

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 September 2022. 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

Dan Mikolajczak
Jeff Herdrich
Robert Dumford
James Boone
James Young
Brad Fishburn
Donald Dewitt

ABSENT

Also present were Andy Boxberger of Carson LLP, John Magsam, Anthony Carrier and Jeff Hersha of Jones and Henry Engineering, Karen and Michael Williams of Microbyte, Jane Bauer, Assistant Office Manager, Pam Johns-Office Manager and Timothy Woodward, District Superintendent. Also, there were two individuals from the public in attendance.

President Boone verified that each Board Member had a copy of the minutes from the Aug 15, 2022 regular meeting. A motion was made by Trustee Mikolajczak to approve the minutes as amended (the replaced by there-page 2 bottom of paragraph 1). The motion was seconded by Trustee Dewitt and carried.

After reviewing the claims Trustee Young made the motion to pay claim #'s 4001-04 from the Water Fund, plus claim #'s 3947-4000 from the Sewer O & M Fund. Also approved were check #'s 2395-98 from the Water Fund and check #'s 19473, 19475, 19485-19515, 19523-26 and 4005EFT-4006EFT from the O & M Fund. The motion was seconded by Trustee Dumford and carried.

Attorney Boxberger said that Tim had asked him to clarify the porta potty regulations and how they are handled by other Districts. Turkey Creek had passed a Porta Potty Ordinance but it has proven almost impossible to enforce. Andy stated that in most other Districts the Health Dept handles the regulations however Kosciusko County does not. The difference is between people doing home construction and ones putting in a porta potty and leaving it for most or all of the year. When the one by the tracks on Eastshore was damaged we had no idea who to call and since it was in our District we are responsible for reporting any spills to the state. The current use ordinance does state that they are allowed on a temporary basis but if there is a problem it is the Districts responsibility to report it. After discussion it was decided to rescind the 2017 ordinance and follow the Districts Use Ordinance which states that porta potties must be approved by the District. The motion was made by Trustee Dumford to rescind the 2017 Porta Potty Ordinance except for the \$25.00 fee and follow the Use Ordinance. The motion was seconded by Trustee Fishburn and carried. Andy will work with Tim and have the final wording for the Use Ordinance at the next meeting.

Andy stated the he is working with Tim regarding a recapture agreement and will have it ready for approval at the next meeting.

Andy has sent out surveys to customers who are being charged for multiple EDU's to make sure charges are being figured correctly. The Board requested that Andy contact the individuals that have not responded.

Anthony of Jones and Henry reported on the progress along Northshore/Eastshore. They are now at manhole 53 and have installed a dewatering system. Everything east of 72 is complete except for the pump stations. Anthony has received an

late on paving. They will be paving on Oct 17 & 18 and 27 & 28 and hope to be done on the 28th. They will be meeting with NIPSCO to go over all the pump station locations and also they requested a weeks' notice

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when the control panels are being installed. Once the panels are installed Nipsco will be out the next day to do the inspection and then 2-3 weeks later they will put in the electrical and gas.

John Magsam presented change order #4 which included some electrical, removal of buried concrete near pump station # 3. The motion was made by Trustee Young to approve change order # 4 in the amount of \$24800.00. The motion was seconded by Trustee Mikolajczak and carried.

Pay request # 7 from Selge was presented in the amount of \$ 571380.34 which will put them at approximately 50% of the project. Trustee Young made the motion to approve pay request # 7. It was seconded by Trustee Dewitt and carried.

John presented a change order for Vawter Park. Trustee Dumford made the motion to approve the Vawter Park change order in the amount of \$3980.50. The motion was seconded by Trustee Young and carried. John then presented pay request # 2 from Niblock in the amount of \$63730.75. The motion was made by Trustee Dumford to approve pay request #2 from Niblock. The motion was seconded by Trustee Young and carried. Also since the project is complete Niblock has requested the release of the retainage amount of \$5971.88. The motion was made by Trustee Dumford to release the retainage in the amount of \$5971.88. The motion was seconded by Trustee Dewitt and carried.

