

**Delaware County Regional Wastewater District
Board of Trustees**

August 2, 2017

Members present: Mr. R. Maynard, Mrs. B. Ragland, Mr. R. Parsons, Mr. J. Mogush, Mr. R. Hensley, Mr. P. Olson and Mr. J. Brooke.

Ex-Officio Member: Mr. J. Turner, Del. Co. Health Dept.

Staff present: Attorney D. Struble, Mrs. P. Ring, Mr. J. Richards, and Mrs. L. Ratz.

Others present: Mr. Joe Tierney, GRW Engineers

President Maynard opened the meeting at 3:00 P.M.

Mr. Brooke moved to table the minutes of the July 6, 2017 meeting so Mrs. Ring may make changes requested by Mr. Brooke. Motion passed 7-0.

Mr. Parsons moved to approve the claims from July 1 through July 31, 2017 totaling \$386,835.04. A second was provided by Mr. Brooke. Mr. Brooke questioned the Lawnscape claim and asked if we received other quotes for this mowing service. Mr. Richards answered he had gotten other quotes and will get more. Mr. Brooke questioned the claim from Northwest towing. Mr. Richards stated the Pumper truck broke down and had to be towed to Bolt to get repaired. Mr. Brooke questioned Quality Repair for \$7,500.00. Mr. Richards answered they repaired check valves and plug valves in the Country Village and #2 lift stations. Had a quote for 10,000 from another company but Quality Repair's quote was less. Mr. Brooke questioned claims for the Del. Co. Clerk's office in the amount of \$339.00 for Mr. Raleigh's court costs and \$121.00 for Mr. Ables' filing fees; there is a receipt attached for filing fees. He stated he doesn't understand the amount of \$339.00 for filing fees. Mrs. Ring stated they were told by the previous Attorneys' secretary that is what was owed. Mrs. Ring took the payment down to the Clerk's office and found less was actually owed so she voided the check and reissued a check in the amount of \$131.00. Mr. Brooke asked why the claim for the check in the amount of \$339.00 is in the amount to be approved by the board if it was going to be voided; Mrs. Ring answered because she actually wrote the check. Mr. Brooke stated he took out the claim for \$339.00 because the check will be voided. Mr. Olson stated from the Board standpoint; if the check is not sent then they don't want to approve it. **Mrs. Ring will take \$339.00 out of the amount to be approved by the Board.**

Attorney Struble sent a memo to the Board regarding contingent fees for attorneys. The case law shows that upon termination of a previous attorney, where a contingent fee exists, payment depends upon the time the previous attorney spent on that case and time Mrs. Struble will have to spend on the case to complete it. Mr. Brooke checked the names of Ables and Raleigh to see if Attorney Struble has spent time on the cases. She stated she is almost positive the fees go to Attorney Abrell; she has only spent .2 in making an appearance on one of the cases. Mr. Olson recommended we pay the fees to Attorney Abrell that are in the claim amount for expediency purposes.

Mr. Brooke asked if we have an ordinance to the effect of what can be paid. Mrs. Ring stated the State Board of Accounts told her if there is a normal expense that has a due date she may pay it; if she knows there is a question, she will wait to pay it until Board approval. There is a statute municipalities have to authorize regular claims to be paid. That might not be a bad idea to adopt, to show State Board of Accounts for internal controls purposes.

Claims in the amount of \$386,496.04 passed 7-0.

Mr. Richards reported the work on lift station #2 in Royerton was almost finished up today. Culy ran a camera in the line by Royerton Elementary to address some of the issues Mr. Parsons is having; a few issues were found but none that are going to fix his problem. Twelve (12) manholes will need to be rehabbed, mortared and resealed; that quote was sent to the Board. There is a 200 ft. section of clay tile with some good leaks that needs to be replaced behind Royerton elementary. Mr. Richards got quotes from 3D and Culy in the amount of \$12,800 and \$8,800 respectively. We can save some money if we buy the pipe in town and have it delivered to site. Mr. Richards spoke to Mr. Olson about an issue at the 600 lift station; the standing water makes it difficult to perform maintenance there. He would like to run a pipe to tie into the 10 in. storm drain for the price of \$450.00 in materials. He and Scott can do work. Lift station 600 pumps are older and it is slightly cheaper to buy new instead of repair the pumps due to age of the pumps. He has one quote and will get another soon. He presented quotes from Stoops for \$7273.93 and Bolt for \$5110.59 to repair the pumper truck. They have been performing maintenance on all lift stations. Two stations in Daleville need two plug valves at \$375.00 a piece; the maintenance crew can do the work. Regarding the Royerton elementary school and Mr. Don Parsons issue; there is too much infiltration going into gravity line, the force main is backing up the manhole behind it and so it is not getting to lift station #1 quick enough. Mrs. Ring invoiced 3D to be reimbursed for generator fuel. The AEP Muncie office has finally contacted Mr. Richards about repairing the line they bored through.

