levy on each piece of property and on each public corporation for the account of all funds and the amount of each item making up the total.

**6.05 2011/2012 SHORELINE STABILIZATION PROJECTS**

On motion by Mr. Pryce, seconded by Mr. Horstman, authorization to advertise for bids for shoreline stabilization projects, as recommended and set forth in the above memorandum, was granted.

**6.06 LAKE DRAWDOWN SCHEDULE FOR 2011-2012**

In accordance with the U.S. Army Corps of Engineers Control Manuals, the following table shows proposed lake drawdowns for the winter of 2011-2012. This schedule will be presented to the U.S. Army Corps of Engineers and the Ohio Department of Natural Resources for their review and approval.

Reservoir	Normal Pool	Winter Level	Total Drawdown (feet)	Begin 2011 Drawdown	Release Duration (days)	Suggested intermediate refill schedule by March 15, 2012
Atwood	928.00	921.00	7.0	November 15	35	926.00
Charles Mill	997.00	994.00	3.0	December 1	30	995.00
Clendening	898.00	892.00	6.0	November 15	35	896.00
Leesville	963.00	958.00	5.0	November 1	35	961.00
Piedmont	913.00	908.00	5.0	November 15	35	911.00
Pleasant Hill (1)	1020.00	1005.00	15.0	November 15	30	n/a
Pleasant Hill (2)	1020.00	1010.00	10	Begin refill to this level on January 10		1018.00
Seneca (1)	832.20	822.20	10.0	November 1	35	n/a
Seneca (2)	832.20	824.20	8.00	Begin refill to this level on December 26		830.20
Tappan	899.30	894.30	5.0	November 15	35	897.30

*NOTE: Due to planned construction at Atwood, Clendening, Pleasant Hill and Seneca, we recommend that drawdown continue from 5 foot to specified levels at the release rates noted. Pleasant Hill (1) is requested for construction of the toe of slope. Seneca (1) is requested by ODNR for repairs at the fish hatchery. All reservoirs with extended drawdown will be held at the requested elevation until February 15, 2012 and then returned to the normal winter schedule elevations.*

- To accommodate autumn boating, fishing and hunting, and to help reduce shoreline erosion, it is recommended that the drawdowns occur on an even release basis and at the rate stipulated above (release duration) so as to reach the intended lowered elevation.
- We request of the Army Corps of Engineers that refill begin February 15 on those reservoirs that can reasonably meet the intermediate refill date due to the nature of the reservoir, precipitation in that area, etc. For those reservoirs that cannot reasonably meet the March 15 refill date, please continue to begin refill on February 1. This delay will allow MWCD an additional two weeks to address any projects that need to be completed during drawdown, i.e. shoreline stabilization projects, dredging, dock repairs, etc.

This is provided for informational purposes only and requires no action on the part of the Board.

#### 6.07 PWM: DEBRIS REMOVAL PROGRAM

Mr. Slogar reminded Board members that information was presented at the July 22, 2011, meeting relative to a Projects in Watershed Management Debris Removal Program. The Amendment to the Official Plan stipulates that, “MWCD will establish a program to assist counties, municipalities and townships in the watershed with the identification of debris areas and removal options.” Debris, log jams, and similar impediments particularly related to bridges and culverts can increase flooding to adjoining properties and wash out roads and bridges. In addition, from a reservoir maintenance perspective, debris which washes into MWCD’s reservoirs can pose a public health and safety threat, negatively impact water quality, and ultimately require the expenditure of dollars to remove and properly dispose of the debris.

Staff has worked with Chief Counsel to draft a document which is intended to provide guidance to local communities seeking financial assistance from MWCD for debris removal projects. This document will also serve as a legal document between a local community and MWCD.

