



# Clay Township Regional Waste District

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## Board of Trustees Meeting Minutes

**January 10, 2005**

For the January 2005 Board meeting, all Board members were in attendance. Also in attendance were legal counsel, Anne Hensley Poindexter, Director of Operations & Maintenance David Dooley, Director of Administration & Customer Service Candy Feltner and Controller Ron Hansen of CTRWD, Dick Weigel of HWC, and Vasco Kirby of CTE. Members of the public in attendance were reflected on the meeting sign-in sheet.

David DeVilbiss opened the meeting promptly at 7:30 p.m. and announced the first item on the agenda was an executive session to discuss pending litigation. All members of the public, staff and consultants, excepting only legal counsel were excused during the executive session. The public was once again invited in at the conclusion of the executive session at 8:25 p.m.

Ron Houck and Marilyn Anderson, appointments from the Clay Township Trustee, were introduced.

Ms. Cremeans presented the following slate of proposed officers:

David DeVilbiss, President  
Diana Cremeans, Vice President  
Michael A. Claytor, Secretary  
Carol Hartman, Treasurer

A motion was made by Ms. Cremeans to elect the proposed officers. The motion was seconded by Mr. Karns and approved by a majority vote.

President, David DeVilbiss, proposed the following committee assignments:

Budget and Finance Committee:  
Carol Hartman, Chairperson  
Diana Cremeans, member  
Michael Claytor, member  
Personnel and Benefits Committee:  
Eric Hand, Chairperson  
Marilyn Anderson, member  
Ron Houck, member

Construction and Capital Committee:

William Karns, Chairperson  
John Schneider, member  
Dave DeVilbiss, member

District Safety Committee:

Eric Hand  
William Karns  
Dan Parks, Safety Coordinator  
David Dooley

Liaison with Indiana Regional Sewer District Association (IRSDA)

Candy J. Feltner

A motion was made by Ms. Cremeans to accept the committee appointments. The motion was seconded by Mr. Karns and approved by a majority vote.

Mr. DeVilbiss addressed the Consent Agenda items and a motion was made by Mr. Claytor to approve the consent items, which was seconded by Ms. Cremeans and approved by a majority vote.

Ms. Poindexter then gave the Attorney's Report in which she stated that she received a request to assist in a new project for Mr. Claytor to help him obtain a personal easement to allow for his personal residence to be connected to CTRWD sewer system. That connection would be made through the Stanford Park Subdivision currently under construction. If Ms. Poindexter were to proceed the Board would need to consent to the dual representation, and waive any conflict of interest. After discussion, a motion was made by Ms. Cremeans to authorize Ms. Poindexter to represent Mr. Claytor. The motion was seconded by Mr. Karns. Mr. Claytor abstained from voting, one member in opposition, all other members voted in favor of the motion.

Ms. Poindexter reported on the easement acquisitions related to 106<sup>th</sup> Street, that there are two matters remaining. One is the Manchester Properties Easement and that is with the Court and there are discussions with the attorney for the property owners. The other easement is the Kestner Easement, which should be, resolved in short order.

For informational purposes, Ms. Poindexter stated that the easements related to Little Eagle Creek Phase I are with the appraisers and she is awaiting their reports. With regard to the Austin Oaks Force Main Extension (Pearson Ford Easement and Zionsville Presbyterian Church Easement), those have both been obtained and can be removed as pending easements.

Ms. Poindexter stated that the Parkwood West Lift Station and Force Main is currently with the appraisers. She asked for Board approval to authorize her to proceed with taking the appropriate

action once she receives the reports from the appraisers. Ms. Hartman made a motion to authorize Ms. Poindexter to move forward on this matter. The motion was seconded by Mr. Karns and approved unanimously.

The attorney for the Dan and Dan Temporary Construction Easement has presented an Agreement for Board approval but said matter will be deferred to the next meeting.

There was a Verified Complaint for Temporary Restraining Order and Preliminary Injunction filed by the Clay Township Trustee against CTRWD. Based upon your December 27, 2004 resolution, CTRWD is at the present time under a temporary restraining order, which prohibits the Board from taking any action pursuant to that resolution. It also requires CTRWD not to encumber or interfere with participation of any of the five Township Trustees' appointments. The Preliminary injunction hearing was held January 6, 2005, and the matter is under advisement.

