

**SUMMARY OF MINUTES  
BOARD OF DIRECTORS  
MUSKINGUM WATERSHED CONSERVANCY DISTRICT  
Held at Kent State University Tuscarawas  
December 17, 2021, 9:00 a.m.**

A meeting of the Board of Directors of the Muskingum Watershed Conservancy District was held at Kent State University Tuscarawas, 330 University Drive NE, New Philadelphia, Ohio, on Friday, December 17, 2021, 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: James Gresh, Joanne Limbach, Gordon Maupin, Robert Moorehead, and Clark Sprang. Mr. Maupin, President of the Board of Directors, presided.

MWCD staff in attendance were Adria Bergeron, Julie Bickis, Mary Burley, Craig Butler, Hilary Celuch, Jim Crandall, Brad Janssen, Dave Lautenschleger, Ryan McCleaster, Karen Miller, Jonathan Mizer, Boris Slogar, Terri Sponaugle-Shrock, Eric Stechschulte, Matt Thomas, Jeff Yohe, Nate Wilson, and Ethan Zucal.

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

Also in attendance for all or portions of this meeting were: Shawn Dignity (*Harrison New Herald*); Sheila Hurley (*Muskingum Watershed Conservancy Foundation*); Steve Walker (*MWCD Development Advisory Committee and Buckeye Trail Association*); Sean Logan (*Sean Logan & Associates and Woolpert*); Mary Padro and Miles Pillar (*NGC Red Hill, Dover*); and Terry Fercana and Stefani Smith (*Environmental Design Group*).

**PUBLIC MEETING | RETIRE/REHIRE OF EXECUTIVE DIRECTOR**

Attorney Mizer stated that Craig Butler, MWCD Executive Director, has made the decision to retire effective December 31, 2021, based on his 31+ years of service in various public offices within the State of Ohio. The Board of Directors has proposed to rehire Mr. Butler as Executive Director effective January 1, 2022. Since Mr. Butler's position is one that is regularly filled by the vote of the Board of Directors, his retire and rehire process is subject to the requirements of ORC 145.381.

The statute requires a two-part process:

1. Not less than sixty (60) days before the employment as a reemployed retirant is to begin, give public notice that the person is or will be retired and is seeking employment with the public employer. (Attorney Mizer has accomplished this by a legal ad placed in *The Times Reporter* in early November.)
2. Between fifteen (15) and thirty (30) days before the employment as a reemployed retirant is to begin and after complying with division (B)(1) of this section, hold a public meeting on the issue of the person being employed by the public employer.

By holding this meeting today, December 17, 2021, the Board of Directors and MWCD is meeting the final statutory requirement.

The statute does not specifically list requirements of what the public meeting is required to include but the general practice and accepted custom is to provide the public a forum to express their positions whether it be for or against the retire rehire.

Therefore, the Board would like to open the floor to any guests or those in attendance for an opportunity to share their position. The Board has a policy for purposes of public comment at their public meetings. Those who wish to comment are required to share their name, address, and group affiliation and will be given three minutes to address the board. After your three minutes is expired you will be notified to end your remarks. There was no public participation concerning this matter.

On motion by Ms. Limbach, seconded by Mr. Gresh, the Board approved the retire/rehire of Craig Butler, Executive Director with the retirement effective December 31, 2021, and the rehire effective January 1, 2022.

### **MUSKINGUM WATERSHED CONSERVANCY FOUNDATION UPDATE**

Sheila Hurley, Executive Director of the Muskingum Watershed Conservancy Foundation (MWCF), addressed the Board of Directors. The current status of three of the MWCF's major funds are: The Charitable Endowment Fund, \$296,825.62; Crossroads Conservation RC&D Fund, \$215,033,40; and The Thomas W. Hudson Endowment Fund, \$391,487.76. MWCF recently awarded a \$5,000 grant to the North Central Ohio Land Conservancy, Inc., for "Enhancing MWCD's Route 95 Old Growth Woods" project. The annual appeal letter was recently mailed with an encouraging response from contributors. The annual golf outing will be held in August of 2022 and the annual meeting will be scheduled in late April or early May, 2022. The next meeting of the Board of Trustees will be held on Friday, January 28, 2022, at 1:00 p.m. at the MWCD Annex Building.

### **MASTER PLAN PHASE 2 SURVEY RESULTS UPDATE**

Stefani Smith, Environmental Design Group, presented information relative to the Master Plan Activities and Amenities Plan. A copy of the information from her presentation is on file.

### **3. APPROVAL OF MINUTES**

On motion by Ms. Limbach, seconded by Mr. Gresh, the minutes of the November 19, 2021, meeting of the Board of Directors were approved.

