

**STEUBEN LAKES REGIONAL WASTE DISTRICT
BOARD OF TRUSTEES MEETING
December 13, 2012
12-12R**

MEMBERS PRESENT:

Bob Coder
Bill Heckley
Harry Krebs
Jim Kidd
George Pifer
Jim Van Vlerah

MEMBERS ABSENT:

Lyndon Tucker

Also Present

--- Bruce Boxberger – Andrew Boxberger - District Attorney's
--- Ken Jones - Wightman Petrie

Bill Heckley called the meeting to order at 6:00 p.m.

Bill Heckley read the following statement: At the end of the meeting, the public will be given an opportunity to speak. In the interest of time, each person shall be limited to 3 minutes. Your comments will be part of the public record of the meeting so we ask that you present them in a professional manner and speak to issues relevant to the business of the District.

The Board presented minutes of the November 8, 2012 meeting for review and approval. Upon motion made by Jim Kidd and seconded by George Pifer, the Board unanimously approved the minutes of the November 8, 2012 meeting.

FINANCIAL REPORTS

The financial reports, check register, project check register, bank account report, and claims, were presented for review. Harry Krebs moved and Bob Coder seconded the motion to accept the financial reports as presented, which motion was unanimously approved.

OLD BUSINESS

None.

NEW BUSINESS

None.

DISTRICT BUSINESS AND OTHER GENERAL MATTERS

Northeast Corner - PER & Environmental Report – Tim Frederick stated that we need a motion on the PER and Environmental report as presented in draft form and if the Board wanted changes now is time to speak up. Bill Heckley asked, did everybody hear that any questions from the Board. Jim VanVlerah made motion we accept the Northeast Corner PER and Environmental Report as presented, Jim Kidd seconded the motion, which motion was unanimously approved.

Public Hearing

Bill Heckley we're going to start with the public hearing on the PER to discuss the NED Project and the potential RD funding source. So we will start the public Hearing part of this, is that right Tim?

Tim Frederick – Yes.

Bill Heckley - We ask you to come to the microphone when it is your turn and we want to start with the presentation from JPR.

Ken Jones – My presentation is going to be limited to the purpose of the Public Hearing. This is customary, a required public hearing that qualifies the District to request funding or seek funding from the USDA. It's really kind of the opening activity. The action that you're taking really is limited to the opening the public hearing and taking comment and opening to the potential for USDA funding, and really we do not get into the details of the project. Mostly it is associated to see if it is appropriate to seek USDA funding or not. In this case the PER that you just approved it includes the recommendations for funding through USDA and we are recommending that you seek a long-term loan. What's termed long is 40 year or whatever rate you qualify for. We believe that option provides the best money mechanism for the district for this particular project. So if anyone has questions for me I'll be happy to take it, relative to my presentation, however, you are required at this time and point to take comments.

Bruce Boxberger – Just if I may to expand a little bit on what our engineer said, let's kind of take a step back and put into perspective for ourselves and the public here tonight. This is a rule requirement by the RD to begin the process. Let's understand, we have not, there is nothing from a big project standpoint that we are discussing tonight.

Ken Jones -Correct.

Bruce Boxberger – That all comes later, All kinds of meetings and things happen later. This is a requirement that RD gives to us to submit the funding request. Unless we make this step, we cannot go any further. That being said the Board should understand, and the public should understand we are not locking ourselves into anything, alright? No one, no one on the Board is making collectively any final decision on any of this, do you agree with this Ken?

Ken Jones – Absolutely, as a matter of fact the step that follows for your funding is really one of the steps that would lead you to decide if the project was feasible.

Bruce Boxberger – Right

Ken Jones - If for some reason we go forth for the funding request and the application process and the project doesn't qualify we would probably have to amend the PER and ask for review of the results of the PER. It is a critical step, because it is a funding mechanism, which we are recommending. But, you still have to qualify for the those funds. And that really will help you come to the decision if the project is feasible.

Bruce – I don't mean to beat a dead horse, I think that is important to know that you as the District is not locking it's self into anything. It just allows you to proceed to the next step. There's going to be a lot of other work done, lot of other meetings, other public input, other public hearings and things of that nature associated with the entire process, and this is something that RD “in affect our banker”, will require. Until we do this, you

can't go anywhere. Alright, I just wanted to make sure that it was clear for the record, clear for the Board, and clear for the public

Bill Heckley – So is there anyone who would like to speak at the Hearing, if you would you can come up give your name and address, and your comments please. Anyone would like come up and address the Board? Mr. Salway?

