



BOARD OF TRUSTEES MEETING
Monday, February 9, 2009 @ 7:00 P.M.

Meeting Minutes

The meeting began at 7:07 p.m.

ROLL CALL

Board members present: President Ron Houck, Secretary Michael McDonald, Marilyn Anderson, Eric Hand, Jane Merrill, Sam Mishelow, Greg Starleaf, Utility Director Andrew Williams, and Legal Counsel Anne Poindexter. Absent: Treasurer Michael Claytor and Ron Hagan. The audience sheet is attached.

RECOGNITION OF SERVICE

Mr. Houck presented Mr. David DeVilbiss a Service Award in appreciation for his 12 years of service as a Board of Trustee for the District. Mr. DeVilbiss retired from the Board on December 31, 2008.

PUBLIC HEARING

Mr. Houck opened the Public Hearing for Ordinance 12-08-08. Mr. Houck read the following into the record: Inflow and Infiltration Ordinance 12-08-08; an ordinance establishing Inflow and Infiltration Reduction Program. Mr. Chris Pryor, representative of the Metropolitan Indianapolis Board of Realtors, was in attendance. MIBOR Association is supportive of the goals in this ordinance; however, there is concern how the District plans to achieve these goals. The ordinance unfairly places the burden on a select few customers when it clearly benefits all customers. This ordinance adds another expense and another challenge to selling and buying property. The ordinance could create potential problems in the closing process, as well as add additional liability for the realtors and sellers. Mr. Houck and Ms. Anderson addressed Mr. Pryor/MIBOR's concerns. Mr. Houck then asked our legal counsel and Mr. Williams to respond regarding new construction, and repeat offense after inspection. Following a lengthy discussion, the Board proceeded to revise the I/I Policy Document, starting on Page 6, 2nd paragraph, 5th line: "The District requires (strike ~~recommends~~) that the inspection be completed prior to the sale of the property so that any deficiencies can be corrected and the certification issued." Also on Page 6, 3rd paragraph, 1st sentence: "For all residential rentals, commercial, and industrial properties, the (add: inspection for) certification of compliance shall occur (add: prior to the) (strike ~~upon~~) sale of the property." Both Mr. Williams and Mrs. Poindexter reminded the Board that the public hearing is still open and should be closed before continuing with amendments to the ordinance and/or policy. Since there were no other individuals present to speak on Ordinance 12-08-08, Mr. Houck closed the public hearing.

2nd READING OF ORDINANCE 12-08-08

Mr. Houck read the following into the record: Inflow and Infiltration Ordinance 12-08-08; an ordinance establishing Inflow and Infiltration Reduction Program. For clarification purposes, this is merely an ordinance to put an I/I reduction program into place and establish fees. Mrs. Poindexter addressed Mr. McDonald's concern regarding the fee for each inspection. If the

Board adopts the ordinance as written, the District MUST charge everyone that has an inspection \$100. Mrs. Poindexter stated the District could also take a different approach by charging staff with inspections, and once they find a customer illegally connected, for whatever reason, the District can assess a fine of \$100 to \$1000 per day. This is one way the District can capture their costs and staff fees, but a consequence of this action could be some unhappy customers. Mrs. Poindexter stated that the District can structure the I/I policy/ordinance to read that the inspection is required and would be free to customers, but if an illegal connection is found, there would be a re-inspection fee of \$100.

A motion was made by Ms. Anderson to amend the Inflow and Infiltration Ordinance 12-08-08 under Section 3, Applicable Fees, Surcharges and Fines, by replacing "\$100 for each I/I inspection" with "\$0 for each I/I inspection", and also replacing "\$50 for each I/I re-inspection" with "\$100 for each I/I re-inspection". The motion was seconded by Mr. Starleaf, and was unanimously approved.

A motion was then made by Ms. Anderson to adopt the amended Inflow and Infiltration Ordinance 12-08-08, and was seconded by Ms. Merrill. The motion was unanimously approved. Another concern for Mrs. Poindexter is this ordinance is effective on passage, and will the District be ready to start tomorrow.

Following further discussion, a motion was made by Mr. McDonald to reopen the Inflow and Infiltration Ordinance 12-08-08 for amendment to Page 2, Section 5, Effective Date. The motion was seconded by Mr. Mishelow and was unanimously approved.

A motion was made by Mr. Hand to change the effective date to April 6, 2009, (strike ~~after its passage.~~) The motion was seconded by Mr. Mishelow, and was unanimously approved.

A motion was made by Ms. Anderson to adopt the amended Inflow and Infiltration Ordinance 12-08-08, and was seconded by Ms. Merrill. The motion was unanimously approved.

APPROVAL OF MINUTES

Corrections to motions made by the Board members were made to the January 12, 2009 minutes. A motion was made by Mr. McDonald to adopt the corrected minutes, and was seconded by Ms. Anderson. The motion was unanimously approved.

ATTORNEY'S REPORT

Project Updates

Nothing to report at this time.

Report of Pending Litigation

Nothing to report at this time.

UTILITY DIRECTOR'S REPORT

Director's Report and Selected Statistics

After reviewing the Selected Statistics Summary for 2009, Mr. Houck suggested the summary sheet contain a rolling 12 months format in order to compare present and past statistics. Mr. Mike Seals of HNTB was in attendance to give the Board an update on the Master Plan Study. He hopes to finish the report in the next few weeks, review it once more, and present it possibly

at the next Board meeting on March 9, 2009. He will send the report to the Board members beforehand to review and formulate questions or concerns. The Board agreed to schedule a special meeting for the presentation of the Master Plan Study, and will determine a viable date sometime in March.

