

## REGULAR MEETING

Pursuant to notice, Fred Buckingham, Chairman, called the meeting to order at 9:15 a.m. on Thursday, September 10, 2026. Those in attendance: Fred Buckingham, Chairman; Beverly Matthews, Vice Chair; Ryan Heathco, Director; Angela Wirth, Finance Secretary; Sarah Kennedy, Administration & Finance with the Ben Davis Conservancy District; Micah Sarabyn, Project Manager; Jennifer Hess, Counsel for the District; Steven Brock, MBA, CPA Municipal Financial Advisor; Lou Savka, and John Mowery of VS Engineering; Brandon Cook; Maintenance Superintendent; and Brian Daviau, Maintenance Department. Also in attendance was Ms. Christy Hayes, Freeholder.

Mr. Buckingham asked Mr. Cook to present the maintenance report from August 13 to September 10, 2026. Mr. Cook said it was a good month. He referred to the maintenance report provided. Mr. Cook stated the maintenance staff cleared debris from two blocked lines. Three manholes were found abandoned off Minnesota and Sigsbee. Mr. Cook and Mr. Daviau stopped two companies from digging without a permit. A stop work order was placed on one of the companies who had already begun the digging. Both have now obtained their permits. The District conducted multiple surveys of the park on Rockville Avenue to identify exposed laterals and plug them as needed. The search yielded no any results. Eighteen manhole lids were replaced before the team ran out of materials. There are approximately 255 manholes needing to be replaced. Mr. Cook pointed out three locations where CEG is servicing customers within the boundaries of the District. Mr. Heathco made a motion to allow Ms. Hess to offer to consent to allow CEG territorial authority to serve those three customers if CEG will consent to the twelve for which the District will be seeking territorial authority. Mrs. Matthews seconded the motion and Mr. Buckingham was in agreement. Motion passed. Ms. Hess noted the customers for which the District is seeking territorial authority are customers the District has been serving for many years and are customers that CEG is unable to serve with their current infrastructure.

Mr. Buckingham stated he approved televising Bertha before the scheduled project in case any of the debris had cleared. Ms. Sarabyn shared that she was not moving forward with the televising because it was providing false hope regarding changing the scope of the project.

Discussion started regarding the upcoming service agreement negotiation with Citizen's Energy Group (CEG). Ms. Hess called Mr. Chris Janak to discuss the service agreement as the Districts retained council and left a message asking him to call back. Mr. Janak called Ms. Hess

and shared that he had spoken to the representatives for CEG. Mr. Brock stated that the District's rates have increased over 800%. The proposed agreement from CEG agrees to the rate CEG has been charging without a rate tariff in place and agrees to a rate for 2027. CEG says that they intend to "freeze" the rate after 2027 for several years for satellite customers, but will not commit to this in the proposed agreement. Mr. Janak stated that everyone will get the rate (if approved) regardless of whether the agreement is signed or not. He will continue to communicate the District's requests for consent for territorial authority for those customers served by the District.

Mrs. Sarabyn spoke about the Bertha project and that she was able to obtain a signed agreement with K&M Specialty regarding Bi-Pass usage for the District. Ms. Sarabyn also made notice of working with K&M on pre-construction meeting.

Ms. Sarabyn informed the Board of Case Construction filling two (2) open manholes with asphalt by the airport. It was also discussed that Culy was going to need a change order approved taking the original cost of \$13,000 to providing a credit to the District of \$8,823.50.00. Ms. Matthews made a motion to approve the change order, and Mr. Heathco seconded the motion. Mr. Buckingham was also in agreement. Motion to approve the change order passed.

Ms. Sarabyn noted that the residents of Linda Lane are on septic. There is no way for CEG to serve them. We could possibly serve them by adding Linda Lane to Bertha and Ida. It was also noted that given that we serve passthrough customers, it would be advisable to add these to the petition that will be filed with the IURC for territorial authority. Mr. Heathco made a motion to file a petition for territorial authority for the contract customers and the passthrough customers served by the District. Mrs. Matthews seconded the motion and Mr. Buckingham was also in agreement. Motion passed. Mr. Buckingham executed a petition for territorial authority to be filed with the IURC.

Mrs. Sarabyn also noted a camera that is stuck in a sewer main by the railroad between W. Morris and Vandalia Streets. CSX must be contacted. In addition, Mrs. Sarabyn has been examining the District's obligations under the new "FOG" Program under HB 1348. Jeanelle Kaufman of the Food and Consumer Safety Division of the Marion County Health Department was contacted through Ms. Hess' contact at the Marion County Health Department and she is also not certain of the District's role. Lastly, Ms. Sarabyn noted that the District will need an Asset Management Plan which will be different than the AMP used by the SRF. This will be

needed by July 2028 for wastewater utilities. Training classes will be available and the Board is required to attend. Lastly, Mrs. Sarabyn collected \$32,258.00 from contract customers.

