

TURTLECREEK TOWNSHIP BOARD OF TRUSTEES

ON

JUNE 12

13

**Work Session/Meeting**  
**To Discuss Storm Water Issues**

A work session was held on June 12, 2013 at 2:00 PM with the following persons present:

TRUSTEE: Jonathan D. Sams

WARREN COUNTY REPRESENTATIVES: Dave Gully, Neil Tunison, Kurt Weber, and Chuck Petty

The purpose of this work session was to understand storm water issues in Warren County and how to handle those issues as development continues. Mr. Sams pointed out that Turtlecreek Township is in the epicenter of development.

Mr. Gully: Began discussion with a summary of the current situation with water issues, reporting that no government agency wants the responsibility of handling them, and that laws are vague and codes contradictory concerning water issues. Federal and State laws constrict remedies while passing the responsibility on, and counties also decline helping due to scattered laws which permit fines to be imposed on agencies trying to effect solution; Mr. Gully related 2 situations where the public agency was fined after trying to remedy water issues. He stated that you cannot follow the water onto private property. Townships and villages must decide how to handle their storm water issues, as regulation does not exist, and subdivisions are not inspected after construction to check compliance with the plan submitted.

Mr. Tunison: Stated he had previously approached commissioners to get some procedures in place, but met rejection at that time. He summarized 3 tiers for county level:

- 1) EPA – phase II- primarily mapping done, involved pollution/discharge and was part of ORC 60.17 Clean Water Act
- 2) Fund, Fee, Fine- for operation & maintenance, a \$12.00 annual fee for engineering & to determine need, then property assessed
- 3) \$500.00 refundable fee with building permit to ensure compliance with grading plan (homeowners & developers are not removing dirt from site)

Mr. Gully: Reported that developers often bury (poor quality) culvert to take water flow across a lot, and then build home over it. The homeowner has no idea the culvert is there until 30 or so years later it collapses, leaving homeowner with huge expense. As it is on private ground, the remedy must be on the individual. (Also refer to printout supplied by Mr. Gully)

The question was posed by Mr. Sams whether the HOAs could assume responsibility for problems that arise later. Mr. Tunison said that the plaque states that they are responsible. Mr. Petty suggested that a 61.17 assessment could be set up on the subdivision to be passed to the individual. Mr. Sams cited the \$500k assessment on Stonewall Subdivision is very unpopular; also that Turtlecreek Township has no separate road fund to help out, and receives only monies from general fund.

Discussion continued around ways to impose projected costs of repair and maintenance on developers, HOAs, and homeowners, and how theoretical-only easements complicate access.

Mr. Sams noted that underground systems in right-of-way seem to be the main issue, and queried whether we could preclude underground systems. Mr. Gully said that “ditch petitions” could be made to create a fund pool, and then have HOAs maintain retention/detention basins.

Conclusions/possible solutions: 1) no curb & gutter/underground systems in Turtlecreek Twp.

- 2) disclosure of underground culvert on deeds
- 3) greater longitudinal slopes on ditches

Session adjourned at 3:08 PM.

Signed: \_\_\_\_\_ Trustee

Attest: \_\_\_\_\_ Administrative Assistant