

The meeting was called to order by President Lisa Waterman at 7:09 pm on Monday, May 4, 2020. Present were directors Darlene Ramus, Vince Simmers, and Don Greve. Director Jim Davis was not present due to possible exposure to Coronavirus. All members sat greater than 15 feet apart with the meeting actually held in the larger meeting space of the Blue Lake Association Building instead of the BLCD office. Also present were Counsel Andrew Grossnickle, Finance Clerk Randy Grawcock, and Maintenance Supervisor Rick Hamilton.

Waterman quickly moved to the Feasibility Study segment of the agenda to discuss issues associated with the pending home addition proposed on the southwest side of the BLCD. Waterman relayed that in the interceding time since last meeting, she reached out to Steve Henschen, engineer with Jones Rafinski Petrie, and had a separate conversation with Maintenance Supervisor (MS) Rick Hamilton, which have led her to believe there were possible issues with the reserve capacity requirements through the Town of Churubusco.

Sims voiced his opinion and said if the reserve capacity wasn't available, the BLCD could pursue legal action against the Town as they would be liable for issues if it comes up that we do not have capacity as promised. Waterman relayed it would be best to acknowledge and get in writing a statement of fact from the Town of Churubusco to ensure they are aware of their contractual obligations to the BLCD.

Waterman also relayed that we have yet to get information from the Town on our daily usage of gallonage processed. Realizing that on a monthly basis, when the reading is taken, has us UNDER our capacity, but on individual days, we may be over our capacity. Permission needs to be obtained from the Town as the manufacturer and the meter are already set up to gather the data. Waterman said she had two major concerns 1) there is a new town council of Churubusco and they may not be aware of their obligations to the BLCD and 2) a development is planned and the BLCD will be required to certify with the Indiana Department of Environmental Management (IDEM) that the BLCD has operational capacity to handle the additional waste created by the new development.

Grossnickle will prepare a letter to the Town of Churubusco's attorney and request the Town of Churubusco provide a "certification" that stipulates they are aware of the reserve capacity requirements put forth in our previous Interlocal Agreement and certify and agree to maintain this excess capacity for the BLCD in all situations and circumstances.

Sims continued to relay his contention that the Town of Churubusco would be liable in all situations for a lack of capacity. Waterman agreed but said getting an update of the Town's commitments, in writing, would be warranted and appreciated. Waterman said she had reached out several times to Town Council President Mark Pepple regarding our expected bi-annual meetings of the BLCD with the Town's representatives as discussed and agreed upon during the rate increase conversations without response and therefore feels the letter from counsel is warranted.

MS Hamilton stated that even with everyone being home (given the COVID issues) the BLCD is not at capacity nor close to it, per his understanding and monitoring.

Waterman relayed she had been in contact with the developer, Vision Homes, and he confirmed the development would be no more than 50 homes. Waterman relayed that a gravity system was suggested by Henschen (JPR). The developer confirmed his job would be to get the sewage to existing structures of the BLCD. He asked if he could hire the same engineering firm and Waterman relayed that this is sometimes done, but Henschen relayed there are certain conflicts of interest that would need to be worked out first. Waterman made no promises to the developer.

Waterman also relayed that Henschen asked about getting together with board representatives concerning the use of certain high powered pumps. Previously Directors Davis and Sims said they would be available and wish to be a part of

this discussion. Waterman relayed Henschen would reach out and schedule meetings with pump manufacturers to review our needs and their capabilities in the next few weeks.

Waterman and Sims agreed to attend the next upcoming Town of Churubusco's Council meeting to be held on May 6, 2020.

Maintenance Supervisor Hamilton report – pump inventory is good. I & I work continues and MS Hamilton thinks he is making good progress on reported problem areas including Harrold Road and Harrold Place. Bentonite is working, but it is unknown how long it will last. MS Hamilton discussed possibly installing a flow meter on 500 (on the west side of the BLCD) to review actual usage/gallage coming from the area (a key I & I hotspot).

Per previous board direction, Hamilton is documenting all issues with pumps, with pictures, to ensure any questions regarding work is documented and defensible.

