

## BOARD MEETING

Pursuant to notice by publication, the Board Meeting of the Ben Davis Conservancy District ("District") was held on Thursday February 9, 2023, at the Board Meeting Room at the District Office, located at 703 S. Tibbs Avenue, Indianapolis, Indiana. Those in attendance: Mr. Fred Buckingham, Chairman; Ms. Beverly Matthews, Vice Chair; Mr. Jeff Wood, Director; Ms. Jennifer Hess, Counsel for the District; Ms. Micah Sarabyn, Project Coordinator; Ms. Angela Wirth, Secretary/Finance Officer; Mr. Jim Frazell and Ms. Dee Revnyak of Triad Associates, Inc.; Mr. Steve Brock, Therber Brock Associates, LLC; Mr. John Thurman, Maintenance, Maintenance Department; and Mr. Corey Foster, Maintenance Department. Also in attendance were Mr. Mr. Ryan Heathco, Mr. Bernard (Bernie) Piotrowski, and Ms. Christy Hayes.

The meeting was called to order at 9:10 a.m. by Mr. Fred Buckingham, Chairman. Mr. Buckingham opened the meeting with Maintenance Team Report with Mr. Foster presenting. Mr. Foster stated 529 S. Holt Road was complete and the only item left to address was the seeding and straw for Mr. Whaley's yard. It was mentioned that SAMCO was in the area for the "Biltmore Project" and were televising the District's Sewer Lines. Maintenance staff received word that some residents complained that their toilets blew up and no signs were placed on residence doors from SAMCO. It was also questioned why Citizens Energy Group did not seek permission or notify the District or have SAMCO notify the District that the televising was taking place. Ms. Revnyak mentioned that the District needs to request something from them that holds the District harmless against any damages caused by the televising and everyone was in agreement.

Mr. Buckingham, asked Mr. Piotrowski what his questions or concerns were and to speak openly to the Board. Mr. Piotrowski stated he wanted to learn more about the District, why the sewer bills were higher than his water bill and if the increase were ever going to cease. Mr. Piotrowski also stated that he is a single man in a single family home and he has neighbors who have five or more people/family members in their home and they are getting billed the same monthly fee as he is. It was explained to Mr. Piotrowski that when the City sold their assets to Citizens Energy Group and the District was then paying Citizens for wastewater treatment, the District was paying \$0.24 cents per thousand gallons of sewage treated. The treatment costs that the District pays to Citizens has increased annually and will continue to increase. By 2025, the

District will be paying Citizens \$2.48 per thousand gallons and this is why the rates are increasing- to cover the increases in processing that the District pays to Citizens. Mr. Piotrowski was under the impression his sewer bill was based off his water bill, however, it was explained that the District does not meter and uses an "EDU" Equivalent Dwelling Unit, as a basis for their billing system. It was further explained to Mr. Piotrowski, that the District needs their own treatment facility built in order to have more control over sewer user fees for those in the District.

Ms. Revnyak of Triad Associates, Inc. informed the Board she had not received a response on the easement request for the easement south of the railroad and inquired about purchasing the ground versus condemnation. This is a small strip of land that was most likely purchased as part of a bundle. The entire property is in a floodway so it is limited with regards to how it can be developed. Ms. Hess inquired if the Board would approve making an offer to the property owner to purchase the ground and asked what the dollar limit would be. Ms. Matthews made a motion to purchase the property for a maximum price of \$2,500 be offered. Mr. Woods seconded the motion and Mr. Buckingham approved. Motion passed.

Ms. Revnyak mentioned the meeting that was held with the District and the Indianapolis Airport Authority (IAA) representatives and noted that overall the meeting went well. The IAA was concerned with the most recent invoice that they had received from the District for the years 2018 through 2022. The attorneys from the airport requested the District to have the Assessor's office confirm that the valuations provided did not change for the years 2018 to 2022. Ms. Revnyak stated they would confirm this with the Assessor's office so everyone is assured that the correct valuation was being used to determine what was owed. There was a discussion about properties that are located within the BDCD boundary but are not properly classified as being in the 930 taxing district which prevents the Assessor from collecting the correct ad valorem tax. Ms. Sarabyn is in the process of compiling a list of all parcels in the District so the Assessor could correct make corrections in their system. There was discussion on which properties should be included or excluded. It was agreed that all properties, even tax- exempt parcels, should be included in the list.

Ms. Revnak and Mr. Brock discussed the two (2) projects that were submitted to the State for possible financing through the State Revolving Fund (SRF) program. Both projects ranked at



the bottom of the Project Priority List (PPL). It was discussed ways that the collection system project could be re-ranked in order to score high enough to qualify for next year's funding cycle. The collection system project should have scored higher due to the need and age of the system as well as it is providing a benefit to a dis-advantaged area. Mr. Brock agreed to approach the SRF officials to determine if the project could be re-considered and re-ranked.

Mr. Brock passed out a handout reviewing the extension of the current BAN and noted when the BAN interest will next be due and discussed the increase in the interest rate. Mr. Brock spoke about what other funding resources and financing options may be available for the District once all IDEM permits are obtained and the District can close on its final project financing.

Ms. Hess noted that a Tort Claim Notice was sent to IDEM as well as all other reuiqre4d by statute. She also noted that the 2022 Annual Report was approved by the Marion County Circuit Court. Also, she provided a copy of the Order of the Marion County Circuit Court vacating the hearing regarding raises from the Board (that was filed at the Board's request).

Ms. Sarabyn provided totals collected \$20,133.18 in December of 2022, and \$18,012.54 in January of 2023 from Contract Customers. Ms. Sarabyn stated the District filed a sewer lien on Covington Square Apartments. The Covington property has been sold and is under new management. Maintenance received information that the Covington Lift Station was not operating and was possibly discharging sewage into the storm sewer. It was noted that Covington hired a company to haul their sewage but the company stopped servicing Covington due to non-payment.