Mr. Olson motioned to have Bolt do the work on the pumper truck. Mr. Brooke seconded.

Mr. Mogush asked how Mr. Richards felt about either company doing the work on the pumper truck. Mr. Richards answered he thought Bolt would be fine. **Motion passed 7-0.**

Discussion was held regarding work to be done repairing manholes and clay pipe.

Mr. Olson made a motion to have Culy repair the manholes and clay pipe for the quoted amount of \$38,000.00. Motion passed 7-0.

Mr. Olson motioned for Mr. Richards to purchase four (4) plug valves in the amount of \$375.00 each. Motion passed 7-0.

Mr. Maynard asked Mr. Richards about the cost of a new pump versus the cost of repairing it. Mr. Richards replied the cost of a new pump is 28,000.00, to get the old pump repaired is \$34,000.00. He is thinking of getting another quote. Mr. Maynard advised him to do so.

Mr. Brooke stated he didn't get work logs this time; Mr. Richards stated he didn't get them to Mrs. Ring; they are behind due to the workload. He will get them to the Board next meeting.

Mr. Maynard asked if Max kept records of rainfall. Mr. Richards stated they have weekly log sheets of each lift station; when shorthanded every two or three weeks. He stated they have rain gauges all over the county and that information is recorded on their log sheets.

Attorney Struble reported she has a claim and engagement letter from Bingham, Greenbaum, and Doll; the Board consulted with them regarding issues concerning the previous Director. She asked for approval of the claim in the amount of \$2,236.00 and the engagement letter. **Mr. Olson motioned to pay the claim and approve the engagement letter. Motion passed 7-0.**

Attorney Struble was contacted regarding the Marathon project and then realized Attorney Abrell has retained the files on that and a truck load of other files which belong to the District. She believes he is concerned about not being paid for the billing he submitted in the amount of \$880.00. He has not filed a notice of intent to file an attorney's lien. She reviewed his contract; the ethical rules state that what may have been reasonable at the time an engagement is entered into may subsequently become unreasonable by any number of events or happenings. Attorney Abrell's contract stated he gets paid \$600.00 per month for attending two meetings per month; as of June of 2015 the Board started conducting only one meeting per month. Attorney Abrell should've modified his contract to reflect that change. She recommended the Board make some sort of decision on the \$880.00 claim; she suggested to the Board they not pay it. Attorney Struble would like to send one final letter to Attorney Abrell regarding the files then reevaluate how to proceed.

Mr. Brooke motioned we not pay the \$880.00 billing claim submitted from Attorney Abrell that is outstanding. Mr. Hensley seconded. Roll call vote: Mr. R. Maynard, yes; Mrs. B. Ragland, yes; Mr. R. Parsons, yes; Mr. J. Mogush, abstained; Mr. R. Hensley, yes; Mr. P. Olson, yes; and Mr. J. Brooke, yes. Motion passed 6-0 with 1 abstention.

Mr. Brooke motioned for Attorney Struble to send Attorney Abrell one final letter sighting ethical rules and to turn over all files and file material to the District. Roll call vote: Mr. R. Maynard, yes; Mrs. B. Ragland, yes; Mr. R. Parsons, yes; Mr. J. Mogush, yes; Mr. R. Hensley, yes; Mr. P. Olson, yes; and Mr. J. Brooke, yes. Motion passed 7-0.

Mr. Brooke motioned for Attorney Struble to add to Attorney Abrell's letter his ethical obligation to keep track of time because of contingency and proportional fees. Motion passed 7-0.

Attorney Struble presented a letter from the Salem Twp. Trustee asking the Board to reduce or write off Chad Thomas' bill due to hardship.

