

## Walnut Township Trustees - Special Meeting

June 2, 2017

The purpose of the meeting was to discuss the following topics:

1. Dam Renovations & impact on storm drainage along the dam.
2. Dam Construction activities & the impact on the Township & residents.
3. The removal of materials dredged from the Lake & Road Use Maintenance Agreement.
4. Road Use on Maintenance Agreement on Liebs Island Road

The meeting was called to order at 1:30PM. Trustees Terry Horn and Bill Yates were present.

Also in attendance:

Township residents - Ron & Judy Craig; Brad Smith – West Bank Homeowners Association (WBHOA); Paula McMurry Swartz – West Bank at Ballards Lane representative ; Pat Ruble; Teri & Jim Ganther; Dick Williams; Pat Ruble, Carol King; Steve Romine; Bob Slater II; Ed Parrish

Jerimiah Upp & Eric McCrady – Fairfield Co Engineer’s Office

Jonathan Febrache & Amy Boyer – Fairfield Co. Soil & Water District (FSWCD)

Joshua Horacek – Fairfield Co. Prosecutor’s Office

Ronald Klein – TransCanada (formerly Columbia Gas Transmission)

Trustee Horn stated that the hope for the meeting was to formulate a plan to deal with the excess storm water on the back side of the dam.

Jonathan Ferbrache then spoke at length stating that it was an organizational meeting to help the Walnut Township residents deal with storm water drainage due to ODNR’s directive that all outlets into the dam would be cut off this year.

Jonathan stated that there has been enough preliminary information obtained to determine the priority drainage areas are West Bank area that has pumping systems 1) WBHOA, 2) Ed Parish’s farm, 3) West Bank at Bollards Lane. The Village of Buckeye Lake and SR 360 area and Shepherd Ave. He also met with the ODOT District 5 engineers and personnel last week regarding the SR 360 area.

The Ohio House of Rep and Senate has money set aside to help with a storm water engineering study which has not been made official at this time. The amount of funding has not yet been determined. That money will be used for a study and engineering solutions. This money however was originally allocated as loan funds to help businesses around the lake due to loss of revenue during the dam remediation. This money could still be potentially used by local businesses.

The goal of the FSWCD is to aid in the process and guide primarily for those in the area of West Bank, Shepherd Ave. The County Engineer has an interest in Millersport Road to keep it from flooding due to the

diversion of Ed Parrish's pump that now goes into the lake and will be diverted to the back side of the dam and carries a majority of the watershed in the West Bank area. The FSWCD is not the engineer of the public however. We need to organize under the Ohio Revised Code process to initiate a Petition Ditch process or a Group Drainage project. The area that makes the most sense for a petition ditch is the area of the West Bank including the WBHOA pump, Ed Parrish's pump and the pump located north of Ballard Lane area of the West Bank. The conceptual options could be gravity or forced main system. FSWCD has tried to gain as much information as possible over the last month and a half from ODNR, historic surveys from the County Engineer at the Lateral A Ditch, ODNR survey work that was performed for the dam project and supplemental information that the FSWCD has collected. FSWCD has some concepts that appear to be feasible and includes crossing some of the Columbia Gas lines in multiple locations. Under ORC 6131 the community can petition the county to create a drainage system and pay into a long term maintenance program to keep the system operational. Because the funding that has been proposed from the House budget to help with an engineering study around Buckeye Lake, we need the areas that are not under public R/W's organized under a Petition Ditch or a Group Project. This designation will help guide the money when it comes down from the State and speak on behalf of the community for areas that are not associated with a public road R/W. Or associated with some other means of conveyance of storm water already under public jurisdiction.

Eric McCrady explained the ORC 6131 process. Amy Boyer provided an ORC 6131 handout titled, "The Ohio Drainage Laws Petition Procedure", Bulletin 482, published by the OSU Extension Service for those in attendance. This petition would be initiated by private residents in this situation. The potential groups that may want to go this route would be the WBHOA, the home owners along west bank that are accessed by Ballards Lane and Ed Parrish who has a 200 acre (approx.) watershed that is pumped into the lake through Buckeye Lake Dam.

There would be a maintenance fund set up through the Petition Ditch process that could be up to 20% of the initial cost of the project.

The hope at this time is that the funding would be from the State funds that were originally set aside to help businesses around the lake. This funding would be distributed all along the areas of the dam that are affected by ODNR's termination of all outlets that now go into the lake.

The fee for filing a 6131 petition is \$500 for each entity.

Ed Parish is concerned that the construction cost would be affected by the necessity to use prevailing wage and therefore making it three times the cost for labor.

The Petition Ditch drainage boundary would be determined by all land that would be drained into the Ditch. The assessment could be determined based on each area served by the ditch.

There would be a minimum assessment for the property owners of \$2 whose property has a very minor amount of their property drain into the petition ditch boundary area. Others who benefit more would be assessed much more.