Ms. Sarabyn spoke to the property owner at 1002 S. Holt Road. The property owner inquired as to why she was getting billed for sewer service when there is no water, bathroom or any form of sewer piping on the property. After sending maintenance out and verifying that the property is not receiving service, it was verbally agreed to go back (3) years for reimbursement of the sewer user fee. The property owner requested reimbursement for the years going back to 2018 since she called three (3) years ago to inquire why she was receiving a bill and was told that everyone in the District is paying the monthly sewer user fee. Ms. Sarabyn informed the property owner that the Board would need to approve this, and it would be brought up at today's meeting. Since a written policy was not in place, the Board approved the full refund. The Board also approved a policy to limit future reimbursements to a maximum of three (3) years.

Mrs. Wirth presented a Resolution for Refund Requests by Freeholders. Mrs. Matthews made a motion to approve the Resolution for Refund Requests by Freeholders, Mr. Wood seconded the motion and Mr. Buckingham also approved the motion. Motion passed and the resolution was executed and approved.

Ms. Sarabyn is still working with Ms. Revnyak on revising the Permit process and creating Contractor packets with a summary of requirements. This will improve the Permit Process and the District's records.

Ms. Sarabyn is continuing to follow through with the EAP program and the John Bonner Center for financial assistance with the sewer bills for the residents that have applied for funding. 22 people within the District applied. Twelve (12) people were approved. Six (6) people denied. Five (5) people submitted incomplete applications. They have paid on six (6) accounts. This is a great resource for people within the District to get financial assistance.

Ms. Sarabyn and the staff sent out over 550 Pre Lien letters which included a letter regarding the EPA/Financial Assistance info and resources. Those went out the week of February 3<sup>rd</sup>.

Mrs. Wirth completed all Year End quarterly reports, SS & Wk Dev reports & payments due, if any, were completed, all Indiana Gateway requirements, with the exception of the AFR (Annual Financial Report) Year End and Appropriation reports completed. A new healthcare census was also completed for McGowan and Advisory HealthCare is now the health provider of the employees and The Lincoln Financial Group is covering the ancillary items, Dental, Vision, STD, Life, AD&D. The monthly savings to the District was between \$1500 & \$1700 and increased the coverage from 70/30 to 80/20. Angela obtained the new insurance cards, passed out to all employees and all have been provided or given registration information. A Spreadsheet was provided for the Board members, Attorney and Financial Advisor.

Mrs. Wirth completed the annual worker compensation insurance renewal audit request through AFFIRM on behalf of Cincinnati Insurance. The District will either receive a refund as in the past or will owe slightly more for the annual WC Insurance renewal.

A second letter was sent regarding the property on High School Road that was actually found to be within the District boundaries, and therefore placed back into the 930 taxing District. Letters have gone out to several residents regarding explanation of the fee increase.

Mrs. Wirth updated the front office public board with the 2023-2024 Registered Retail Merchant Certificate. Mrs. Wirth updated the Officer information for INTIME state of Indiana



and posted to the DOR. Mrs. Wirth has submitted the 2022 ST-103 to the Indiana Gateway and to the DOR Intime and Sales Tax collected is -0\_ Zero dollars. Mrs. Wirth updated and renewed the Mulhapps/formerly JC Alarm Contracts and secured pricing for the next three (3) years. Mrs. Wirth updated and submitted the Finance Document for Chase Bank for 2023 and entered into Gateway. The Annual Termite Inspection was completed, and the Annual Fire Extinguisher testing was completed by Allied Safety. Mrs. Wirth is working with Ms. Baker to close out and file the 2021 & 2022 disbursement files.

Mr. Thurman and Mr. Foster watched a webinar on OSHA compliance, injury reporting and other matters relating to confined spaces on February 9, 2023 at 11:00 a.m.

The District collected \$134,633.70 in Liens for the 2<sup>nd</sup> installment of 2022 and in Property Tax, collected \$230,448.58 for a total of \$365,082.28 received from MCTO (Marion County Treasurer's Office) in December of 2022. Copies are attached for the Board Members & Mr. Brock.

Mr. Buckingham made a motion to approve the December Board minutes and the minutes from the December 21, 2022 Annual Meeting. Mrs. Matthews seconded the motion and Mr. Wood agreed. Motion was passed, November 2022 Board Meeting Minutes were approved.

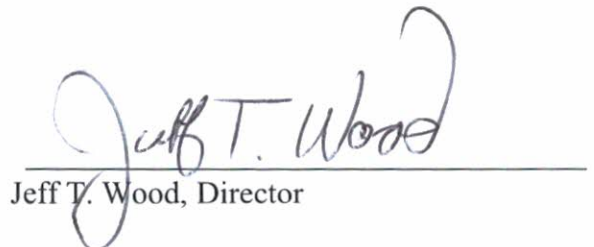
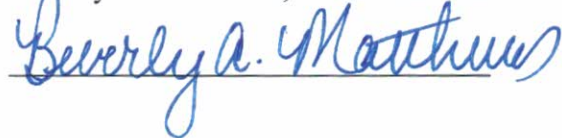
This concluded the regular monthly Board Meeting of the Ben Davis Conservancy District.

The next board meeting is scheduled for Thursday, March 9, 2023 at 9:00 a.m. at the District Office Board Room. There being no further business to come before the Board at this time, Mr. Buckingham, Chairman, and Mr. Jeff Wood, Director, motioned to adjourned at 12:30p.m.

Fred F. Buckingham, Chairman



Beverly A. Matthews, Vice Chairman



Jeff T. Wood, Director

ATTEST:



Angela Wirth, Secretary