### **4. FINANCIAL**

Mr. Crandall presented the financial report for the eleven-month period ending November 30, 2021. The total operating income is \$12,612,349 compared to \$6,776,954 in 2020.

The operational revenue is \$27,662,078 or 116% of budget, compared to \$21,550,929 or 103% of budget in 2020. All line items will meet or exceed the 2021 revenue budget except for general administration/support.

- General Administration/Support is \$548,225 through November. The largest line item is interest income which is currently projected to fall short of the 2021 budget.
- Oil and Gas Operations are at \$9,684,439 (128% of budget). This line item has increased \$3,300,876 over the prior year.
- Park Operations is at (121% of budget). This line item has increased \$2,752,465 over the prior year.

Operational expenses are 79% of budget through November. This is a 2% increase over the prior year. Two areas have seen a larger increase. One is utility expense, due to increased usage of our campgrounds as well as some increases in cost. Another area of increase was in operating equipment. In 2020, the cost control measures cut most capital costs, which contributed to the increase in expenses in 2021. Both are within budgeted expectations.

Capital Improvement and Park Master Plan expenditures are within budgeted expectations.

#### **Maintenance Assessment Fund**

Maintenance Assessment revenue is \$6,043,675, 102% of budget. Expenditures are \$4,002,032, 55% of budget. This is a decrease in expenses of 31% compared to the same time last year.

On motion by Mr. Sprang, seconded by Ms. Limbach, the financial report was accepted as presented.

### **5. PAYMENT OF BILLS**

On motion by Mr. Sprang, seconded by Ms. Limbach, the report of the payment of bills for the period ending November 30, 2021, was approved as presented.

### **6. BUSINESS**

#### **6.01a LEASE TRANSACTIONS**

On motion by Mr. Moorehead, seconded by Mr. Gresh, 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 THE NATURE CONSERVANCY IN LIEU FEE WETLAND PROJECT**

On motion by Mr. Gresh, seconded by Ms. Limbach, documentation associated with a planned in-lieu fee mitigation project by The Nature Conservancy, as recommended and set forth in the above memorandum, was authorized.

#### **6.01c SHORT TERM WATER SUPPLY | LEESVILLE LAKE**

On motion by Mr. Sprang, seconded by Ms. Limbach, a short-term water supply agreement with Encino Energy for operations at Leesville Lake, as recommended and set forth in the above memorandum, was approved.

#### **6.01d EASEMENT | NOBLE COUNTY COMMISSIONERS**

On motion by Mr. Moorehead, seconded by Mr. Gresh, a proposed permanent easement between MWCD and the Noble County Commissioners, as recommended and set forth in the above memorandum, was approved.

**6.02a INVOICES PRIOR TO PURCHASE ORDERS**

On motion by Mr. Moorehead, seconded by Mr. Gresh, a “then and now” certificate for invoices received prior to processing of a purchase order, as recommended and set forth in the above memorandum, was authorized.

**6.02b BUDGET ADJUSTMENTS**

On motion by Mr. Moorehead, seconded by Mr. Gresh, fourth quarter budget adjustments, as recommended and set forth in the above memorandum, were approved, and the Chief Financial Officer was authorized to make any necessary transfers required for year end and report those transactions at the January Board meeting.

**6.03a HUMAN RESOURCES SUMMARY**

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

**6.03b PERSONNEL POLICY REVISION | UNIFORMS, CLOTHING AND PERSONAL PROTECTIVE EQUIPMENT**

On motion by Mr. Sprang, seconded by Ms. Limbach, proposed revisions to Personnel Policy 606, “Uniforms, Clothing, and Personal Protective Equipment, as recommended and set forth in the above memorandum, were adopted.

**6.04a ATWOOD SHORELINE STABILIZATION PROJECT**

At the October 2021 meeting, the Board authorized the bid and award of the Atwood Lake Shoreline Stabilization project. The engineer’s estimate is \$715,000.00. Sealed bids were received on December 2, 2021, with the following result:

<b>Contractor</b>	<b>Bid Amount</b>
Tucson, Inc., New Philadelphia	\$697,755.80

The bid was reviewed and deemed to be acceptable. A contract will be executed with Tucson, Inc., for \$697,755.80.

This memo is provided for informational purposes only. No Board action is required.

**6.04b GEOTECHNICAL ENGINEERING AND CONSTRUCTION MATERIAL TESTING SERVICES**

On motion by Mr. Gresh, seconded by Mr. Moorehead, extension of the terms of geotechnical engineering and construction material testing services contracts with GAI Consultants, Inc., Geotechnical Consultants, Inc., and Intertek-PSI, as recommended and set forth in the above memorandum, was authorized.

