

MINUTES - New Paris Conservancy District Board Meeting

MEETING MINUTES

THURSDAY AUG 8, 2019 6:30 PM-8:30 PM

New Paris Wastewater Treatment Plant Laboratory

Chair Gary Dausman

Attendees AJ LANE
Diane Smith
Ken Jones Jr
Rodney Waldron

Brad Smith
Gary Brumbaugh
Matthew Rippey
TOBIE BECKWITH

Dave
Karl Cender
Michael Dunlap

Absent Jamie Fisher

Rick Wallace

Tony Neff

- **Open the meeting at 6:32 p.m.**

Gary Dausman

- **Welcomed citizens in attendance Brad Smith**

Gary Dausman

- **Approve of the Board minutes from June 13, 2019 Board meeting.**

All

- Motion to approve the minutes as presented.

CARRIED

Moved by Gary Dausman, Seconded by AJ LANE

- **Approve of the Board minutes from July 11, 2019 Board meeting.**

All

- Motion to approve the minutes as presented.

CARRIED

Moved by Gary Dausman, Seconded by Gary Brumbaugh

- Chairman Dausman invited Karl Cender, Nicole, and Dave Hollenbeck to come to the open house for the September Board of Director's meeting. NPDC will be having an open house from 5:30 to 6:30 with the Board meeting commencing at 6:30 p.m.

CARRIED

Moved by Gary Brumbaugh, Seconded by AJ LANE

- **CENDER & CO. KARL CENDER**

Karl Cender

- **September 24, 2019 will be the Budget adoption meeting; at that meeting the Board could reduce the budget if the Board would so desire.**

Karl Cender

- Resolution for the PayGov.com. Karl reviewed and made minor changes for the Board's approval.

- **NPCD ATTORNEY VIA TELECONFERENCE**

Dave

- Minutes of May and July minutes are in compliance.
- Employee handbook; preliminary is complete; tabled to August board meeting. Dave will be bringing the employee personnel manual to the September Board meeting and requests 1/2 hour to 45 minutes to go through the manual.
- Culver - Dave stated that he asked Wes for a description of the ten acres; and he had not received this yet. Modifications of the previous agreement. Question on item #4; NPDC responsible for the failure; NPDC is still responsibility party; in the event of the sale of the property. Attorney Hollenbeck suggest that the Board take action in the September Board of Director's meeting. Any agreements that we reached with NPDC was annexed into the District; and therefore they were subject to the Conservancy tax.

- Billing rates for 2020 he will get something together and send it to us. Dave has not increased his rate to us in ten years. \$140.00 was his rate; continue through December of this year and then January of 2020 to \$150.00. We need this for the Internal Controls Manual. Dave will put this agreement in writing and bring it to the September Board meeting.
- New Paris Cemetary is going up for a tax sale.

- **JPR -**

Ken Jones, Jr.

- Railroad crossing; completion date proposed is May 1, 2020. Brumbaugh questioned if we were still pumping the lift station. Neff stated that we are. The \$2,500.00 fee that we paid was for one permit. The second railroad crossing will be an additional \$2,500.00. Then we can issue a continuance on the permit on the second railroad crossing. The reminder to JPR will need to be put in the September calendar. JPR has already paid for it and have not invoiced the District for it yet. The Board does not want to take action on approving this expenditure tonight.
- Change order; extending the contract by 15 days extension at no charge.
- Chairman made a motion to approve the date change to the contract from August 1 to August 16th.

CARRIED

Moved by Gary Dausman, Seconded by AJ LANE

- Pay request of \$136,922; they realize they did not meet our deadline for submitting a claim.
- Chairman Dausman was approached by DT Construction; stating that they needed payment and wanted to pick up a check tonight. The Board will discuss it at the Board meeting; and if the Board Member's don't want to do it; we will have to wait till September. Smith stated as a freeholder that it is her belief that DT Construction should be a solvent company and should not have to pick up check's in an emergency. She stated that the Construction company has done us no favors in accommodations. Vice Chairman Brumbaugh stated that there is nothing to approve because we have not received the payout yet. Need to follow protocols.

NOT YET HEARD

Moved by Gary Dausman, Seconded by AJ LANE

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- Provide the 2020 rate schedule.

- **Administration Tickler List:**

Gary Dausman

- Mapletronics will be in to do their portion the first week in August.
- Electromedia pulling lines for Mapletronics. Jamie has not attended meetings; have not coordinated with Ron very well; not well informed; then Jamie sent an email for additional charges due to the insulation already being blown through it. There will be no additional charge to the District. That will get the internet to the plant that has already been approved.
- 88 Security; will be coming this next week.
- The well has been moved and put in. There was not a second permit fee for moving the well.
- Office Interiors; tentatively scheduled to bring the furniture in the fifth through the fifteenth. They are now coming August the 24th. For the delivery of the furniture. We never approved installation of the furniture.
- Cabinet. The change order of \$3,700.00 could have been easily changed. The cabinet has not hole in the cabinet for the screen. Diane needs to verify the colors of the walls.
- Ken presented District map; he will email copies to the Board.
- Two men and a truck quote by August.
- Bottle Water like we are doing now.
- Slatted Walls and shelving
- Refridgerator
- Microwave

- Coffee Pot
- Handicapped door.