Mr. Mowery presented work completed and upcoming by VS Engineering. An additional plan sheet was created for the High School Rd Force Main project and sent to Crossroads. SLB bid has been accepted and the contract submitted for the sewer replacement project on Bertha. VS has met with two contractors for the Lucerne Ave project. They are waiting for final bids, the IDEM permit, and the power to be run from AES. AES has already been paid for the installation. Mr. Mowery is working with Ms. Sarabyn on work standards for the District as well as the guideline pamphlet for fiberoptic companies. Mr. Darin Garrett is assisting Ms. Sarabyn on the asset management project for the state.

Mr. Mowery then reviewed the potential projects list for 2027. Currently, the proposed bond acquisition would reimburse the district for the Bertha (est. \$376,000) and Lucerne (est. \$100,000) projects. The High School Road project is being paid for by DPW. Mr. Heathco said that the priority must be projects that reduce inflow and infiltration. Mr. Mowery said the top three projects on their list would all help reduce inflow and infiltration. Mr. Brock shared that the District would be soliciting a \$3.5M bond. Ms. Hess recommended Bose McKinney for bond council. Mr. Heathco made a motion to authorize Board Chair Fred Buckingham to sign a bond counsel contract up to \$40,000. Ms. Matthews second the motion and Mr. Buckingham was also in agreement. Motion passed.

Mr. Heathco stated that he desired to have additional flow meter data because there is a large amount of water coming into the system somewhere. The group continued to discuss the best way to spend the bond money in 2027 for the greatest return.

Mr. Savka addressed last month's agenda including meeting with other engineering firms. Mr. Heathco stated that the District has no plans to change its engineering firm but needed to do its due diligence regarding spending and what honest bills look like. The District appreciates all the hard work that VS Engineering does and the great team that works with the District. Mr. Savka noted that it has been a unique year with extra costs. Mr. Savka then offered to only bill half his hourly rate when at meetings. Mr. Heathco reiterated that we are not looking to change firms at this time.

Mr. Steve Brock presented the Board with his financial statement for the month of August 2026. Mr. Brock discussed the current Budget and billing rates and the need to increase the

monthly sewer fee for 2027. The District is currently paying on two Bond issues, one through First Merchants and one through the SRF with a current new bond being bid on the open market in the amount of 3.5 million dollars.

Mr. Brock discussed the WWTP Project and the status and that the 2027 budget will be filed with the DLGF in September or October of this year.

Mr. Brock stated the District is over budget with payment to CEG for sewage treatment and the current treatment rate is 800% of what it was in 2018.

Mr. Brock shared the cash balances as of August 31, 2026, and the Accounts receivable as of August 31, 2026.

Ms. Hess requested formal motions regarding the bond issuance. Mr. Heathco made a motion to approve the issuance of \$3.5M in bonds. Ms. Matthews second the motion and Mr. Buckingham was also in agreement. Motion passed.

Mr. Heathco made a motion to approve Baird as the underwriter for the Bond issuance. Ms. Matthews second the motion and Mr. Buckingham was also in agreement. Motion passed.

Mr. Heathco moved to approve Bose McKinney as bond council. Ms. Matthews second the motion and Mr. Buckingham was also in agreement. Motion passed.

Ms. Hess passed out the three (3) resolutions for the 2027 (the proposed budget, rate, and salary resolutions). The proposed 2027 Budget will be filed with the Indiana Gateway and the DLGF. Ms. Hess asked the Board to review provide preliminary approval for the Rate Resolution (including the attached rate tariff), Salary Resolution, and Budget Resolution for the 2027 Budget subject to comments from the public at the 2026 Public Hearing to be held at Ben Davis Christian Church on September 28, 2026 at 6:00 p.m. Mr. Heathco made a motion to preliminarily approve the Salary, Budget, and Rate Resolutions for 2027 subject to comments and concerns raised by freeholders at the public hearing on September 28, 2026. Mrs. Matthews seconded the motion and Mr. Buckingham was also in agreement. Motion passed.

Ms. Hess also stated she has reached out to Mr. Hux on several occasions via email and phone messages. Mr. Hux has not returned her calls or 5 emails. Ms. Hess provided documentation of the monies owed to the District via Cloverleaf in unfinished repairs and past due monthly sewer fees. Ms. Hess stated the next step would be for a lien to be filed on the property.

Ms. Hess stated she had reached out to Lisa Martinez regarding the property at 718 S Tibbs avenue and Ms. Martinez was not interested in the \$2,500.00 Right of First Refusal Agreement made to her from the District. Ms. Martinez is looking at November of 2026 as the timeframe in which she will begin considering or accepting offers for the property. The District will need a phase I and phase II survey as well as a ground contaminant inspection completed. The Board was reminded that the driveway is property of the District and is not a shared driveway. The Board could also obtain the property by eminent domain. Ms. Hess provided the Board and all advisors with a guide to bids and bonds with a table showing threshold amounts for different bid requirements and the bonds required based on the amount of the project.

