

**MINUTES OF A REGULAR MEETING
OF THE BOARD OF TRUSTEES OF
TURKEY CREEK REGIONAL SEWER DISTRICT**

The Board of Trustees of the Turkey Creek Regional Sewer District met in the Office of the said District, 4852 North 1200 West, Cromwell, Indiana, on the 19th of August 2019. Such meeting pursuant to annual notice in accordance with the rules of the Board of Trustees and I.C. 5-14-1.5.

President Boone read the following: Public comments or questions will be addressed during the "General Public Business" section of tonight's agenda. Therefore if anyone has a comment to present which has not already been presented, or a question to ask which has not previously been asked please do so when acknowledged by the Board. State your name and you will be allowed 2 minutes for your comment or discussion of you question.

President Boone called for the roll of members of the Board shown to be present or absent is as follows:

PRESENT

Rex Heil

Robert Dumford

James Young

Donald DeWitt

James Boone

Keith Ort

ABSENT

Dan Mikolajczak

Also present were Jeff Hersha of Jones and Henry, Timothy Woodward-District Superintendent, Andrew Boxberger of Carson LLP, Michael and Karen Williams of Microbyte Enterprises, Chelsea Los of The Paper, Jane Bauer, Billing Clerk, Alisa Martin, Office Employee and Pam Johns-Office Manager.

President Boone verified that each Board Member had a copy of the minutes from the July 15, 2019 meeting. Trustee Heil made the motion to accept the minutes as written. The motion was seconded by Trustee Young and carried.

After reviewing the claims Trustee Dumford made the motion to pay claim #'s 1135-6,9,41,44,50 from the Water Fund plus claim #'s 116-20,22-4,26-31,33-4,37-8,1140,42-3,46-9,51-9,61 from the Operation & Maintenance Fund, #'s 1125,32,60,62-3 from the NEAR Fund and 10-63,66,95,1105,45 from Payroll. Also approved were ck#'s 1739-41 from the Water Fund and 16357-16387 from the O & M Fund. The motion was seconded by Trustee Dewitt and carried

Attorney Boxberger stated that 47 certified letters were sent to property owners in the SWAP area that have not yet hooked into the District line. As required by the state, certified letters were sent to the property addresses. Letters were also sent to the mailing address listed on the county tax records for these properties. After discussion regarding a tiered penalty system for not connecting by the November deadline the motion was made by President Boone to implement a fine of \$5.00/day for the first month and increasing by \$5.00/day each month up to \$100.00/day. The \$100.00 is the amount allowed by the State. After clarifying that the fine would always start at \$5.00/day (90 days after the notice to connect is sent) and go up from there. The motion was seconded by Vice president Dumford and passed.

Jeff reported on contracts 4 and 5. Contract #4 (collection system) with Niblock is basically complete with the exception of the generator. There was a paper work issue between Niblock and the generator manufacturer. This is expected to be cleared up by mid-September and in the meantime a portable generator has been supplied at no cost to the District. Once the generator is received it should take approximately two days to connect it and have it ready to go.

Contract #5 (Cornerstone) is 90% done and the ras line is now being worked on. The project is still on track for a mid-October completion date.

Tim reported on a water leak that was repaired. It affected water to only one home and repairs were done without a boil water advisory.

With the increased flow to the plant there has been an increase in ferric chloride which results in an increase in sludge. With the increase of 100,000 gallons of flow to the plant a day, Tim may use the bagging method for sludge removal. The District does have approval to use Waste Management for removal. The Board has to make a decision regarding the repair or replacement of the dried spreader. It is rusting in places and Tim will check repair or replacement cost and report back to the Board.

Tim reported that check valves were installed at the Runaway Bay, Sunset Harbor and the Pier 343 location. The Crows Nest lines are in and work is scheduled for completion in September. Tim verified that no flow is going to Syracuse and he is now in the process of making the necessary adjustments at the plant for the extra flow being treated.

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Tim stated he expects Cornerstone to be finished at the Plant by October 1. This week there will be three major startups including Aug 27th for the clarifier startup. In addition, there will be three more startups in September. Tim expects to have the last pay request at the October Meeting.

As discussed at the last meeting the manholes on CR 800 have been replaced.

President Boone asked Michael Williams if the radio study requested had been completed. Michael stated it is done and he and Tim will be going over it later in the week.

Vice-President Dumford made the motion to open discussion regard the possibility of installing sewer in the Northshore/East Shore area. The motion was seconded by Trustee Young and carried.

There was initial confusion by the public who thought the motion was to approve the project. The motion was to start the process of engineering and financing options.

President Boone asked Jeff to review information he has gathered regarding the State and District regulations for septic/sewer service. Jeff stated he had met with Bob Weaver of the Kosciusko Health Department to review the septic permits on file. Jeff found that out of the approximately 170 properties over ½ of the systems are over 20 years old and of these over 70 are over 35 years old. Jeff reviewed the regulations including that the system cannot be within 50' of your well, your neighbors well, or the lake.

Jeff also reviewed the waiver process that states if a septic system is less than 10 years old the county can issue a waiver from having to hook up to the sewer. After the 10 years the property owner can apply for two 5 year extensions which would again be issues by the county.

Attorney Boxberger explained that once a property owner is notified that the District is going ahead with the project they have 60 days to apply for a waiver. This application is requested from and returned to the county. It is the property owner's responsibility to act in a timely basis or they will forfeit the ability to receive a waiver. A waiver can also be given if the property is 10 acres or more.

Andy clarified the fact that the District is not expanding and that when the District was formed in 1977 all property owners within the proposed expansion area were notified and a public hearing was held. If in fact the District does go ahead with the project a public hearing would be held by the District and when the design is submitted to the State they would also require a public hearing.