#### Management Reports:

Mr. Dave Dooley gave an update related to the excess rain and reported that some manholes did overflow and he reported them to IDEM. There was an update on the Garvey property. The plant did fine during the rain. The VLR will be seeded on Thursday and Friday. The new plant will be put on line Thursday evening, Friday morning.

Mr. Hansen stated that the State Board of Accounts is auditing CTRWD, which is the normal audit conducted every three years.

With no further updates from the Managers, Mr. DeVilbiss then moved onto Committee Reports.

Ms. Cremeans stated that there are no Finance Committee items that need Board consideration or approval.

Mr. Hand gave the Safety Committee Report and stated that there are no items that need Board approval.

Ms. Hartman then presented the Personnel and Benefits Committee report. She presented an amendment to the handbook to reflect to compensation changes made in late 2004. Ms. Hartman made a motion to approve the amendment to the handbook. Said motion was seconded by Ms. Cremeans and approved unanimously.

Mr. DeVilbiss then presented the Construction and Capital Committee report.

- A. The first item of business was Change Order #7 for the plant expansion. There was an increase of \$5,499.00. The first change was to change the type of exterior wall pack lightning and the second item was revisions to the sludge pump modifications. Overall, it is a net deduction of \$3,900.00 from the original bid. Mr. Karns made a motion to approve the Change Order, which was seconded by Mr. Claytor and approved unanimously.
- B. The next item of business was a connection violation notice for properties at 1806 and 1764 Burning Tree Lane, in Crooked Stick. These properties back up onto the golf course and the golf course requested that a lift station and a grinder pump be installed from their maintenance facility and handle flows from that facility which would be expanded in part because a replacement clubhouse is being constructed. There was a request to hook up both of the properties and combine them with the force main on the golf course. Which was denied at the March 2004 committee meeting. Thereafter, installation was made and the properties were temporarily tied into the lift station for the golf club maintenance facility. No permits were obtained nor were inspections obtained. There was a long list of violations related to this illegal action. A recommendation was made to fine property owners \$20,000.00 for the violations. Mr. Claytor made a motion to fine property owners \$20,000.00 for the violations, subject to agreement approval of all other conditions set forth in the Committees report. Said motion was seconded by Mr. Karns. After discussion, the motion was amended to allow 60 days to appeal. Motion carried with one in opposition.  
In addition, the committee recommended a \$1,000.00 fine for the contractor who installed the sewer line. Collection would be suspended for one year if no further violations were committed. Ms. Hartman made a motion to fine the contractor \$20,000.00 for their violation to dissuade further action. Said motion was seconded by Ms. Cremeans. After discussion, the motion was approved unanimously. The contractor will be allowed 60 days to appeal the fine. Ms. Cremeans made a motion to authorize Ms. Poindexter to write a letter, which would be sent by Ms. Feltner, giving notice of the fines to the golf course, property owners and contractor. Said motion was seconded by Mr. Hand and approved unanimously.
- C. The last item of business was a discussion related to a property owner of 1400 acres in Boone County who is interested in pursuing the possibility of CTRWD providing sewer service to the property. Said property is not contiguous with the service area for CTRWD. Ms. Hartman made a motion to consent to further preliminary discussions with the Construction and Capital Committee on the three options presented in the property owner's letter. Said motion was seconded by Mr. Claytor. Motion carried with one in abstention, one in opposition, all others voted in favor.

Old Business. Mr. Schneider stated that at the December 13<sup>th</sup> meeting John Duffy made a presentation suggesting a cost effective resolution to the 106<sup>th</sup> Street Lift Station. He suggested that the Construction and Capital Improvements Committee invite John Duffy to the next committee meeting to make a presentation on a reasonable approach short of consolidation in which a saving could be recognized. There was no other old business.

New Business:

- A. Claims Docket. Claim Numbers 8375, 8376, and 8397 needed to be removed from the docket. Ms. Cremeans made a motion to remove these claim numbers and to approve the all other items on the Claims Docket. The motion was seconded by Mr. Claytor and approved unanimously.

No further new business. Meeting adjourned at 9:54 p.m.



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President David DeVilbiss



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Secretary Michael A. Claytor