Mr. Salway – I just had my paper in my hand. I'm Jim Salway I live at 155 LN 240 Big Otter Lake, Fremont IN, I have addressed the Board several times in the past, and to the Board this evening I say hello to you. I have read the PER early, I find a couple of chapters to what they say what I think might not be exactly as presented. One of those, I have read the PER and suggestion is that the monthly bill, the monthly utility bill may have greater impact on those on those with fixed income. I suggest to you that it will definitely have a higher impact, a greater, potentially, a higher greater impact on those on a fixed income than those who have a sufficient income to do a solid waste. I know of one person in my neighborhood whose daughter currently helps to aid her monthly bills. This would be an additional burden to them. Also, I have a lady across the street I talked to she has \$18 leftover today after buying the seven medications she currently is taking cause she has no current insurance.

First of all I respect the fact that under Indiana law under the 410 IAC 6 says that no person shall intentionally pollute, and I totally agree with that. And the EPA has defined these under the clean air act, clean water act comprehensive environmental response and the liability act. It has not been established that there are any failing systems in the area which you wish to take in. I think that's a great important fact because it has been indicated in the report types that failing systems are polluting the waters in Steuben County. I did not find any indications or proof that; that had happened.

I also request and I presented or provided with the exactly the type law, statue or ordinance that requires me and others in similar situation that they so make the request, to involuntarily support economic development, economic advantage to any entity within the proposed northeast corner of the Steuben Lakes Regional Waste District without my expressed consent. However, how can I voluntarily be caused to support for instance the Ramada, a private enterprise? Totally private, or others along the Old 127 over there, the State Park, the Outlet Mall, for which I will never directly receive a financial benefit but they certainly will, I don't see any indication, I see the annual report in 2011 Pokagon had some issues, they corrected those, A thousand dollars to fix it. In 2012 I find no indication that there is any problem over there. I think you as a Board over time have placed yourself in a very, very precarious situation and allowing addition homes to be added to the field over which they were they were set up to service. I don't think that's my problem. I think it's a problem of the Board. You, not you maybe you indirectly, but you as a Board allowed that decision to happen. The private enterprises and Poka Ramada are private they entered into those dealings with the septic systems voluntarily. That's not my problem.

The 2006 LARE report which is mentioned in the Lakes James chain is brought into the PER which it failed to bring in the 2011 article written by the same gentleman who wrote that uh, lost my thought there. Anyway he wrote the sewer, not the sewer, that lots sewers that which maybe polluting will not be economically feasible nor have a direct impact on the water quality of the lakes. At the last meeting you referred to that I as others may be living under a rock. The definition by term is, that I have withdrawn from society, perhaps a location away from home, or someone who is isolated and uninvolved in the daily world. This is very demeaning, I truly would like to express an opinion, I cannot understand, or somehow just because I did not agree to go along with the board, that I am deserving or ---- belief that

Bill Heckley Mr. Salway you know you need to come to a close. Okay?

Mr. Salway - I will sir.

Bill Heckley – Your 3 minutes are up.

Mr. Salway – Thank you, I wonder also while I'm here, when the lady was speaking favorable to you about 4 meetings ago you allowed her to have 7 ½ minutes, I wonder why you only allowed me 3? I have to wonder if that is not consistent.

Bill Heckley – Thank you.

Bruce Boxberger – We try to be consistent as we can Mr. Salway, your very articulate and well-meaning remarks will be part of the record thank you.

Bill Heckley – anyone else

Doug Dunten – My name is Doug Dunten, we have a lake cottage at 135 LN 250E, summer cottage, uhm we are uh, our family is definitely opposed to this measure and I just want to read one quick point. This is from Jim Raye, whose ----- the chief of the lake and river enhancement section of the IDNR, Division of fish and wildlife, and he wrote in part. Bear with me, a little technical but I'm going to read verbatim. His comments are as follows, relatively speaking Lake Pleasant is in good condition ecologically. The highest quality lake in Indiana haven't Indiana trophy state

Bill Heckley – Sir

Doug Dunten – Yes

Bill Heckley – This hearing right now is for the Northeast District project

Doug Dunten – Okay

Bill Heckley – Not the Lake Pleasant project.