In summary, once a debris removal project is submitted to MWCD for consideration, Board approval will be required for those projects which exceed \$25,000 in MWCD financial commitment. In addition, the agreement between MWCD and a local community addresses the following:

- Project scope
- Cost-sharing percentage
- Procurement and contracting requirements and guidelines
- Ingress/egress requirements
- Debris disposal requirements
- Legal protections and indemnifications for MWCD

Maintenance budget projections include \$100,000 per year for debris removal projects. Requests for financial assistance will be considered in the order in which they are received, though those projects deemed to be a high priority based upon actual or anticipated flooding and public health and safety concerns will receive the highest level of consideration. In addition, the Debris Removal Program is not intended to be used as a watercourse maintenance fund. Only those requests which clearly can show a flooding and health and safety hazard will be considered. Finally, requests for financial assistance will only be accepted from a political subdivision of the State or from a federal agency (e.g. municipality, township, county, federal, state or local agency).

No action is required of the Board at this time.

#### **6.08 ATWOOD LAKE RESORT AND CONFERENCE CENTER**

Mr. Schneider reported that he has been working with the three entities – Ohio Department of Natural Resources, Carroll County Commissioners, and Kent State University Tuscarawas – in an effort to donate the Atwood Lake Resort facility to one or a combination of three. This matter was discussed in executive session.

In open session, on motion by Mr. Horstman, seconded by Mr. Pryce, upon the advice of Curt Schneider, broker, the Board took the following action to amend the action taken at the July 22, 2011, meeting:

1) Suspend any action to raze the Lodge or other buildings on the Atwood Resort property and suspend any action to sell the contents of such structures until further order of the Board of Directors; 2) Offer to donate the Atwood Resort to another governmental body (specifically to Carroll County, to Kent State Tuscarawas and, once again, to ODNR) under terms that will assure continued operation of the Resort; 3) ~~If no governmental body will take on this responsibility, then offer the Resort for sale at a price to be determined by the Board in consultation with the Board of Appraisers;~~ If no deal is made under the above, then the Board shall set terms for a public ~~auction~~ sale of the Resort; and If still no deal is made, then the Board will consider remaining options to include razing the buildings.

#### **6.09 STRATEGIC PLANNING**

Mr. Slogar reported that a representative of Active Strategy will be present at the October Board meeting to review the strategic planning process and conduct a work session following the regular meeting. Additional sessions will be conducted on November 2 and 3.

#### **OTHER BUSINESS**

Mr. Hoopingarner reported that he recently received an invitation and attended the Ohio Governor's 21<sup>st</sup> Century Energy and Economic Summit produced by Battelle. The event took place on the campus of The Ohio State University on September 21-22.



## **PURCHASE OF REPLACEMENT VEHICLE FOR SENECA**

On motion by Mr. Horstman, seconded by Mr. Boyle, authorization for a three-year lease/purchase of a Ford Crown Victoria for Seneca Park in the amount of \$8,188.82 annually with a \$1.00 buy-out from Pallotta Ford, as recommended and set forth in the above memorandum, was granted.

## **7. REPORTS**

### **7.01 SUMMARY OF MARINA OPERATIONS**

Board members received a copy of the Summary of Marina Operations report through August 31, 2011. No action required.

### **7.02 PARK REPORTS**

Board members received a report of gross receipts for the MWCD parks for the period ending September 4, 2011.

### **7.03 UPDATE ON 2011 GOALS**

Mr. Hoopingarner reported on the progress of work toward accomplishing the 2011 goals as adopted by the Board of Directors.

- 1) To develop and implement a strategic plan of management for the Muskingum Watershed Conservancy District.
- 2) To evaluate and recommend a course of action in light of current oil and gas development opportunities.
- 3) To reduce the negative financial liability of the Atwood Lake Resort and Conference Center so that it is no longer a material factor in the overall operations of MWCD.
- 4) To address recreation operations in light of current economic conditions and customer demands.
- 5) To identify and develop conservation programs under the Amendment to the Official Plan.
- 6) To submit for consideration of the Conservancy Court the Subsequent Appraisal Record as required by law.