**6.04c MASTER PLAN IMPLEMENTATION | CONSTRUCTION SERVICES CONTRACT**

On motion by Mr. Sprang, seconded by Ms. Limbach, extension of the term of a construction services contract with ms consultants, as recommended and set forth in the above memorandum, was authorized.

**6.04d TAPPAN MARINA PARKING AND WATERFRONT IMPROVEMENTS PROJECT**

At the September 2021 meeting, the Board authorized the bid and award of the Tappan Lake Marina Parking Lot and Waterfront Improvements project. The engineer’s estimate is \$940,000.00. Sealed bids were received on December 2, 2021, with the following results:

<b>Contractor</b>	<b>Base Bid</b>	<b>Alternate 1</b>	<b>Alternate 2</b>	<b>Alternate 3</b>
Tucson, Inc., New Philadelphia	\$870,004.15	\$19,574.00	\$15,677.95	\$107,478.40
Ohio West-Virginia Excavating, Shadyside	\$959,391.00	\$32,371.50	\$21,404.50	\$56,640.00

The lowest bid was reviewed and deemed to be acceptable. A contract will be executed with Tucson, Inc. for \$905,256.10. This includes the base bid, Alternate 1 (additional clearing and grubbing with additional rip-rap shoreline protection), and Alternate 2 (additional asphalt to boat parking area and lighting). Alternate 3 (exterior aluminum stairs along east side of marina building) was not selected.

This memo is provided for informational purposes only. No Board action is required.

**6.04e WASTEWATER SYSTEM IMPROVEMENTS | VARIOUS LOCATIONS**

On motion by Mr. Gresh, seconded by Ms. Limbach, extension of the term of a wastewater system improvement task-order contract with CTI Engineers, Inc., as recommended and set forth in the above memorandum, was authorized.

**6.04f PURCHASE OF BOAT DOCKS**

On motion by Ms. Limbach, seconded by Mr. Gresh, a request to bid and award a contract for purchase of docks in an amount not to exceed \$358,000.00, as recommended and set forth in the above memorandum, was approved.

**6.04f PURCHASE OF PICNIC TABLES AND FIRE RINGS**

On motion by Mr. Moorehead, seconded by Ms. Limbach, a request to bid and award a contract for purchase of picnic tables and fire rings in an amount not to exceed \$150,000.00, as recommended and set forth in the above memorandum, was approved.

**6.05 DEVELOPMENT ADVISORY COMMITTEE**

On motion by Mr. Sprang, seconded by Ms. Limbach, a proposal to dissolve the Development Advisory Committee (DAC) as created by MWCD and repeal Operational Policy 1070, as recommended and set forth in the above memorandum, was approved. This action will allow the Executive Director and administrative staff to create a new panel that will permit the use of advanced meeting methods and benefit from continued participation by the public and friends of MWCD currently serving on the DAC.

**6.06 BUCKEYE TRAIL CORRIDOR AGREEMENT**

Steve Walker, President of the Buckeye Trail Association, expressed his support of the proposed agreement.

On motion by Mr. Sprang, seconded by Mr. Gresh, a five-year agreement with the Buckeye Trail Association and a \$125,000 contribution towards building better connections between the Buckeye Trail and MWCD lands, as recommended and set forth in the above memorandum, was approved.

**6.09 OTHER BUSINESS**

**ITEM 1: CONSULTING SERVICES AGREEMENT | CAPITOL PARTNERS**

On motion by Mr. Sprang, seconded by Ms. Limbach, a consulting services agreement with Capitol Partners, as recommended and set forth in the above memorandum, was approved.

**ITEM 2: EMPLOYMENT CONTRACT | CHIEF ENGINEER**

The current employment contract for the Chief Engineer will expire on December 31, 2021, and it is the recommendation of the Executive Director that a new three-year contract be considered. On motion by Mr. Gresh, seconded by Mr. Moorehead, a new three-year contract, under the terms of the existing contract, was approved.

Mr. Butler provided the following information regarding grants:

- Ohio BUILDS Water Infrastructure Grants – Round 3: Muskingum Watershed Conservancy District (Carroll County) will receive a \$1.55 million grant to build a new 8,000 gallon per day wastewater treatment plant, two new pump stations with force mains, and gravity collection to tie-in the existing marina building, restrooms, and rental cabins along with a new RV dump station at the North Fork area of Leesville Lake. Currently, onsite sanitary sewage is collected in a number of holding tanks, which are periodically pumped out. This project will benefit 140 people.
- Other grant requests are still pending.