Jeff was asked that with the regulations in place today, how many properties would qualify for an exemption. Jeff stated he did not have an exact number but he thought it would be approximately 30. He felt some property owners would have a problem with the setback requirements due to the density of the properties, plus the design and testing requirements have changed since many of the septic systems were installed.

Trustee Young made the motion to proceed with the planning step to see if it would be feasible to sewer the Northshore/East Shore area and to see what the cost would be. The motion was seconded by Vice President Dumford and carried.

President Boone opened the general public portion of the meeting by reviewing a list of questions that had been sent to Mr. Johnston of Northshore Dr. who forwarded it to the District. Most of the questions could not be answered due to the fact that they required information the District will not have until financing and engineering options are completed. President Boone did request that in the future emails be sent to the District at the "contact us" address listed on the website (tcrsd.com).

After a question from a home owner, Attorney Boxberger again clarified that the motion passed has to do the planning (engineering and financial) to see if it was feasible to provide service to the Northshore/East Shore area.

Attorney Boxberger reminded the public that since the area in question is in the District, the District would be responsible if there was any discharge even if it came from a home with a private septic system.

The Board was asked what constituted a new septic system and questioned the \$65.90 flat rate.

It also asked if the Board or Attorney Boxberger was aware of any precedent for stopping or reversing a Board decision. Attorney Boxberger stated he was not aware of any. Comments were made regarding Bonds and would new customers have to pay for existing bonds. Attorney Boxberger pointed out that there would be new bonds for any future project and the reason during the last project the bonds were rolled together because of lower interest rates. The Board and Attorney Boxberger were asked if there was any precedent for property owners challenging a decision to provide service in a particular area if they feel the public's health is not at risk. Attorney Boxberger stated he was not aware of any.

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A property owner asked how many District customers now have grinder pumps. Tim stated that it was approximately 275 out of 2300 customers. The property owner stated he is not necessarily against the sewer being run but is against the idea of grinder pumps—due to both cost and design. He felt the pushback would be much less if a gravity system was installed. The Board again reminded everyone that they will make sure that option is reviewed. The property owner stated he felt that even though the initial cost for a gravity system would be more—in the long run it would be beneficial both to the District and customer.

A property owner stated that according to insurance agents he has spoken with there have been problems with pump causing damage—even with check valves therefore a gravity system would be best. Tim was asked regarding back up power. He stated that all the District lift stations have back up power.

Tim also stated that there were 12 contractors who took the class for the grinder pump installation in the SWAP area after which they were able to decide if they wanted to pursue doing installations and entering into a contract with the property owner. A list was provided to the property owners but the owners could have the pump installed by whomever they choose. The District does however have to inspect the installation before it is put into service. He also reminded everyone that all properties have to have check valves installed.

Tim also questioned the comment that Lake Wawasee prior to making sewer service available had not had any septic failure. He inspected over 2200 homes and found many of the old systems were allowing flow into the ground water and lake. Tim also wanted to clarify that the District's bio solids are mostly land applied—either liquid injected or dry applied to state approved farm fields. If at times this cannot be done we are approved to bag and have it taken to the land fill. We have been able to land apply over 90 % of our bio solids. With the new flow that in the past was treated by Syracuse we did update our permit so if necessary we can bag.

The Board was asked if they cared that the majority of residents in the North Shore/East Shore do not want sewer. Attorney Boxberger stated that yes the Board does care but they are tasked with the protection of the environmental water shed. They have to make what they feel is the best determination for the environment.

A property owner asked what happens if he cannot afford the cost of hooking up which he has heard could be \$15,000.00-\$20,000.00. Attorney Boxberger stated that there are federal programs, low interest loans and grants that may be available. There are special financing options for seniors who qualify. Attorney Boxberger will make sure all this information would become available if the project goes forward but at the present time the District is just checking options and does not know what the cost would be if they do proceed. He will also make sure all information and updates are on the website.

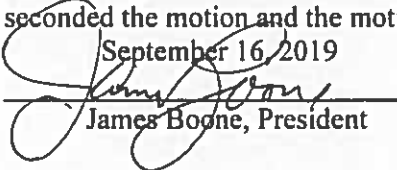
Jeff also responded to the question of the dependability of the grinder pumps. He stated that in the SWAP project they had put out a RFD for pump options and had six responses. It was not a matter of low bid but a matter of what fit the needs and specs of the District.

One property owner questioned whether the State Legislators who passed the hook up (300') statute are now aware of the cost of installing a grinder pump system, and if they were, would they make changes to the current requirements. When asked regarding a timeline Jeff stated that a rough estimate for preliminary engineering and finance options would be 6 months. Attorney Boxberger reassured those in attendance that he would keep people updated and offered to call Mr. Johnston when the information has been gathered and would be ready for review. Attorney Boxberger stated that we will start publishing the agenda on the website. When asked if it was a “done deal” Attorney Boxberger stated that while the District does feel the area should be serviced it can only service it if the engineering and financial information come in making the project doable.

It was questioned as to the year round flat rate the District charges. Attorney Boxberger stated that the system has to be paid for whether it is split in 6 or 12 months, the cost remains the same and must be covered. A question was asked about backups in the Medusa Street area. It was also asked could old septic systems be upgraded and not have to hook up. Jeff was asked how many people would qualify for a waiver. Jeff thought there were approximately 30 that would qualify to apply. Tim was asked what has to be done with the old tank. The tank has to be filled or crushed. Lines are directional bored and there are no trenches.

There being no further business to bring before the Board, Trustee Young made the motion to adjourn. Trustee Heil seconded the motion and the motion carried. The meeting adjourned at 8:40 p.m.

September 16, 2019


James Boone, President

Respectfully, submitted by:


Pam Johns, Office Manager