• **ASTBURY CONTRACT OPERATIONS**

Matt Rippey

- Report was approved as presented.

CARRIED

Moved by Gary Brumbaugh, Seconded by Rodney Waldron

- To purchase a new pump from American Pump and Repair & Service, Inc.; at a cost of \$8,774.00 plus freight.

CARRIED

Moved by Rodney Waldron, Seconded by AJ LANE

- Sewer overflows; 18 have failed. Customer's have until August 22, 2019, to contact the District for Inspections. Diane will look to make sure Southland was sent letters. She will also be sending out letters to those around Sunnyside Park; down CR 23 and First Street.
- Painting the doors: Don is obtaining three quotes for the doors. He will have quotes for September's Board meeting.
- Still waiting for the proposed expenditures for 2020 from Astbury. For budgeting purposes.
- Lutes Farms and Betterway's pumps updates with generator quote or the plug and play.
- RAS pumps; at the plant.
- Quote to paint outside doors
- Changing locks and the gate key code. Diane will obtain quotes.

• **OFFICE INTERIORS -**

Rick Wallace

- Installation approval.

CARRIED

Moved by Rodney Waldron, Seconded by AJ LANE

• **SBS PORTALS**

TOBIE BECKWITH

- This starts October 1st.

• **Mapletronics - Not Present**

Michael Dunlap

• **Electromedia - Jamie Fisher - Not Present**

Jamie Fisher

• **FINANCIAL CLERK SECRETARY REPORT**

Diane Smith

- Approve as submitted

CARRIED

Moved by Gary Dausman, Seconded by AJ LANE

- Motion to approve Resolution 2019 - 02

CARRIED

Moved by Rodney Waldron, Seconded by AJ LANE

- Diane let the Board know that she reconciled the accounts and they will have budget analysis and financials at every board meeting. With Cender to look over and make any adjustments if necessary.
- Motion was to purchase 15 months of billing cards.

CARRIED

Moved by Gary Brumbaugh, Seconded by AJ LANE

- Coupon billing done and ready to send. Discussion at a later date; will be charging a fee for reprinting bills.
- The iPhone upgrade approved.

CARRIED

Moved by Rodney Waldron, Seconded by AJ LANE

- NPCD Register of Claims

CARRIED

Moved by Gary Brumbaugh, Seconded by AJ LANE

• Administration Tickler List:

Gary Dausman

- Electromedia - Done
- Verizon - Done
- JPR - follow through Done
- 88 Security Solutions Done
- Well Done

- Kitchen Appliances; Refrigerator, Microwave, Coffee Pot.

CARRIED

Moved by Rodney Waldron, Seconded by AJ LANE

- Office Interiors
- Handicapped doors Diane to get quotes.
- Tinted windows
- Hub for internet Done
- Furniture delivery Done
- SBS Portals start date October 1st

• NEW BUSINESS:

Gary Dausman

- Motion for refreshments; coffee and cookies; not to exceed \$100.00.

CARRIED

Moved by Rodney Waldron, Seconded by AJ LANE

- Chamber of Commerce; grill your own steak; Board Member's are invited. If you want to go; pay the \$20.00 ribeye steak; pasta salad, cookies, baked beans and a roll and a raffle tickets.
- Diane wanted to inform the Board that since Chairman Dausman has become Chairman; that we have worked very well together; and feel that I have been more productive. Thanked the Chairman for going beyond the call of duty when it came to the New Building and being accessible to me. Thanked him for his communication and direction.

• UNFINISHED BUSINESS:

Gary Dausman

- Diane to contact Lechlitner Door a quote for handicapped accessibility.
- Office at the plant - What will this be used for?

- Audit expense charged by the State: Todd Caldwell was to have gotten back with NPCD; update; AJ volunteered to follow through with this.
- Status on District I; Tony said that he would step down. We need a letter from Tony and then the Board can proceed forward and if Tony ever gets to the point he can serve again; he would like to.
- Painting entire plant
- Calling the attorney? The action taken by the Board years ago; that all correspondence between Hollenbeck and Cender was to go through the FC Sec. Diane is to bring the minutes of that to the Board meeting.
- Sale of District Truck - Smith is to advertise the truck on Facebook market place; at a cost of \$6,500.00. The trader magazine. The paper. Rock Auto? Facebook marketplace is free.
- Employee Handbook - Dave Hollenbeck
- New Paris Cemetary
- 2021 refurbish the lift station at lutes
- Solar energy
- Wind energy

REFER TO DISTRICT'S CALENDAR - BRING TO BOARD MEETINGS FOR REFERENCE

Gary Dausman

ADJOURNMENT

Gary Dausman

- Motion to Adjourn. The meeting of the New Paris Conservancy District Board of Director's meeting was closed at 8:34p.m.

