

**SUMMARY OF MINUTES
BOARD OF DIRECTORS
MUSKINGUM WATERSHED CONSERVANCY DISTRICT
Held at Kent State University Tuscarawas
September 28, 2009, 9:00 a.m.**

A meeting of the Board of Directors of the Muskingum Watershed Conservancy District was held at the Kent State University Tuscarawas, Science and Advanced Technology Center, New Philadelphia, Ohio, on Monday, September 28, 2009, 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, Mr. Parham, and Mr. Pryce.

Present from MWCD staff were Scott Barnhart, Mary Burley, James Cugliari, Tom Fisher, John Hoopingarner, Mark Jukich, Kelli Karns, Darrin Lautenschleger, Karen Miller, John Olivier, Bernie Schreiner, and Boris Slogar.

Mr. Pryce, 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 (*KPLD Law, MWCD Legal Counsel*); Dirck TenBroeck and Jim Rowe (*MWCD Development Advisory Committee members*); and Eric Reip (*New Philadelphia resident*).

3. APPROVAL OF MINUTES

On motion by Mr. Kokovich, seconded by Mr. Parham, the minutes of the August 21, 2009, and September 23, 2009, meetings of the Board of Directors were approved.

4. FINANCIAL

Mr. Cugliari presented the financial report for the period ending August 31, 2009. The total revenue is \$14,147,598.00, with expenses of \$8,242,531.00, resulting in an excess of revenue over expenses of \$5,905,067.00. The total cash balance as of August 31, 2009 is \$6,891,600.10, of which \$783,514.30 is in the general checking account and business savings account and \$5,855,330.64 is in the maintenance assessment business savings account.

Maintenance Fund – General

- Revenues are 39.19% of budget. One line item that will not meet budget for the year is the Interest on Investments.
- Expenses are 73.56% of budget with most line items being within budget expectations.

Maintenance Fund - Conservation

- Revenues are 37.15% of budget. Most line items in the revenues are on target with the exception of Mineral Operations–Gas and Oil, which is currently at 46.85% of budget compared to 81.35% of budget in 2008.
- Expenses continue to be in line with expectations at this point.

Recreation Fund – Parks

- Revenues are 91.11% of budget compared to 89.42% of budget in 2008.
- Vacation cabin revenues continue on pace with last year and will come close to meeting the annual budget.
- Park camping revenues are ahead of last year and based on the last quarter of 2008, budget should be met.

- General park admissions have met 100% of budget for the year.
- Overall expenses continue ahead of last year. Park expenses should begin to decline as the park season in general has ended.

Recreation Fund – Non Park

- Revenues are 73.72% of budget.
- Marina operations continue to run behind last year as the recreation season winds down, marina revenues will fall short of budget expectations.
- Cottage sites are on pace with budget and last year as well as multiple docks.
- Overall expenses in this area are within expectations.

All other areas of the operation are running within budget expectations. We are beginning to reduce seasonal staffing levels and reducing spending to those things that are essential to the operation.

On motion by Mr. Kokovich, seconded by Mr. Parham, 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, 2009, was approved as presented.

6. BUSINESS

6.01a LEASE TRANSACTIONS

On motion by Mr. Parham, seconded by Mr. Horstman, 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 DOCKING REQUEST – NEWELL

On motion by Mr. Horstman, seconded by Mr. Parham, a request for docking privileges from Herman Newell at Atwood Lake, as recommended and set forth in the above memorandum, was approved.

6.02a BUDGET ADJUSTMENTS

On motion by Mr. Boyle, seconded by Mr. Horstman, budget adjustments made during the month of August 2009, as recommended and set forth in the above memorandum, were approved.

6.02b 2010 BOATING SAFETY EDUCATION GRANT PROGRAM

On motion by Mr. Parham, seconded by Mr. Boyle, a Resolution of Authorization for application of a 2010 Boating Safety Education Grant, as recommended and set forth in the above memorandum, was adopted.

6.02c 2010 NAVIGATIONAL AIDS GRANT PROGRAM

On motion by Mr. Kokovich, seconded by Mr. Horstman, a Resolution of Authorization for application of a 2010 Navigational Aids Grant, as recommended and set forth in the above memorandum, was adopted.

**6.02d 2009 CLEAN OHIO FUND APPLICATION
TAPPAN LAKE SHORELINE STABILIZATION PROJECT**

On motion by Mr. Parham, seconded by Mr. Kokovich, a Resolution of Authorization for application of Clean Ohio funds for a Tappan Lake shoreline stabilization project, as recommended and set forth in the above memorandum, was adopted.