### **7.04 USACE PROJECTS STATUS REPORT**

Mr. Slogar reported that work by the U.S. Army Corps of Engineers continues at Dover Dam. The access platform is completed on the downstream portion of the structure. Drilling will begin for the first anchor within the next two weeks. A contract for Phase 2 of the project will be awarded next week.

The contract for the seepage project at Bolivar Dam will be awarded next week.

MWCD and USACE will hold their bi-annual partnering meeting on October 12 in New Philadelphia. Mr. Hoopingarner mentioned that one member of the Board would be encouraged to attend this meeting.

The group of concerned citizens at Zoar has received some funding donations and is compiling information to submit to obtain their potential historic landmark designation. The estimated cost of repairing the Zoar Levee is \$103 million.

**7.05 ATWOOD REGIONAL WATER AND SEWER DISTRICT UPDATE**

No report at this time due to the absence of Mr. Parham.

**7.06 IMMINENT OR PENDING LITIGATION**

This matter was discussed in executive session.

In open session, on motion by Mr. Boyle, seconded by Mr. Horstman, the Board authorized proceeding with the process of cancellation of the Seneca Marina lease and for the Marina/Docking Coordinator to work with legal counsel to determine whether cancellation is for cause or not for cause, and to follow the necessary procedures to bring this matter to conclusion.

**8. LEGISLATIVE REVIEW**

**8.01 CURRENT LEGISLATIVE ACTIVITIES**

Mr. Hoopingarner reported on current legislative activities.

**9. SUBDISTRICTS**

**9.01 CHIPPEWA SUBDISTRICT – 2011 ANNUAL MAINTENANCE ASSESSMENT**

In order to maintain the works of the Chippewa Subdistrict of the Muskingum Watershed Conservancy District, it is necessary to levy an annual maintenance assessment as set forth in Ohio Revised Code, Section 6101.55. Following is the Certificate of Annual Levy for the Chippewa Subdistrict.

It is recommended that the Board approve a maintenance assessment in the aggregate sum of \$359,373.30. This total is equal to one-half of the one-percent of the total appraisal of benefits for the Subdistrict. The assessment is apportioned, based on the benefits appraisal.

On motion by Mr. Pryce, seconded by Mr. Boyle, the following resolution was adopted:

**RESOLUTION OF ANNUAL LEVY  
CHIPPEWA SUBDISTRICT OF THE  
MUSKINGUM WATERSHED CONSERVANCY DISTRICT**

**Resolved:**

1. That on the 23<sup>rd</sup> day of September, 2011, the Board of Directors of the Chippewa Subdistrict of the Muskingum Watershed Conservancy District hereby determines, order and levies a maintenance assessment for the year 2011, in the aggregate sum of \$359,373.30 for the account of the Maintenance Fund of said Subdistrict. That said maintenance assessment shall be duly apportioned to the benefited properties and public corporations in said Subdistrict in proportion to the benefits and that the amounts of said maintenance assessment imposed upon the properties and public corporations in said Subdistrict and be recorded in the Conservancy Assessment Record of the Chippewa Subdistrict of the Muskingum Watershed Conservancy District.
2. That a certified copy of this resolution be recorded in the Conservancy Assessment Record of the Chippewa Subdistrict of the Muskingum Watershed Conservancy District.

3. The President and Secretary are directed to certify this Annual Levy to the County Auditors in the District, pursuant to law.
4. That the said amounts of said maintenance assessment shall be collectible and payable in the year 2012 in the sums specified at the same time that the state and county taxes are due and collectible.