Mr. Ragland motioned to write off the bill. Mr. Olson seconded.

Discussion was held regarding the circumstances of the hardship.

Mrs. Ragland withdrew her motion. Mr. Mogush motioned to stop collection and to wait until an ordinance is established and the committee can meet before we make a decision. Motion passed 7-0.

President Maynard stated the guys in the field need help. He would like the personnel committee (Mr. Brooke, Mr. Olson, and Mr. Hensley) to hire an additional person for field maintenance.

Mr. Brooke motioned for the personnel committee to discuss the hire and then give Mr. Richards authorization to make the hire. Mr. Olson seconded. Roll call vote: Mr. R. Maynard, yes; Mrs. B. Ragland, yes; Mr. R. Parsons, yes; Mr. J. Mogush, abstained; Mr. R. Hensley, yes; Mr. P. Olson, yes; and Mr. J. Brooke, yes. Motion passed 6-0 with 1 abstention.

Mrs. Ratz asked the Board what method they would like for the office to use to bill the new Splash House in Daleville. Mr. Joe Tierney will send Mrs. Ring information regarding charges to send to the Board.

Mrs. Ratz presented write offs to the Board. Tammy Osman, bankruptcy in the amount of \$754.62.

Mr. Brooke motioned to write off \$754.62; Tammy Osman. Mr. Mogush seconded. Motion passed 7-0.

John Clarke, Mrs. Ratz explained he is difficult to collect from and has a large outstanding bill.

Mr. Brooke motioned to foreclose on the property lien of John Clarke. Motion passed 7-0.

Mr. Tierney addressed the Board. He asked the Board for feedback regarding the report for Westbrook presented in a previous meeting. Discussion was held regarding smoke testing, infiltration issues and other options discussed in previous meetings. Mr. Mogush brought up the idea of underground storage. Mr. Tierney stated we don't know what actual overflow is; it is estimated, so the problem with underground storage is once it gets filled up, it's done and then you are back to where you were before. He stated the interim solutions are relatively low cost and will bring real relief. In the meantime, we could do some flow monitoring and see if we can better capture the flow and then decide if we want to spend time on additional system rehab or look at the bigger picture. We would need to establish a time frame for the interim solution because Yorktown has prepared their sewer system for growth and we would be taking some of that growth with the interim solution. Rates and charges would also need to be addressed with Yorktown. Mr. Tierney stated what is being proposed to do in Royerton is a good idea; an engineering analysis is needed to confirm what needs to be done there. Mr. Olson asked if Mr. Tierney could meet with Jason and meet back with us next month on Royerton.

Mr. Brooke read the supplemental report prepared by State Board of Accounts showing problems with books and records of the District. Annual Financial Report of 2013, 2014, and 2015 do not match, due to our accounting firm H.J. Umbaugh making ledger entries into the report and did not telling us so we may adjust the books. Two employees were overpaid, one employee was overpaid for vacation time.

Service records were not being maintained for certain employees. The District was not using a salary ordinance; management stopped using an ordinance in 2014. There will be a salary Ordinance prepared for consideration by the Board hopefully by next meeting.

Mr. Brooke received two proposals on July 7th from Muncie Sanitary District about negotiations for the current contract with the Regional District. He responded by contacting Attorney McKinney to let him know the documents were received and the response would not be quickly done. The Board would possibly form a committee and go through other processes before there is an answer. President Maynard appointed a committee whose members are Mr. Brooke, Mr. Mogush, and President Maynard. When the committee has a chance to look at it they can get together to decide on how to approach.

Mrs. Ring informed the Board a property was capped off due to non-payment; the customer at 3009 E. Royerton Rd. received numerous cap off letters and had signed a forbearance agreement. She did not keep up with the payment arrangements. The Health Department has been contacted; Mr. Turner stated she could still flush so he could not condemn the property. Mr. Richards will go check on the cap tomorrow morning. Mr. Brooke asked if there is anything in our rate ordinance to institute a fine or penalty for tampering with the cap. Mr. Richards answered no, he is also concerned with that issue. Mr. Brooke stated we need that in our ordinance.

Mr. Mike Jacobs, 2800 Sequoia Ct. thanked the Board for their new efforts.

Hearing no further comments, President Maynard adjourned the meeting.
Respectfully submitted,

Mr. R. Maynard, President