6.03a HUMAN RESOURCES SUMMARY

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

6.03b RECREATION COORDINATOR JOB DESCRIPTION

On motion by Mr. Parham, seconded by Mr. Horstman, the revised position description for the Assistant Parks Administrator with a title change to Recreation Coordinator, as recommended and set forth in the above memorandum, was approved. There is no change in group classification or pay for this position.

**6.04a CONSIDERATION OF A RESOLUTION ORDERING THE
LEVY OF A MAINTENANCE ASSESSMENT**

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

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

Resolved:

That on this 28th day of September, 2009, the Board of Directors of The Muskingum Watershed Conservancy District hereby determines, orders and levies a maintenance assessment for the year 2009, in the aggregate sum of \$10,126,070.26 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 and be recorded in the Conservancy Assessment record of The Muskingum Watershed Conservancy District.

That a certified copy of this resolution be recorded in the Conservancy Assessment Record of The Muskingum Watershed Conservancy District.

The President and Secretary are directed to Certify this Annual Levy to the County Auditors in the District, pursuant to law.

That the said amounts of said maintenance assessment shall be collectible and payable in the year 2010 in the sums specified at the same time that the state and county taxes are due and collectible.

**6.04b CONSIDERATION OF CERTIFICATE OF THE
CONSERVANCY ASSESSMENT RECORD**

On motion by Mr. Parham, 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.

IN WITNESS WHEREOF, the President and Secretary, respectively, of the Board of Directors of the Muskingum Watershed Conservancy District have hereunto set their hands this 28th day of September, 2009.

6.04c CONSIDERATION OF CERTIFICATE OF ANNUAL LEVY

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

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

This is to Certify:

That on the 28th day of September, 2009, the Board of Directors of The Muskingum Watershed Conservancy District duly levied a maintenance assessment for the year 2009, in the aggregate sum of \$10,126,070.26 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.

That the Conservancy Assessment record of the Muskingum Watershed Conservancy District contains a true and correct record of the Annual Levy of 2009 and of the maintenance assessment for the year 2009 as determined, ordered, and levied by the Board of Directors of The Muskingum Watershed Conservancy District on the 28th day of September, 2009.

That the said amounts of said Annual Levy and of said maintenance assessment shall be collectible and payable in the year 2010 in the sums specified at the same time that the state and county taxes are due and collectible.

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.

IN WITNESS WHEREOF, the President and Secretary, respectively, of the Board of Directors of the Muskingum Watershed Conservancy District have hereunto set their hands this 28th day of September, 2009.

6.05 AMENDMENT TO OPERATIONS AGREEMENT – AQUA OHIO, INC.

On motion by Mr. Boyle, seconded by Mr. Kokovich, an amendment to extend an agreement with Aqua Ohio, Inc., from September 30, 2009, to December 31, 2009, as recommended and set forth in the above memorandum, was approved.

6.06 ATWOOD RESORT – PAINTING CONTRACT FOR WATER TOWER

This memo was withdrawn.

**6.07 PARTNERS IN WATERSHED MANAGEMENT
TECHNICAL REVIEW ADVISORY COMMITTEE**

On motion by Mr. Horstman, seconded by Mr. Boyle, a proposal to establish a Technical Review Advisory Committee for the Partners in Watershed Management program, as recommended and set forth in the above memorandum, was approved.

6.08 OTHER BUSINESS

STATE ISSUE 2

Mr. Rowe, a member of the MWCD Development Advisory Committee, addressed the Board on behalf of the Ohio Farm Bureau and its efforts in support of State Ballot Issue 2. According to Mr. Rowe, Issue 2 ensures safe, quality, locally grown food, strong family farms and excellent care for animals through an Ohio Livestock Care Standards Board. The Ohio Livestock Care Standards Board would provide a comprehensive, ongoing, reasonable and flexible mechanism to address animal care issues. An information sheet entitled “Ohioans for Livestock Care” was distributed.

To date, the Tuscarawas County Commissioners, Tuscarawas County Engineer and Tuscarawas County Humane Society are among those who have endorsed this statewide issue. The ballot issue only addresses the care of livestock and does not affect companion animals (i.e. cats and dogs).

Mr. Rowe urged that MWCD support this issue in light of its agricultural operations. The MWCD maintains a membership in the Ohio Farm Bureau Federation, an organization supporting this issue.

On motion by Mr. Horstman, seconded by Mr. Boyle, the Board voted to support State Issue 2. On roll call: Mr. Boyle-yes; Mr. Horstman-yes; Mr. Kokovich-yes; Mr. Parham-no; and Mr. Pryce-yes. Mr. Parham stated that he does not personally oppose State Issue 2, however, does not feel that the MWCD should take a stand on the issue.

7. REPORTS

7.01 PARK REPORTS

Members of the Board received a report of the gross receipts at MWCD park facilities for the period through September 6, 2009.