On motion by Mr. Pryce, seconded by Mr. Boyle, the following certification was approved:

**CERTIFICATE OF ASSESSMENT RECORD  
CHIPPEWA SUBDISTRICT OF THE  
MUSKINGUM WATERSHED CONSERVANCY DISTRICT**

**This is to Certify:**

1. That on the 15<sup>th</sup> day of July, 2002, the Court of Common Pleas, Conservancy Division for the Chippewa Subdistrict, confirmed a readjustment of the appraisal of benefits to all the benefited property and public corporations in the Chippewa Subdistrict of the Muskingum Watershed Conservancy District.
2. That the said readjustment of the appraisal of benefits to all the benefited lands and public corporations has been recorded in the Conservancy Assessment Record of the Chippewa Subdistrict of the Muskingum Watershed Conservancy District which contains a notation of the items of property and the public corporations to which benefits have been appraised, the total amount of benefits appraised against each item or public corporation, and the total assessment levied against each item or public corporation.
3. That the Conservancy Assessment Record of the Chippewa Subdistrict of the Muskingum Watershed Conservancy District contains a true and correct record of the benefits approved and confirmed by the Court.

On motion by Mr. Pryce, seconded by Mr. Boyle, the following certification was approved:

**CERTIFICATE OF ANNUAL LEVY  
CHIPPEWA SUBDISTRICT OF THE  
MUSKINGUM WATERSHED CONSERVANCY DISTRICT**

**This is to Certify:**

1. That on the 23<sup>rd</sup> day of September, 2011, the Board of Directors of the Chippewa Subdistrict of the Muskingum Watershed Conservancy District duly levied a maintenance assessment for the year 2011, in the aggregate sum of \$359,373.30 for the account of the Maintenance Fund of said Subdistrict. That said maintenance assessment has been duly apportioned to the benefited properties and public corporations in said Subdistrict in proportion to the benefits and that the amounts of said maintenance assessment imposed upon the properties and public corporations in said Subdistrict and have been recorded in the Conservancy Assessment Record of the Chippewa Subdistrict of the Muskingum Watershed Conservancy District.
2. That the Conservancy Assessment Record of the Chippewa Subdistrict of the Muskingum Watershed Conservancy District contains a true and correct record of the Annual Levy of 2011 and of the maintenance assessment for the year 2011 as determined, ordered, and levied by the Board of Directors of the Chippewa Subdistrict of the Muskingum Watershed Conservancy District on the 23<sup>rd</sup> day of September, 2011.

3. That the said amounts of said Annual Levy and of said maintenance assessment shall be collectible and payable in the year 2012 in the sums specified at the same time that the state and county taxes are due and collectible.
4. Following here is: (A) The descriptions of the property opposite the names of the owners; and (B) The total amount of the annual levy on each piece of property and on each public corporation for the account of all funds and the amount of each item making up the total.

**9.02 CHIPPEWA SUBDISTRICT – STRUCTURE VII-C FENCE REPLACEMENT**

On motion by Mr. Horstman, seconded by Mr. Pryce, authorization to advertise for bids and to award to the lowest and/or best bid not to exceed \$70,000 for a fence replacement project at Structure VII-C, as recommended and set forth in the above memorandum, was granted.

**9.03 BLACK FORK SUBDISTRICT**

Mr. Slogar and Mr. Cugliari reported on the status of implementing the study to develop an official plan for the Black Fork Subdistrict. Meetings are ongoing with officials of the City of Shelby and a meeting will be scheduled in the near future with Ohio Water Development Authority to discuss potential funding.

**EXECUTIVE SESSION**

On motion by Mr. Horstman, seconded by Mr. Boyle, the Board of Directors entered into executive session at 11:50 a.m. to discuss matters related to ORC §121.22 (G) (1) [employment matters] and (3). On roll call: Mr. Boyle-yes; Mr. Horstman-yes; Mr. Kokovich-yes; and Mr. Pryce-yes. The executive session ended at 1:35 p.m.

**10. ADJOURN**

There being no further business, on motion by Mr. Boyle, seconded by Mr. Horstman, the meeting of the Board of Directors was adjourned. The next regularly scheduled meeting is Friday, October 21, 2011, at 9:00 a.m. at the Tuscarawas County Senior Center.

*09/23/2011*

*Approved 10/21/2011*