Mr. Heathco passed out a colorful and informative newsletter he created to be proactive with the 2027 sewer rate increase. Mr. Heathco stated it was his intent to inform the freeholders prior to the increase in January of 2027 and to make every attempt to provide as much information as possible explaining why the increase must take place.

Ms. Kennedy completed the August Bank Rec for Chase and BNY. Ms. Wirth and Ms. Kennedy completed the minutes from the August 13th meeting. New security cameras were installed that will allow remote access for staff as well as additional property coverage. Ms. Kennedy has been working with Mr. Nathan McCord to ensure proper installation and working service for the new cameras. She worked with current and former property owners to update account information as needed. She processed refund for split parcels that we were billing the empty lot but not the home. Ms. Kennedy also coordinated final billing with title companies as homes prepare to close and worked with TeamLogic to transition file storage from the server to cloud already provided by Microsoft365.

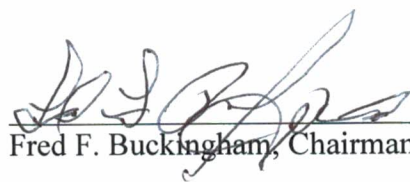
Ms. Wirth and Ms. Kennedy have continued inquiries into cloud-based software and recommend BS&A software to replace Boyce Keystone. Ms. Wirth and Ms. Kennedy spent several sessions via webinar with Zane Beaty regarding the conversion and potential to save the District time and money by combining all the services under one umbrella. Ms. Kennedy presented the costs and benefits of the two preferred vendors and recommended BS&A. Pending review by counsel, Mrs. Matthews made a motion to approve the contract. Mr. Heathco second the motion and Mr. Buckingham approved. The motion passed. BS&A contract approved pending review by counsel.

Ms. Kennedy is looking into expanding the District's current Level365 phone system and utilizing Voice Over IP to allow remote work and the elimination of work cellphone plans. Ms. Kennedy processed and filed liens on five hundred properties within the District. These will be certified on Fall 2026 property taxes per Erick Garnica with the Treasurer's Office.

Ms. Wirth updated the staff with 811 and added Ms. Kennedy as a contact for emergency calls. Ms. Wirth updated and provided Quality Suites with previous invoices for them to pay current and avoid a lien. Ms. Wirth sent Mr. Mowery an email about VS's IT department and helping the District. Ms. Kennedy followed up via email with Kyle and determined that VS runs through AT&T. Ms. Wirth finished working on the employee handbook with Ms. Kennedy for Mr. Heathco and still needs to sit and go over finalization for presentation in January to staff. Ms. Wirth spent time following up with Mr. Brock on the budget and preparing Mr. Brock to present to the board the final budget to be adopted on October 8, 2026, at the board meeting. Ms. Kennedy and Ms. Wirth met via teams with Ana Culey, Budget Director for the DLGF, to discuss the new 2.0 Budget system set up for Indiana Gateway. Ms. Wirth spent hours via phone and email with Eloise Bowling, attorney for the SBOA Special Taxing Districts, Municipalities and Conservancy Districts, all of which the District falls under an umbrella. She also spoke in detail with Eloise regarding HB 1859 Asset Management Plan and HB 1348 the new Grease Legislation along with Mrs. Hess and Berkley Ramsey from Joey Fox's office.

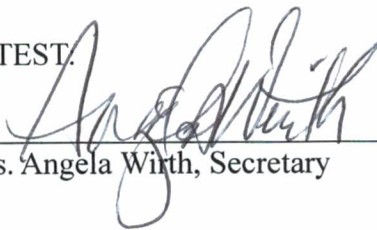
Ms. Wirth worked with Landquest Title Services to help finalize a property in the District that was sold. Ms. Wirth is also expecting the new sign ordered from Greenfield signs to be put in place of the old red sign in front of the 703 building this month. Ms. Wirth reached out to Alex Koltzar with ADT to cancel service with ADT as the new cameras have been installed. A larger monitor was installed to cover the viewing of the additional four cameras. Ms. Wirth also reached out to Officer Omari Stringer with IMPD Homeless initiative and Mr. Brad Bentley. The new cameras have revealed how significant the population is behind the District. Ms. Wirth worked on the Public Notice for the Public Hearing Scheduled to take place on Monday, September 28, 2026.

Ms. Wirth presented August 2026 Minutes. Mr. Buckingham made a motion to approve August 2026 Minutes, Mr. Heathco and Ms. Matthews agreed. Motion passed, August minutes approved. There being no further business to come before the Board currently, Mr. Buckingham motioned to adjourn the meeting. The meeting adjourned at 1:10 pm.

  
Fred F. Buckingham, Chairman

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Beverly A. Matthews, Vice Chairman

  
Ryan Heathco, Director

ATTEST.  
  
Mrs. Angela Wirth, Secretary