7.02 SUMMARY OF MARINA OPERATIONS

Members of the Board received a Summary of Marina Operations report through August 31, 2009.

7.03 LAKE DRAWDOWN SCHEDULE FOR 2009-2010

In accordance with the U.S. Army Corps of Engineers (USACE) Control Manuals, the following table shows proposed lake drawdowns for the winter of 2009-2010. This schedule will be presented to the USACE and the Ohio Department of Natural Resources for their review and approval.

Reservoir	Normal Pool	Winter Level	Total Drawdown (feet)	Begin 2009 Drawdown	Release Duration (days)	Suggested intermediate refill schedule by March 15, 2010
Atwood	928.00	920.00	8.0	November 15	35	926.00
Charles Mill	997.00	994.00	3.0	December 1	30	995.00
Clendening	898.00	893.00	5.0	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	1020.00	1014.00	6.0	December 1	42	1018.00
Seneca	832.20	824.20	8.0	November 1	35	830.20
Tappan	899.30	891.30	8.0	November 15	35	897.30

NOTE: Due to planned construction at Atwood, Seneca and Tappan we recommend that drawdown continue from 5' to 8' at the same release rate. At that point, the reservoir will be held at the extended elevation until February 5, 2010 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 USACE 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.

7.04 IMMEDIATE OR PENDING LITIGATION

No report at this time.

7.05 UPDATE ON 2009 GOALS

Mr. Hoopingarner reported on the progress of meeting the “Goals for 2009” as adopted by the Board on January 23, 2009.

- 1) With the adoption of the resolutions relative to the maintenance assessment at this meeting, the Certificate of Annual Levy can be delivered to each of the 18 counties for collection of assessment funds in 2010. As directed by the Board, staff will continue the process of development of a five-year plan of overall maintenance assessment projects relative to shoreline stabilization.
- 2) The Board is now receiving a newly formatted financial report that clearly delineates maintenance assessment funds separate from recreational funds.
- 3) Letters have been sent to parties who may have an interest in the Atwood Lake Resort property, beginning the RFP process.
- 4) Changes to the organizational structure as mentioned in the 2009 goals is complete.
- 5) Staff is working to develop a customer survey and anticipate that results could be available for Board review as early as November.

8. LEGISLATIVE REVIEW

8.01 CURRENT LEGISLATIVE ACTIVITIES

No report at this time.

9. SUBDISTRICTS

9.01 CHIPPEWA SUBDISTRICT 2009 ANNUAL MAINTENANCE ASSESSMENT

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

**Chippewa Subdistrict
of
Muskingum Watershed Conservancy District
CERTIFICATE OF ANNUAL LEVY**

THIS IS TO CERTIFY:

That on the 28th day of September, 2009, the Board of Directors of the Chippewa Subdistrict of the Muskingum Watershed Conservancy District duly levied a maintenance assessment for the year 2009, in the aggregate sum of \$368,058.90 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 Chippewa Subdistrict of the Muskingum Watershed Conservancy District.

That the Conservancy Assessment Record contains a true and correct record of the maintenance assessment for the year 2009 as determined, ordered, and levied by the Board of Directors of the Chippewa Subdistrict of the Muskingum Watershed Conservancy District on the 28th day of September, 2009.

That the said amounts of said maintenance assessment shall be collectible and payable in the year 2010 in the sums specified at the same time that the state and county taxes are due and collectible.

IN WITNESS WHEREOF, the President and Secretary, respectively, of the Board of Directors of the Chippewa Subdistrict of the Muskingum Watershed Conservancy District have hereunto set their hands this 28th day of September, 2009.

9.02 CHIPPEWA SUBDISTRICT – OFFICE LEASE

On motion by Mr. Horstman, seconded by Mr. Boyle, a lease agreement for office space for the Chippewa Subdistrict for the period through December 31, 2014, as recommended and set forth in the above memorandum, was approved.

EXECUTIVE SESSION

On motion by Mr. Parham, seconded by Mr. Horstman, the Board of Directors entered into executive session at 10:15 a.m. to discuss matters related to ORC §121.22 (G) (1) (employment and compensation). On roll call: Mr. Boyle-yes; Mr. Horstman-yes; Mr. Kokovich-yes; Mr. Parham-yes; and Mr. Pryce-yes. On motion by Mr. Parham, seconded by Mr. Boyle, the Board returned to open session. The executive session ended at 11:00 a.m.

10. ADJOURN

There being no further business, on motion by Mr. Parham, seconded by Mr. Horstman, the meeting of the Board of Directors was adjourned. The next regularly scheduled meeting is Friday, October 23, 2009, at 9:00 a.m. at The Wilderness Center, Wilmot, Ohio.

09/28/2009