

**SUMMARY OF MINUTES  
BOARD OF DIRECTORS  
MUSKINGUM WATERSHED CONSERVANCY DISTRICT  
Held at the New Philadelphia City Council Chambers  
September 26, 2014, 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, on Friday, September 26, 2014, 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. Horstman, Ms. Limbach, Mr. Parham, and Mr. Pryce.

On motion by Ms. Limbach, seconded by Mr. Pryce, Mr. Maupin was excused.

Present from MWCD staff were Scott Barnhart, Mary Burley, Jim Cugliari, Tom Fisher, John Hoopingarner, Ted Lozier, Karen Miller, John Olivier, Jim Pringle, Mike Rekestis, and Mark Swiger.

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: Robert Villella (*Canton resident*); Katherine Holmok (*Environmental Design Group*); James Long (*Harrison News-Herald*); and Bryan Haviland (*MWCD Development Advisory Committee*); and Tom Jedlinsky (*CDM Smith*).

**3. APPROVAL OF MINUTES**

On motion by Ms. Limbach, seconded by Mr. Parham, the minutes of the August 29, 2014, meeting of the Board of Directors were approved.

**4. FINANCIAL**

Mr. Cugliari presented the financial report for the period ending August 31, 2014. The total operating revenue is \$12,308,706.00 with operating expenses of \$8,932,279.00, resulting in an excess of revenue over expenses of \$3,376,427.00.

**Maintenance Fund – General**

- Use of Water Assets revenue generated \$119,338.00 for the month and is nearly twice the anticipated budget amount for the year.
- Expenses are 62.65% of, and in line with, budget.

**Recreation Fund-Parks**

- Total revenues are 97.35% of budget for the year.
- Park Camping revenues have met and exceeded budget by 2.63% to date.
- Expenses are 66.00% of budget which is 6.76% higher than 2013, but within expectations.

**Recreation Fund-Non Park**

- Total revenues are 80.93% of budget and 4.48% higher than 2013.
- Marina Operations, both leased and MWCD-operated, are running close to revenue budget projections.
- Expenses are 64.80% of budget and 3.72% lower than 2013.

**Maintenance Assessment Fund**

- Assessment Fund- Revenue collections are 93.96% of budget and should meet and exceed the budgeted amount of \$11.2 million.
- Expenses are 60.93% of budget and within expectations.

Overall, operations for the year are going well with another successful recreation season. Staff is in the process of preparing the 2015 budget and is optimistic that 2014 will have a strong finish.

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

Mr. Pryce suggested that information be included in future financial reports that would reflect the anticipated future financial obligations, i.e. local sponsor cost share on U.S. Army Corps of Engineers projects; and Master Plan implementation costs.

**5. PAYMENT OF BILLS**

On motion by Mr. Parham, seconded by Ms. Limbach, a report of the payment of bills for the period ending August 31, 2014, was approved as presented.

**6. BUSINESS**

**6.01a LEASE TRANSACTIONS**

On motion by Ms. Limbach, seconded by Mr. Parham, 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.

**6.02a 2015 MARINE PATROL ASSISTANCE GRANT PROGRAM**

On motion by Mr. Parham, seconded by Ms. Limbach, a resolution of authorization to apply for a marine patrol assistance grant, as recommended and set forth in the above memorandum, was adopted.

**6.02b 2015 NAVIGATIONAL AIDS GRANT PROGRAM**

On motion by Mr. Parham, seconded by Ms. Limbach, a resolution of authorization to apply for a navigational aids grant, as recommended and set forth in the above memorandum, was adopted.

**6.02c 2015 BUDGET – PRELIMINARY**

For discussion purposes only, a preliminary Economic Engine report for the 2015 budget was distributed to Board members. Mr. Cugliari provided some details explaining the budget figures.

**6.03a HUMAN RESOURCES SUMMARY**

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

**6.03b CONSERVATION PROGRAM DEVELOPMENT  
AND IMPLEMENTATION - REORGANIZATION**

Information was provided on a revised organizational chart and position descriptions for the Conservation Group. No action was requested.

**6.04a CHESAPEAKE ENERGY SHORT-TERM WATER SUPPLY AGREEMENT (LEESVILLE)**

On motion by Mr. Parham, seconded by Ms. Limbach, an agreement with Chesapeake Energy for short-term water supply from Leesville Reservoir, as recommended and set forth in the above memorandum, was approved.

Mr. Parham asked about a comparison of water available versus the amount used by the oil and gas industry. Mr. Lozier responded with an example of the amount of water released for winter drawdown purposes at Seneca Lake at 4.4 billion gallons, while approximately 140 million gallons has been used to date by the oil and gas industry. Mr. Pryce suggested that a brief and concise report be prepared for the October Board meeting.