**7. REPORTS**

**7.01 UTICA ROYALTY REVENUE REPORT**

Utica royalty revenue is currently generated by 92 producing wells at Clendening, Seneca, Dover, Piedmont, and Leesville reservoirs. A breakdown of the monthly royalty revenue can be seen on the attached page (*copy on file*).

Utica royalties for November totaled \$944K (\$944,259.40) which was an approximate 2% decline in month-over-month revenue from October (\$966,695.35)

Please see the attached Royalty Report Exhibit (*copy on file*).

## 7.02 NATURAL RESOURCES AND LAND MANAGEMENT REPORT

We closed on the Board-approved acquisition of the Wills Creek 934-acre connector property. Staff will be working to get the information into our system as well as adding the property to our maps. In addition, we will be working on a joint press release with Western Reserve Land Conservancy, our partner for this project. Additional first steps will include property boundary marking and signage as well.

Leases staff is overseeing the demolition of a burned down cottage in one of our cottage areas at Charles Mill. Once completed, it will revert to a vacant lot to be marketed for a Lessee to build a new structure.

Staff is currently finishing up Tappan outer boundary marking and signage.

A timber sale at Clendening will be starting in the near term.

Forestry is starting to mark timber sales for 2022 with bids expected start to go out as we enter the new year.

Staff is working in conjunction with ODNR Division of Wildlife to install fish structures at Atwood. Unused Christmas trees to be provided by Lowe's and other potential dealers will be strategically placed in approved locations along the lakebed in order to provide enhanced habitat, which in turn should provide an enhanced fishing experience.

## 7.03 ENGINEERING REPORT

### MASTER PLAN IMPLEMENTATION (ONGOING)

#### Projects in Design

- Atwood Activity Center Renovations
- Clendening WWTP and Sewer Improvements
- Clendening Cabins, Laundry and Motel Demo
- Leesville North Fork WWTP and Sewer Improvements
- Tappan Welcome Center
- Park Amenity and Activity Survey

#### Projects Under Construction

- **Pleasant Hill RV and Boat Storage Lot:** Earthwork, sediment and erosion control, and aggregate placement are in progress. Final completion is scheduled for February 2022.
- **Seneca Marina Building Site Improvements and ADA Access:** Project was awarded to Stanley Miller Construction. Final completion is scheduled for May 2022.
- **Tappan Marina Parking Lot, Dock Access, and Shoreline Improvements:** Bids were opened on December 2, 2021. Tucson, Inc. is the apparent low bidder. Final completion is scheduled for May 2022.
- **Tappan Park East Campground Lift Station Generator:** Generator pad construction is underway. Due to delays in production, final completion is now scheduled for February 2022.
- **Tappan Marina WWTP Generator:** Generator pad construction is underway. Due to delays in production, final completion is now scheduled for February 2022.

## **DREDGING AND SHORELINE (ONGOING)**

### **Dredging Program- (NO SIGNIFICANT UPDATES)**

- **Seneca Lake:** Dredging work is complete at the southeast end of the lake near the Judge James property, and contractor is working to remove all equipment and piping from the lake. Final completion is expected by the end of the year.
- **Atwood Lake:** A small excavation dredging project is scheduled for the Atwood Village cottage area at Camille Road. 1,000 to 1,500 cubic yards of material will be removed to improve water depth and boat access at 7-8 docks in this small bay. The work will be completed during this winter's drawdown by the MWCD Heavy Equipment crew.
- **Pleasant Hill Lake:** A small excavation dredging project is scheduled for this winter's drawdown at the Clearview Docking Association at the western end of the lake. Approximately 2,500 cubic yards of material will be removed to improve water depth and access for the association's docks.

### **Shoreline Program**

- **Atwood Pines Cottage Area and Area 1 Campground Shoreline:** The project has been awarded to Tucson, Inc. Work is expected to begin in January and Substantial Completion is scheduled for February 2022.
- **Charles Mill Yacht Point and Sites Lake Cottage Area Shoreline:** Preliminary layout work has been completed and clearing and grubbing will begin mid-December. Substantial completion is scheduled for February 2022.
- **Seneca Marina Shoreline:** This shoreline project has been combined with the Marina Building Site Improvement and ADA Access project discussed above in Master Plan.

## **U.S. ARMY CORPS OF ENGINEERS PROJECTS/PROGRAMS (Ongoing)**

### **Mohawk Dam**

- Construction is complete and as-built plans are being finalized. A post-implementation evaluation will be forthcoming.

### **Zoar Levee**

- The demonstration section for the cutoff trench was constructed and is under review.