Jeff stated that he is working on the Permit renewal and has been working with Lakeside and Brian Houghton. Tim will keep the Board updated regarding the application.

Tim reported that all the parts for the water plant valve installation have been received and installation is scheduled for Oct 11. As required Tim has sent IDEM a listing of all our contacts and will send the Wellhead phase II as soon as it is completed.

Tim will be reporting on the power outage and the damage it caused at the next meeting. Tim and President Boone reported that the District needs to continue following up to make sure the group Mr. Kaiser represents is working toward our District requirements-including installation of a generator and also making it understood that the District will not be taking over responsibility for their lift station.

stated the Christmas Party will be held Dec 3, 2022 at the Owl's Nest. It will start at 5:00pm.

David Johnston of Northshore Drive had some questions and comments regarding the Northshore/Eastshore Project starting with what the estimated completion date is? Per John Magsam the date has been moved due to equipment and material delays and at the present time we cannot give a completion date until materials and panels are received. John was asked what the original completion date was -per John-Sept 25, 2022. Mr. Johnston asked why possible delays were not built into the schedule. Jeff Hersha responded by stating the District used the dates given by the contractor who in turn was basing their schedule on what their suppliers were given at the time of the bids When asked Jeff did verify that there was the possibility of penalties if the District was harmed by delays. Mr. Johnston then asked why we would start a project before all materials needed were in place. Jeff stated that there was no way a contractor would have millions of dollars of supplies on hand before a project was even started. Tim also pointed out that it would not have been allowed by the SRF who is funding the project. Trustee Dewitt asked Mr. Johnston to clarify his concerns. In response Mr. Johnston stated he felt the project was done prematurely. Mr. Johnston stated he felt the ongoing construction was a major inconvenience to the home owners. When asked, Anthony Carrier verified that he is on site every day to work both with the property owners and the contractors. When asked regarding oversite for the engineers Jeff Hersha stated that the oversite for the engineers is the SRF who has regular review of invoices and progress reports of the project. When asked about pump station #3 Anthony confirmed that it is closer to the road than first planned. This is due to the fiber company installed their line before they were supposed to and as a result we had to move our station closer to the road. A curb and ballasts will be installed to protect it.

Mr. Johnston asked if the District could notify property owners on a daily basis regarding road closings. To add to the problem CSX also had crossings closed.

It was then asked when the full monthly charges start. Andy Boxberger and President Boone responded that full charges start when the property owner is notified that service is available. Owners have 180 days to hook up but charges will start as soon as the line is available. This is required by the financial analysis, loans and debt service required by the state.

It was pointed out that perhaps property owners should be ordering their materials now so they would have them ready as soon as the line was finished.

When asked, Anthony again confirmed that the road would be completed by the end of October and should not be a problem during the winter and plowing.

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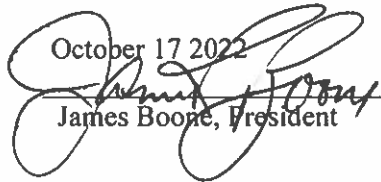
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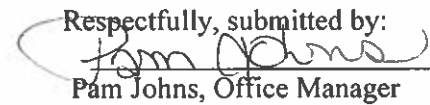
Mr. Johnston stated he had heard there was an issue with the road base surface. Attorney Boxberger stated that the County Highway Dept. had checked and everything was fine. There might be some small areas still to be milled but then it should be ready for paving.

Mr. Johnston then stated he is a "very dissatisfied customer" and asked how the District wanted to be remembered. He stated that he feels we do not have any happy customers and really don't care.

Mr. Johnston stated that since we "are a Regional Sewer District and report to no one and can do whatever you want" President Boone responded that he disagrees and that under the circumstances the District and contractors have been working under he feels they are doing "a heck of a job".

There being no further business to bring before the Board, Trustee Mikolajczak the motion to adjourn. Trustee Jeff Herdrich seconded the motion and the motion carried. The meeting adjourned at 8:00 p.m.

October 17 2022

James Boone, President

Respectfully, submitted by:

Pam Johns, Office Manager