**6.04b TAPPAN LAKE WEST SHORE COTTAGE AREA – PAVING PROJECT**

The Board of Directors, at the May 16, 2014 meeting, approved solicitation of bids for a paving project at the Tappan Lake West Shore Cottage Area. The project consists of the reconstruction and paving of West Lane for a total length of approximately 275 feet. The initial two bids were discarded due to contractor error and pricing exceeding 10% of the engineer's estimate. Subsequently, at the August 29, 2014 meeting, the Board authorized award of the project based on a revised engineer's cost estimate.

Sealed bids were received and opened Tuesday, September 9, 2014. A bid was received from Tucson, Inc., of New Philadelphia in the amount of \$118,197.10. No other bids were received.

The bid amount is within 10% of the Engineer's estimate of \$107,553, and is deemed to be an acceptable bid.

Construction will begin as soon as possible, with a substantial completion date established 45 calendar days from contract execution.

This was provided for informational purposes only. No Board action is needed.

**6.04c PLEASANT HILL ACTIVITIES CENTER IMPROVEMENTS**

On motion by Mr. Horstman, seconded by Ms. Limbach, a request to bid and award the Pleasant Hill activities center improvements project, as recommended and set forth in the above memorandum, was approved.

**6.04d PIEDMONT MARINA SITE IMPROVEMENTS  
FINAL CONTRACT CHANGE ORDER ACCOUNTING**

On motion by Ms. Limbach, seconded by Mr. Horstman, change orders 1, 2, and 3 for the Piedmont Marina site improvements project, as recommended and set forth in the above memorandum, were approved.

**6.04e 2013/2014 SHORELINE STABILIZATION PROJECTS  
FINAL PROJECT ACCOUNTING AND CHANGE ORDER RATIFICATION REQUEST**

On motion by Ms. Limbach, seconded by Mr. Parham, change orders for 2013/2014 shoreline stabilization projects, as recommended and set forth in the above memorandum, were ratified.

**6.05 PWM – STARK COUNTY ZIMBER DITCH HMGP FUNDING REQUEST**

On motion by Ms. Limbach, seconded by Mr. Horstman, a Partners in Watershed Management funding request through Ohio Emergency Management Agency for the Stark County Zimber Ditch Hazard Mitigation Grant Program

**6.06 2014 ANNUAL MAINTENANCE ASSESSMENT**

Discussion took place relative to a reduction in the maintenance assessment. At their April 18, 2014 meeting, the Board of Directors approved a plan to provide for a 50 percent reduction in all assessment payments from property owners beginning in 2015 by using funds generated from the MWCD's recent oil and gas leases of its property in the Utica Shale development to cover project costs normally paid for by the assessment funds. The Board will continue to review periodic financial reports to determine if further reductions will be warranted.

The Board then took the following actions:

In order to maintain the works of the Muskingum Watershed Conservancy District, it is necessary to levy a 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 \$5,676,019.41.

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

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

**Resolved:**

1. That on this 26<sup>th</sup> day of September, 2014, the Board of Directors of the Muskingum Watershed Conservancy District hereby determines, orders and levies a maintenance assessment for the year 2014, in the aggregate sum of \$5,676,019.41 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 2015 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. Parham, 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. Parham, the following certification was adopted:

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

**This is to Certify:**

1. That on this 26<sup>th</sup> day of September, 2014, the Board of Directors of the Muskingum Watershed Conservancy District hereby determines, orders and levies a maintenance assessment for the year 2014, in the aggregate sum of \$5,676,019.41 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 2015 in the sums specified at the same time that the state and county taxes are due and collectible.

**6.07 OTHER BUSINESS**

**LEGISLATIVE SERVICES CONTRACT**

On motion by Ms. Limbach, seconded by Mr. Horstman, the Board authorized staff to continue working with McDonald Hopkins for professional services. A formal agreement for services with McDonald Hopkins will be presented for consideration at the October meeting.

**7. REPORTS**

**7.01 MARINA REPORTS**

Members of the Board received a copy of the Summary of Marina Operations report for the period ending August 31, 2014.

The 2014 boating season is beginning to wind down at all MWCD marinas. Overall revenues at our leased marinas are up 9% from last year. Two good measures of boating activity - boat, motor and gas sales, and boat rentals continue their steady growth, rising 22% and 14% respectively, from last year. Keith Ott's Leesville South Fork Marina (formerly Clow's), shows double digit increases in all categories. Revenues at both Clendening and Leesville Petersburg marinas are showing the impact of many pipeline workers now leaving the area, with camping revenues in particular returning to pre-boom levels. Over-all revenues at Tappan Marina are up 39% with boat, motor and gas sales up 157%, and service and storage up 210%. Docking revenues at that facility are down, however.

Turning to MWCD-operated marinas, overall revenues are up 25% at Seneca, and 8% at Piedmont. Seneca has seen large increases in docking (26%), fuel sales (44%), and the continuing success of the Dockside Restaurant, along with a greatly expanded camp/marine store, have contributed to miscellaneous sales revenues rising 50%.