Waterman discussed/asked about upgrading pumps in known problem areas and that Henschen had said fittings and pipes should be able to handle increased pressure created by high head pumps. Waterman relayed to MS Hamilton and Board to look at calendars regarding the pump manufacturers and their ability to handle our issues. Waterman said do not repair old pumps in problem areas without questioning/addressing if a new high head pump is warranted.

Waterman relayed that Ally Vodhe from JPR provided a listing of all pumps and Director Davis was initiating a numbering system for all pumps within the system. Ally provided a USB with the initial start of a system/process.

FC Grawcock has assisted MS Hamilton with downloading all pictures so that documentation on each pump failure is done. Specifically, CRZ Mobile Home Park had a recent pump failure, MS Hamilton found baby/hand wipe in the pump which caused the failure. Complete report was made. MS Hamilton put a rebuilt pump into the hole as CRZ has not paid for previous pumps.

Waterman asked about the costing of a rebuilt pump. MS said BLCD uses two pumps - Keen SI & Champion SI types. Both offer warranty and repairs. \$400 - \$500 cost to rebuild pump which are then typically used by MS Hamilton as temporary/replacement pumps.

Waterman asked about the Use Ordinance and its applicability to pump failure and freeholder payment of pump failure. MS said he used rebuilt pumps for an elderly couple or a home he knew was only used periodically (seasonal).

Grossnickle suggested a letter should be sent to CRZ Mobile Home Park requesting payment for the replaced pump. If payment is not made, then BLCD proceeds to small claims court. As the Board talked about the documentation, MS Hamilton argued that documentation of all pump failures had been done at least since 2016 and that a procedure was established. Waterman asked why, if things were documented, then why hasn't payment been made? Grossnickle said that the Use Ordinance should document the ramification and protocol. Waterman requested that Grossnickle review the Use Ordinance, *Grawcock review files to determine what may be due, and at the next meeting, the Board determine what next steps to take.*

Waterman suggested Grawcock put out repeated messages to our Freeholders should be "Human waste is the only acceptable thing to be put into our wastewater system." While toilet paper is acceptable, just about everything else is NOT. No tampons, baby wipes, Kleenex (facial tissues), condoms, etc.

Waterman asked if all items associated with the Hamilton lease were completed. Waterman accepted signed lease documents and agreed to upload documents to the state of Indiana's electronic files for documentation of the Conflict of Interest. Grawcock relayed there was a bill for calibration of the meter measuring the gallonage processed by the BLCD and sent to the Town of Churubusco. As MS Hamilton relayed, there is a cross ownership with the Town for this meter. Town pays for emissions, BLCD pays for calibration, etc. Waterman relayed to hold off paying the bill until she spoke with the Town about it.

Discussion turned to the Treasurers Report. Treasurer Ramus read the docket of charges, amounting to \$35,134.51 for April 2020. Notable expenditures included Baker Tilly's invoice for the rate study was \$8,039.20, along with additional charges from Beers Mallers Backs & Salin of \$1,110.

Checking was \$173,130.39 CD Balance was \$101,991.02, equalling total current funds \$275,121.41 Bond payable balance is \$769,987.11 with next payment due in September.

It was also noted that with no meeting in April 2020, due to the COVID 19, Director Simmers reviewed and approved the docket per revised provisions for governmental meetings put forth by the State of Indiana. March docket charges amounted to \$78,236.94 and included several notable one-time charges associated with the Rate and Feasibility Studies.

Treasurer Ramus also addressed the status of the annual budget to our expenses. BLCD is now \$179,678.90 expensed to \$204,996.10 remaining to be used per budget. FC Grawcock also noted a \$9,474.50 to Lancia Homes which is a refund of previously remitted funds from the Pence property and creating their new system/home. FC Grawcock also presented a Profit & Loss Statement, which is a new report generated showing the financial status of the BLCD on a monthly basis.