Tim Frederick – That comes later.

Bill Heckley – It will be later, I'm sorry. Anyone else on the Northeast District project? (paused) then we will bring this part the hearing then to a close. Tim where are we now.

Tim Frederick – The Board need to determine whether you want to authorize myself and JPR to move forward with the request for funding to the USDA Rural Development to get us on their docket.

Bill Heckley – So we need a motion

Jim VanVlerah – I make a motion that we authorize our Superintendent Tim Frederick and JPR to move forward with the funding request that's requested.

Bill Heckley – Second?

George Pifer – George Pifer I'll seconded it.

Bill Heckley – All in favor signify by saying Aye; any oppose? any sustain? 6-0. Tim, As far as the NED project is it finished now and move to---

Lake Pleasant

The petitions were presented from the Millgrove Township and Jamestown Township Trustees to include Sellers and Collins Addition into the Districts Territory. Along with this petition was included the petitions from individual owners within these subdivisions.

Jim Kidd moved and Bob Coder seconded the motion to accept the two additions into the District as presented, which motion was unanimously approved.

Public Comments –

Doug Dunten of 135 Ln 250E Lake Pleasant, Doug read a note from the IDNR on the Lake Pleasant water quality and the improvements over the years. He commented on alternative type systems that are acceptable by various counties. His opinion is that the cost of a sewer project is an undue financial burden on his family and he felt his family would not be able to keep the cottage and that they are adamantly oppose to it.

Tim read a couple of letters into record from owners of property in the Lake Pleasant area that are in favor of a Lake Pleasant Project.

Bill and Debra Eberhard
George Smith

Tim submitted a proposal from JPR to do the PER and the Environmental report for the Lake Pleasant area. Discussions ensued.

Jim VanVlerah moved and Jim Kidd seconded the motion to contract with JPR for the Lake Pleasant project as described for the value of \$30,000.00. All in favor say aye, Harry Krebs opposed and with no abstentions. Motion carried 5-1-0.

Miller Poultry

Tim pointed out the changes proposed in the contracts with Miller Poultry Item 6. describes who is responsible for the major expenses for the design, installation repair, and replacement of the system. The only thing the District will be responsible for is the preventative maintenance from and including the pumping station serving the property to include the sewer mains. Miller's shall be responsible for preventative maintenance on other equipment located on the property. Other place of change is item 9 states there sanitary sewer will be flowing to us year round and their production flow will terminate through the summertime so they can spray irrigate. Previously this didn't recognize the sanitary sewer portion of it and so it was modified to show the sanitary will flow to us all year round. Discussions ensued.

Harry Krebs moved and Bob Coder seconded the motion to accept the Miller Poultry agreement and authorize Bill Heckley to sign once everything is worked out with IDEM, motion was unanimously approved.

125 Cafeteria Plan

Discussions ensued concerning the plan; discussing the advantages and disadvantages of the plan for the employer and the employees.

George Pifer moved, Harry Krebs seconded the motion to accept the adoption of the Resolution 12-06 for the 125 Cafeteria Plan. Motion was unanimously approved 6 - 0.

Earthquake coverage

The District has no earthquake coverage on anything, the SBR concrete structures is worth approx. \$2.8 million the annual premium is estimated at \$750.00 a year. Discussion's ensued. The general consensus was to leave as is and not add the additional coverage.

Holiday Schedule

The proposed schedule is the basically the same as last year, Jim Kidd moved, Bob Coder seconded the motion to approve the proposed schedule for 2013. 6 – 0 unanimous

Meeting Schedule

The schedule is made out for the second Thursday of each month with the Pre-agenda meeting to be the Monday prior to the scheduled meeting and one on November 12, due to Veterans Day. Jim VanVlerah moved, Bob Coder seconded to accept the 2013 schedule and Pre-agenda meetings as proposed. 6 - 0 unanimous

Announcements

Tim announced that the District has received the plant safety award again this year. The award comes from the Indiana Water Environment Association.

Election of Officers

Bob Coder made a motion that we continue with the same officers as 2012. Jim VanVlerah seconded the motion. 6 – 0 unanimous

Public Comments - None.

Bill ask if there was any more comments or anyone want to address the Board. There being no further business to come before the meeting, Mr. Heckley asked for a motion to adjourn. Jim Kidd motioned to adjourn, George Pifer seconded the motion and unanimously carried, the meeting was adjourned.