A ribbon-cutting ceremony for the Piedmont re-development project, held August 29, was attended by approximately 100 people, including representatives from ODNR Division of Watercraft, local elected officials, area tourism agencies, and most important, our customers.

Permitting work has begun for the new restroom/shower building at Clendening. Site work and construction will begin after this camping season.

Construction of the service/repair building at Seneca Lake Marina is underway. The floor is poured, the structure is framed and under roof, and installation of siding is set to begin shortly. Completion is expected by early October.

Planning is underway for several Master Plan-recommended dock replacements and additions, at both Piedmont and Seneca marinas. With occupancy rates high at both facilities, additional slips will be added.

**7.02 LAKE DRAWDOWN SCHEDULE FOR 2014-2015**

In accordance with the U.S. Army Corps of Engineers Control Manuals, the following table shows proposed lake drawdowns for the winter of 2014-2015. 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 2014 Drawdown	Release Duration (days)	Suggested intermediate refill schedule by March 15, 2015
Atwood	928.00	920.00	8.0	November 1	35	926.00
Charles Mill	997.00	992.00	5.0	December 1	30	995.00
Clendening	898.00	893.00	5.0	November 1	35	896.00
Leesville	963.00	958.00	5.0	November 15	35	961.00
Piedmont	913.00	908.00	5.0	November 15	35	911.00
Pleasant Hill	1020.00	1014.00	6.0	November 15	30	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, Charles Mill, Pleasant Hill, Seneca, and Tappan, we request that additional drawdown occur to the elevations noted. Pleasant Hill construction may require an additional drawdown though details will not be known until late October. All reservoirs with extended drawdown will be held at the requested elevation until February 15, 2015 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.

### 7.03 TAPPAN MARINA COMPLAINT

A copy of a letter received on September 11, 2014, from an unidentified group of “Tappan Lake Boaters” expressing concerns related to Tappan Marina was distributed to Board members. This was provided for information only.

Mr. Olivier responded to the complaint letter by reporting that he has been working with Tappan Marina operators throughout the season to address some issues there. Many improvements in conditions at the marina have been accomplished with work on electric service at the docks, painting, landscaping, and other maintenance items.

### 7.04 UPDATE ON 2014 GOALS

Mr. Hoopingarner provided an update on the 2014 goals as follows:

- 1) Oil and Gas Development
- 2) Master Plan Implementation
- 3) Dredge Program
- 4) Fiscal Management

**7.05 USACE PROJECTS STATUS REPORT**

Mr. Rekstis reported that construction is substantially complete at Dover Dam. At Bolivar, the Corps will be performing a test pilot project. There is no update on the Zoar project.

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

Mr. Parham reported that the Atwood Regional Board of Trustees is currently studying the potential for water supply.

**7.07 IMMINENT OR PENDING LITIGATION**

No business at this time.

**8. SUBDISTRICTS**

**8.01 CHIPPEWA SUBDISTRICT – REPLACEMENT OF FENCE AT CHIPPEWA DAM VIII-C**

On motion by Mr. Horstman, seconded by Ms. Limbach, solicitation of bids and award of a contract for replacement of fencing and gates at Chippewa Dam VIII-C (River Styx), as recommended and set forth in the above memorandum, was authorized.

**8.02 CHIPPEWA SUBDISTRICT – 2013 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. Attached 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 \$370,253.10. 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. Horstman, seconded by Mr. Parham, the following resolution was adopted:

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

**Resolved:**

1. That on the 26<sup>th</sup> day of September, 2014, 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 2014, in the aggregate sum of \$370,253.10 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 2015 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. Parham, the following certification was adopted:

**CERTIFICATE OF ASSESSMENT RECORD  
OF THE  
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. Horstman, seconded by Mr. Parham, the following certification was adopted:

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

**This is to Certify:**

1. That on the 26<sup>th</sup> day of September, 2014, the Board of Directors of the Chippewa Subdistrict of the Muskingum Watershed Conservancy District duly levied a maintenance assessment for the year 2014, in the aggregate sum of \$370,253.10 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 2014 and of the maintenance assessment for the year 2014 as determined, ordered, and levied by the Board of Directors of the Chippewa Subdistrict of the Muskingum Watershed Conservancy District on the 26<sup>th</sup> day of September, 2014.
3. That the said amounts of said Annual Levy and of said maintenance assessment shall be collectible and payable in the year 2015 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. EXECUTIVE SESSION**

There was no executive session.

#### **10. ADJOURN**

There being no further business, on motion by Mr. Horstman, seconded by Mr. Parham, the meeting of the Board of Directors was adjourned. The next regularly scheduled meeting is Friday, October 31, 2014, at 9:00 a.m. at the Science and Technology Center at Kent State University Tuscarawas.

*09.26.2014, km*

*Approved 10.31.2014*