On the P&L Statement, Waterman noted the late fees collected thus far equal \$3,643.52 through month end April. She then relayed that FC Grawcock noted the collection system, "The Keystone System" has limited capabilities to create the billing to match the Rate Ordinance. That is, the payment is due the 1st of the month, and considered late by the 15th of the month. The system is not designed to have this type of "grace" period. It is designed to have the late fee generated when the operator runs the report, which the Finance Clerk has traditionally done on some date AFTER the 15th of the month. Counsel Grossnickle relayed that the new Rate Ordinance would need to be changed to reflect any change to our billing, but administrative issues will not require public notice or reading, per other issues materially affecting the rate and late charges. He also relayed that a "Due Date" was not specifically put in the ordinance, but rather, it was considered "late by the 15th of the month."

The directors discussed how the billing should be done. FC Grawcock said the most recent billings went out showing the sewer bill is due the 1st of the month, and late fees are assessed on the 2nd of the month. Waterman relayed that we need to line up the system with our operational capabilities. Grossnickle reviewed and said that the assessment of late fees occurs on payments received after the 15th of the month. Thus far, in 2020, we have not assessed ANY late fees unless the payment was received after the 15th of the applicable month.

For coupons sent for April – December 2020, all payments are considered LATE on the 2nd of the month. It was determined that everything will remain unchanged and FC Clerk will not assess late charges until the 15th of each month. In the new year, or before, the Rate Ordinance will be updated to reflect the correct dates.

Motion to accept the Treasurer's Report made by Simmers, seconded by Greve. Motion passed and Treasurer's Report accepted.

FC Clerk asked about how Directors should be paid, by the meeting or by the month. Discussion ensued and Grossnickle relayed that he would check to ensure there were no statutory issues with payment. Motion made by Sims, seconded by Greves to pay the preparer of the minutes of any meeting for which minutes were required, without regard to any other minutes for previous meetings' minutes. Motion passed unanimously.

FC Grawcock relayed his research showed that Director's pay should be covered and paid as W2 employees. Grossnickle would review and present at next meetings.

FC Grawcock also stated his contract with the BLCD had just expired. Discussion ensued. Ramus relayed that FC Grawcock has straightened out much since arriving and Grawcock's work is much appreciated. Grossnickle relayed that professional services are not required to be put out to public bid. Motion made by Director Greve to continue the Grawcock contract until 12/31/2020 (approximately 240 days), without change from the original contract, resolution 2020-2, seconded by Sims. Motion passed unanimously.

Waterman also said the BLCD is so fortunate to have a CPA in this position of Finance Clerk. The expectation is that the contract will be renewed, but FC Grawcock will continue to document the duties and responsibilities of the position for future reference.

FC Grawcock continues his review of Freeholder accrued late charges. Individual review is being made of each Freeholder account to determine applicability of the charges. FC Grawcock will continue his review, retain a spreadsheet to include Freeholder name and account number, with the corrected amount and reason. The Board authorized Grawcock to make corrections to ensure collection of the past due amounts was appropriate and correct.

Grossnickle noted the disconnection policy needs attention. Waterman asked all directors to review the DiSCONNECT policy so that it might be finalized at the next meeting.

Conversation turned to use of excess funds that are now retained in the bank, that is, a USE OF ASSETS type of analysis with an assessment of BLCD future needs. Some items already documented include the need of a back up generator for the Lift Station along with maintenance to the Lift Station (paint and cleaning). Waterman asked that all members and MS Hamilton think about the future and what improvements should be done within the BLCD to keep us operating efficiently and effectively.

Waterman thanked Don Greve, as a representative of the Blue Lake Association, for the use of the larger area for our meetings per the new social distancing and spacing policy amid the OVID 19 issues.

Motion made to approve all of the outstanding minutes including the February 4th corrected minutes, March 2nd meeting, the Annual Meeting minutes, and all The Feasibility Study and Rate Study meeting minutes put forth. All directors signed all minutes to document their approval.

Motion to adjourn at 10:00 pm by Simmers, seconded by Greve. Motion passed.

Respectfully submitted,

Lisa Waterman

Accepted this 1st day of June, 2020,