### **Magnolia Levee**

- The Project Partnership Agreement (PPA) is under review at USACE headquarters.

## **7.04 CONSERVATION REPORT**

Conservation coordinates the environmental monitoring partnership between USACE and MWCD. A buoy with attached water quality sensors is pulled from the waters of Clendening Lake for the season. These monitoring stations help scientists better understand the unique characteristics of each reservoir and monitor several water quality parameters and have the ability to transmit the data in real time.

Clendening experienced a rare late-season re-stratification and turnover event in November causing a green milky white appearance near the dam. With these buoys in place, we were able to detect what was happening below the surface and better explain what was seen from land.

Conservation met (virtually) this month with Elizabeth Schuster, owner and lead economist of Sustainable Economies Consulting, Wooster Ohio. This free consultation provided an opportunity to share information on our emerging Conservation Department. Her group specializes in helping complex, multi-partner organizations identify impacts and measurable outcomes for the environment, economy, and human well-being.



We are requesting a scope of work proposal for the assistance in our strategic planning process with the goal of having a MWCD Conservation Strategic Plan Report before the end of 2022.

Interviews are being scheduled for our Water Quality Coordinator position this month. This person will be coordinating our water quality testing and monitoring efforts throughout the District. Early spring onboarding, orientation, and training will allow them enough time to be ready for sampling in 2022. Our recreational water testing season typically runs from Memorial Day to Labor Day. Conservation tests weekly the waters of five of our lakes (Charles Mill, Pleasant Hill, Atwood, Tappan, Seneca) for E coli and cyanotoxins. Resulting data is then posted online and is free and available through Ohio Department of Health’s BeachGuard website.

## **7.05 RECREATION REPORT**

### **MARINAS REPORT**

- Seneca Marina Decking and Shoreline Project in progress slated for a Spring 2022 completion date
- Ongoing – Discussion with Tappan Volunteer Fire Department for acquiring the building across from the Tappan Marina
- Ongoing - Continued communication with leased marinas on action items and planning for the 2022 season

### **PARKS REPORT**

- Ongoing – Continued communication with contracted vendors on action items and planning for the 2022 season
- Ongoing – “Safety in the Parks” – Cameras for Seneca Park, Seneca Marina, and Piedmont Marina have been ordered. Installation of cameras in early 2022.
- Ongoing – Trails Development & Maintenance throughout the District. Deputy Chief of Planning and Projects and Trails Coordinator identifying points of interest along with trails in need of maintenance. Buckeye Trail Association discussions for a 5-year partnership.
- Ongoing – Master Plan Phase II - Amenities for parks being discussed within department and Environmental Design Group (EDG) via results of the survey, focus groups, and staff interviews.
- Ongoing – “Sustainability in the Parks” Recycling of scrap metals has begun within parks along with conversations on shrink wrap recycling from boats

## **7.06 MARKETING/COMMUNICATIONS REPORT**

### **EVENTS/ ONGOING PROJECTS**

- Website redesign: in progress and nearing completion
- Updates to website/ social media
- Planning advertising for 2022
- Updating brochures for 2022
- Amenities follow-up survey
- OPRA Leadership Summit

### **OUTREACH COORDINATOR PROJECTS**

- Litter campaign
- Lakeviews Newsletter
- Development Advisory Committee
- Annual Report

**PUBLICATIONS IN NOVEMBER**

- Compass Magazine
- Amish Country Magazine: (featuring Charles Mill/Pleasant Hill)
- Ohio Magazine

**RADIO ADVERTISING IN NOVEMBER**

- iHeart Mansfield: Pleasant Hill cabins
- WJER (Tuscarawas County): Atwood/ Tappan: Outdoor recreation/ winter cabins

**E-BLASTS IN NOVEMBER**

- November 4: We want to hear from you! (Amenities survey)
- November 26: Save on Pleasant Hill Cabins! (Black Friday/Cyber Monday special)

**7.07 IMMEDIATE OR PENDING LITIGATION**

No report at this time.

**8. SUBDISTRICTS**

**8.01 PAYMENT OF BILLS – CHIPPEWA SUBDISTRICT**

On motion by Mr. Moorehead, seconded by Mr. Gresh, the report of the payment of bills for the period ending November 30, 2021, for the Chippewa Subdistrict, was approved as presented.

**9. EXECUTIVE SESSION**

There was no executive session.

**10. ADJOURN**

There being no further business, on motion by Mr. Sprang, seconded by Mr. Moorehead, the meeting of the Board of Directors was adjourned. The next regularly scheduled meeting is Friday, January 21, 2022, at 9:00 a.m.