

**STEUBEN LAKES REGIONAL WASTE DISTRICT  
SPECIAL MEETING  
MAY 9, 2023  
23-05S  
6:00 P.M.**

**MEMBERS PRESENT:**

Rob Moreland  
Craig Rice  
Larry Keeler  
Jon Flaugh  
Kelly Johnson

**MEMBERS ABSENT:**

Renee Clauss  
Abby VanVlerah

**Also Present**

Andrew Boxberger – Carson LLP  
Steve Henschen – Jones Petrie Rafinski

Rob Moreland called the special meeting to order at 6:00pm. Rob Moreland 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 three 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 only to the matters at hand.

**MINUTES**

The Board presented minutes of the APRIL 26, 2023, board meeting minutes for review and approval. Upon motion duly made by Larry Keeler and seconded by Jon Flaugh, the Board unanimously approved the board meeting minutes for APRIL 26, 2023, pending the correction in name from Abby VanVlerah to Rob Moreland on the first page (Rob Moreland called the meeting to order and read the statement). This is a clerical error.

**ATTORNEY REPORT**

Andy Boxberger refers back to when the SRF advised us they want a paragraph added to the current bond closing documents that the District would cooperate with Pokagon State Park (PSP) to flow to Angola. The board had discussed in the April 26, 2023, meeting and agreed to that request provided the District is reimbursed for the funds already spent on the PSP portion of NED II, up to \$200,000. Andy made changes to the agreement to address that and clarify other issues. He then received an email back from the SRF's attorney and was told the SRF would not permit the changes and that the agreement needed to be accepted as is to close on the current financing. However, Bill Harkins with the SRF has emailed Andy and agreed to reimburse the District for those funds but it would not be allowed to be added to the current loan agreement or an additional agreement. The board discussed that we have a "handshake agreement". As the

board had previously motioned to accept the request to allow PSP to connect with Angola if we had an agreement for reimbursement of funds already spent to connect PSP to the District, we need a new motion since we do not have a formal contractual agreement with the SRF.

We have already submitted the PER for funding to construct PSP to our treatment system and if the SRF gives those funds or does not give those funds sometime in August/September 2023, then we will know if PSP is connecting to the District or going to Angola. Andy Boxberger references the agreement which states Angola can extend a wastewater line into the District geographic area to service the DNR facility as long as no facilities beyond the DNR facilities be connected to the wastewater service line. It is limited to only PSP to be connected in that case. If we do not sign this agreement, the NED II project will not move forward. Craig Rice moved, and Kelly Johnson seconded the motion, to accept and approve the three financial assistance agreements and the funding agreement for NED II as submitted, which motion was unanimously approved.

#### ENGINEERS REPORT

N/A

#### OLD BUSINESS

N/A

#### NEW BUSINESS

N/A

#### DISTRICT BUSINESS & OTHER GENERAL MATTERS

Rob Moreland addresses a request from Bryan Klein to work from home for around a week after surgery. He is requesting to work from home for a week (estimated) after his procedure. Under the ADA (Americans with Disabilities Act) this is a valid request. The board agrees to Bryan working from home for an estimated 7-10 days. No motion made.

#### PUBLIC COMMENT

N/A

#### MOTION TO ADJOURN

There being no further business to come before the meeting, Rob Moreland asked for a motion to adjourn. Such motion was made, seconded, and unanimously carried; the meeting was adjourned.