COMMITTEE REPORTS

BUDGET & FINANCE COMMITTEE

Mr. McDonald spoke on the Carmel sewage treatment contract. As directed by the B&F Committee, Mr. Williams contacted Krohn & Associates, a firm specializing in municipal financing, to help the District in negotiating a contract with Carmel. Mr. Krohn also represents Westfield and has experience working with Carmel. Also as directed by the B&F Committee, Mrs. Poindexter did a preliminary review of the contract and believes it is up for renegotiation/renewal in October or November. She will have a further update at the next B&F Committee meeting.

Mrs. Poindexter discussed the upcoming Senate Bill 267 that purports to require that trustees for regional sewer districts be elected rather than appointed; the bill also purports to require that every Unit within the District be represented. (The current definition of Unit is county, city, town, and township.) This will mean that Marion County, Indianapolis, Zionsville, Boone County, Carmel, Hamilton County, Clay, Eagle, Union & Washington Townships be represented. These elections will be held under local election laws. There are many fundamental, phenomenal flaws in this proposal. Mr. Williams will contact Ms. Kathy Richardson, Hamilton County Elections Administrator and State Representative regarding the District's concerns.

PERSONNEL & BENEFITS COMMITTEE

There were no action items for the Board at this time.

CAPITAL & CONSTRUCTION COMMITTEE

A motion was made by Ms. Anderson to accept the dedication of Long Ridge Estates, Section 3 sanitary sewer project, and was seconded by Ms. Merrill. The motion was unanimously approved.

A motion was made by Ms. Anderson requesting the Board's approval of Change Order #3 to give TPI an additional 15 days to achieve substantial completion of the 116th and Shelborne low pressure force main project. The motion was seconded by Ms. Merrill, and was unanimously approved.

OLD BUSINESS

Mrs. Poindexter stated she has received a check from Great Lakes Quick Lube for the fine against Valvoline, but she cannot release it yet to the District. Their attorney sent it to Mrs. Poindexter as an indication of their good faith, but there remains one area of dispute. The District originally instructed Valvoline to send us their IDEM test results, but due to IDEM not requesting any tests, Valvoline doesn't have any results to send. Great Lakes Quick Lube's consultant, Safety Kleen, conveyed to our Pretreatment Specialist Suani Nieto, that they would pull a monthly sample for her upon request. Safety Kleen does not wish to do this for free, and is discussing with Great Lakes what the charge should be. One alternative for the District to consider is instructing legal counsel to contact Great Lakes' attorney to convey that the District will do their own periodic testing and will also deposit their check. Any violations found will

invoke the 36 months probationary period Valvoline is under, and the District can assess new fines against them. A motion was made by Mr. McDonald instructing our legal counsel to convey to Great Lakes Quick Lube's attorney that the District will complete their own testing, and the District is also authorizing their check be deposited. The motion was seconded by Ms. Anderson, and was unanimously approved.

Mr. Williams discussed his memo listing the timeline of corrections and recommendations for the Carmel Clay Schools Fine. The fine is presently at \$15,700. The District has not received payment yet. If the work is not completed by June 12, additional fines could be assessed. If the District took the hardball approach and assessed \$100 per day since March 4, 2008, the fine would total \$46,000 and possibly more. A motion was made by Ms. Anderson to send communication to the Carmel Clay Schools indicating a fine in the amount of \$15,700 due within thirty (30) days if work is completed by June 12, 2009; otherwise, the fine will be ongoing at the minimum rate of \$100 or more, assessable from August 9, 2008. The motion was seconded by Ms. Merrill. The motion was unanimously approved.

Mr. Williams gave a quick update on Baker's Corner. Mr. Hartman is still working on the Preliminary Engineer's Report for 20 properties. Mr. Cook has directed his environmental consultant to release the wetland design to the District. Hamilton County is moving forward with court enforcement for the notice to disconnect. Mr. Ryan added that a study was completed on 16 parcels, resulting in 5 properties tied in directly to the drainage tile, and the other properties with septic systems were not showing failure, but were located too close to the wells (50' radius acceptable between septic and well), and only 1 had a permit on record with the county. Mr. Williams will have additional updates at the next meeting.

Regarding the Inflow and Infiltration Policy Document, a motion was made by Ms. Anderson to revise Page 6, 2nd paragraph, 4th sentence: "The District requires (striking ~~recommends~~)" Also revise 3rd paragraph, 1st sentence: "For all residential rentals, commercial, and industrial properties, the inspection for certification of compliance shall occur prior to the (striking ~~upon~~) sale of the property (striking ~~or by July 1, 2010, whichever is sooner~~)." Also revise 3rd paragraph, 4th sentence to read: "If the certification of compliance is not received within thirty (30) days of the change in ownership or thirty (30) days following notice of scheduled inspection (striking ~~by July 1, 2010~~), whichever is earlier, (striking ~~sooner~~). . . ." A motion was made by Ms. Anderson to adopt the revised I/I Policy Document, and was seconded by Mr. Mishelow. The motion was unanimously approved.

NEW BUSINESS

A motion was made by Mr. Mishelow to approve the claims docket, and was seconded by Ms. Merrill. The motion was unanimously approved.

ADJOURN

A motion was made by Mr. McDonald to adjourn, and was seconded by Ms. Anderson. The motion was unanimously approved. The meeting adjourned at 9:34 p.m.

The next Board of Trustees Meeting is scheduled for Monday, March 9, 2009 at 7:00 p.m.

Respectfully submitted:

Andrew J. Williams
Andrew Williams, Utility Director

Michael McDonald
Michael McDonald, Secretary

Accept the Meeting Minutes:

As Presented
 As Amended

Ronald F. Houck
Ronald Houck, President