Jonathan said that the focus at this point in time is the WBHOA, West Bank/Ballards Lane and the Ed Parish farm since disconnection of pipes into Buckeye Lake have the greatest impact on residents.

Jonathan's office has met with State Representative Shaffer, State Senator Balderson, U.S. Congressman Stivers and State Representative Householder. Internally with Fairfield County and also with Licking County, with the Village of Buckeye Lake, Walnut Township and ODOT District 5. All in an attempt to identify the priority areas so that when the money comes available it can be used for the maximum benefit.

At this time ODNR has said that there will be no potential for dam penetrations beyond what they have already granted at the Yacht Club and Licking County Sewer.

There is no updated official shut off date for storm water outlets at this point from ODNR.

Natural gas lines are a major consideration in the area and must be avoided. The basic design uses gravity where the pumps from WBHOA, Parish farm and Ballards Lane pump into a manhole and gravity flow south and under Liebs Island Road and into the feeder creek. FSWCD and the County Engineer has been surveying the area to determine if a gravity system is feasible and at this time it looks to be.

The only way the project can move forward is through a Petition Ditch (ORC 6131) or a private Group Drainage project.

At this time it seems feasible that the money that is available through the State could fund the engineering and construction of the infrastructure that is needed to keep the areas from flooding due to the additional water that will now come to the back side of the dam.

With the Petition Ditch there would be an ongoing and future maintenance cost associated with the project.

Licking County Sewer was approached early on to see if they could serve as a storm water utility in the long term. This would require agreement between the Fairfield and Licking County Commissioners. At this time there does not seem to be interest in going this route.

Priorities are West Bank #1, Buckeye Lake Village #2, ODOT at S.R. 360 #3.

State Representative Tim Shaffer and Senator Troy Balderson has been instrumental in helping secure State funding.

We are not fixing the old damaged WPA drain tile with this project or any other historic drainage systems.

Shepard Ave area has been targeted for further review to determine how best to address flooding in this area.

Signers of the ditch petition would be those who would benefit from the ditch.

Jonathon stated that it is very important that we move quickly to determine the best possible solutions. Delaying decision making will be costly. The OPWC (Ohio Public Works Commission) funding submittals are due in early October and need to be submitted with engineering plans.

Jonathan provided a summary of the areas of concern. WBHOA pump and Parish Pump and Ballards Lane pump. The base elevation target elevation for the outlet pipes at the feeder creek where these outlet would discharge, would be set at the same elevation as the Millersport sanitary discharge. All storm drain pipes would be run at a shallow 0.1% slope. The high point where the pipes originate would be a manhole where the pumps would discharge and then flow by gravity to toward the feeder creek. The Shepherd Ave area could be drained into Lateral A and could be potentially funded by a OPWC project.

The high pressure gas main that needs to be crossed at some point is 6" in diameter.

Ed Parish asked if ODNR or EPA would accept a storm water discharge into the Lake and would a permit be required and the answer was yes, a permit is required. And are there any restrictions from a water quality standpoint? Jonathan has been in contact with the EPA and there are no restrictions on discharging storm water into the feeder creek.

There was much discussion regarding the assessments that would be placed on property owners. There are a couple of options, one is to assess the cost based on each owners parcel size measured against the entire area served and another method would be to assess based on the value of the benefit to each property owner.

There are two options; Petition Ditch and private owners Group Project. If the money from the State does become available it may be very difficult if not impossible to distribute that money to private owners. Unlike a Petition Ditch that becomes a public entity.

Jonathan stated that the petition process needs to get started with the three separate entities; the West Bank Property Owners Association, Ed Parish and the West Bank Ballards Lane group. A petition requires only one person for each entity to start the process and a \$500 fee to initiate the process from. The process will involve public hearings with the County Commissioners.

Shepherd Ave. can be handled as a public project and would not be a part of the petition ditch process. Jonathan will review this area more closely in the coming days.

An area at the NE corner of our township at No Name Creek at SR 360. Needs to be reviewed further with ODOT District 5.

Paula Murray (Ballards Lane) asked for a summary of what she needs to go back to her residents with when she asks her neighbors to sign the petition. The Petition is asking for the FCEO and FSWCD to develop an engineering plan to direct monies that will be provided from the State to be used for the engineering study. If the money does come available from the State then construction could be started. There will always be an assessment for maintenance cost in the future.

The Township Trustees have no direct involvement in the petition process. The meeting today is to help facilitate the process for the residents to move forward.

Eric McCrady and Joshua Horacek will be working next Monday and Tuesday to get draft petition language to the three entities.

The hope is that the petition process and signatures would be handed into the Commissioner's office by 6/19/2017.

There being no additional items to discuss for the day a motion to adjourn the meeting was made by Trustee Yates, Second by Horn. Roll call vote, Horn-yes, Yates-yes.

Meeting adjourned 3:19 PM.

Recorded by Terry Horn - Trustee

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William Yates

Terry Horn

Doug Leith, Chairman