CARRIED

Moved by Rodney Waldron, Seconded by AJ LANE

INFORMATION ON THE NEXT NPCD BOARD OF DIRECTOR'S MEETING.

Gary Dausman

- The next meeting of the New Paris Conservancy District Board of Directors will be held September 24, 2019. The meeting will be held at the New Paris Conservancy District in the lab. The meeting will commence at 6:30 p.m. We will be holding an open house from 5:30 to 6:30 p.m. The public is welcomed to attend.

Remarked by Gary Dausman

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Remarked by Gary Brumbaugh

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Remarked by Rodney Waldron

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Remarked by AJ LANE

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Remarked by Tony Neff

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Remarked by Diane Smith

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M E M O R A N D U M

TO: NPCD Board Members

FROM: Attorney, David Hollenbeck

RE: Parameters of Proposed Modification of Previous Development Agreements between NPCD and New Paris Development Company

There are currently in existence agreements between the Conservancy District and the New Paris Development Company, LLC whereby approximately 182 acres of real estate owned by the company were annexed into the boundaries of the district for purposes of implementing a residential development and accessing the conservancy district wastewater collection and treatment system. Pursuant to those agreements, the company made an initial capital payment which was utilized to upgrade and expand the conservancy district wastewater treatment facility and a formula was established to allow the company to claim a credit against the conservancy district tap-on fees until recovery of the company's capital investment.

Mr. Wes Culver has approached the District Board of Directors requesting a modification to those agreements so as to exclude from the conservancy district's mandatory sanitary sewer service connection requirements a single family residential structure located on a 10 acre parcel contained within the original 182 acre annexation. The Board of Directors has considered the request and is prepared to grant the request conditioned and limited by the following criteria:

1. That the 10 acre parcel will not be subdivided without the prior approval and consent of the district and the nullification of this modification agreement.
2. That the current private sewage disposal system servicing the single family residential structure located on the 10 acre parcel will be inspected by the Elkhart County Health Department and certified as a properly functioning and operating system.
3. That the conservancy district will retain the right to inspect and otherwise monitor the operating condition of the septic system to assure compliance with all state and local regulatory requirements. The conservancy district will be responsible for pumping the septic system on an as needed basis.
4. That upon any malfunction of the private sewage disposal system currently serving the single family residential structure, corrective action will be immediately taken by the New Paris Development Company LLC to correct such malfunctions and to repair the defective system. If remediation and/or repair is not accomplished expeditiously, the single family residential structure shall be vacated and remain unoccupied until the system is successfully repaired and brought into compliance with state and local regulations. Failure to accomplish this task will result in nullification

of this modification agreement.

5. The approximate 10 acre parcel subject to the modification will stay within the boundaries of the district and will pay the special benefits tax associated therewith.

6. If and when New Paris Development Company LLC abandons its need and/or desire to exclude the 10 acre parcel, then and in that event the remaining provisions of the underlying agreements between the district and the company will be controlling with regard to the 10 acre parcel including mandatory connection requirements and payment of applicable tap-on fees.

I have asked Wes Culver to provide me with a legal description of the 10 acre parcel which is needed so as to complete the modification agreement document. Upon receipt of the legal description it will be made an exhibit to the modification agreement and forwarded to the Governing Board for review and approval at a public meeting. In the interim, should there be questions or concerns, please advise.

David L. Hollenbeck

RESOLUTION 2019-02

Whereas, the New Paris Conservancy District (the "District") operates and maintains a municipal wastewater collection and treatment facility to freeholders in the District, and;

Whereas, the District sends monthly invoices or provide coupon books to its customers or freeholders for their monthly wastewater collection and treatment services, and;

Whereas, a number of customers or freeholders desire to remit payment for the District services through an online source and PayGov.com has been identified as an approved third-party provider of such services, and;


Whereas, the Board of Directors desires to have its customers or freeholders pay any fees associated with remitting payment through an online provider; and now, therefore;


Be it resolved that the New Paris Conservancy District, by and through its Board of Directors, hereby now approves, ratifies to provide a service for customers or freeholders of the District in order to pay their bills online through a third-party source; said source being PayGov.com. The charge of this service will be paid for by the freeholders. The breakdown of the cost for using this service is as follows:

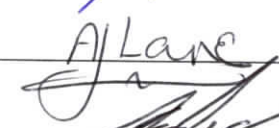
\$0.00 - \$33.01 fee is \$1.00

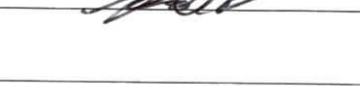
\$33.02 on up will be charged a fee of 3% of the balance that they are paying.

Adopted this 8 of August 2019, by the Board of Directors of the New Paris Conservancy District.

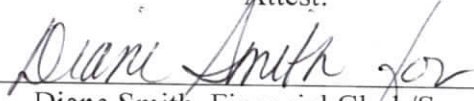








Attest:



Diane Smith, Financial Clerk/Secretary