

# Swan Creek Water District

Record of Proceeding  
March 22, 2018

The meeting began with The Pledge of Allegiance at 6:30 p.m.

Roll call attendance showed the following Board members present Shawn Albert, Dale Brunner, Mark Fowler, and Randy Walker. Also present were Tina Whalen, Office Manager, Tom Shelley, Inspector and Cindy Fowler, Office Assistant. Visitor list attached.

Lennox Mitchell, Trustee was unable to attend.

**Minutes approval from Regular Meeting on March 8, 2018- Motion** was made by Trustee Fowler, seconded by Trustee Brunner, to approve the regular meeting minutes from March 8, 2018.

Roll Call Vote: Albert, yes; Brunner, yes; Fowler, yes and Walker, yes. Motion Carried.

## Manager's Report

**Cash Summary by Fund** was given to the Board for review.

**Resolutions 2018-09 thru 2018-12** were reviewed and signed by the Board. Details of these resolutions are in the March 8, 2018 meeting minutes.

**Purchase Order** there were no purchase orders

**Office Cleaning** was discussed with the Board. Tiffany from the Township has agreed to clean the Township Building and the Township Trustees have agreed to have her clean twice a month at a cost of \$50.00 per cleaning. The Water Board agreed to assist in the cost. After further discussion.

**Resolution 2018-13** was motioned by Trustee Fowler, seconded by Trustee Walker to approve the expense of sharing the cost for cleaning the Township Building in the amount of \$50.00 per month. Roll Call Vote: Albert, yes; Brunner, yes; Fowler, yes and Walker, yes. Motion Carried.

## Treasurer's Report

**Bill Payments** - After Trustee Fowler reported that, he has gone over all the bills:

**Resolution 2018-14** was motioned by Trustee Fowler, seconded by Trustee Brunner to approve payment of the bills for \$1,144.28. Roll Call Vote: Albert, yes; Brunner, yes; Fowler, yes and Walker, yes. Motion Carried.

## **Allocation of Bulk Sales Revenue & Rates & Replenishing Emergency Maintenance Fund**

Trustee Fowler present some notes to the Board. They discussed allocating bulk sales revenue for loan payments on voluntary assessment projects and to use for new preliminary project planning.

Trustee Fowler said he would also like to get the Emergency Maintenance Fund back up to \$50,000 which would take transferring \$15,000 from the General Operating fund.

Trustee Fowler also reported that he and Tina need to review the 2018 Budget to see how much of the \$0.95 water rate increase needs to stay in General Operating Fund. They can then determine how much more can be allocated to the Capital Improvement Fund and possibly a preliminary project planning fund. After further discussion:

**Resolution 2018-15** was motioned by Trustee Fowler, seconded by Trustee Albert to transfer \$15,000.00 from the General Operating Fund (5101) to Emergency Maintenance Fund (5107). Roll Call Vote: Walker, yes; Albert, yes; Brunner, yes; and Fowler, yes. Motion Carried.

**Trailer Park Debt** was discussed by the Board. At this time Forrest Mobile Home Park has an outstanding debt of \$18,440.77. Their last payment was made in December 2017. Tina and Trustee Fowler have both spoke with the owner's multiple time regarding this matter. The Park Owners discovered that a residence had let their water run which caused a higher usage. The Park owners have stated that they will be making a payment soon. Trustee Fowler reviewed some of the account's history report with the Board. He has spoken with the District's Attorney regarding legal options. It was decided that Trustee Fowler would contact the Park owners and schedule a meeting as soon as possible to discuss setting up a payment plan along with the possibility of reading their meter every month, instead of every other month. He also discussed the option of setting up a Commercial Water Rate for the Mobile Home Park, or a small discount for paying on time, but only after this debt has been paid in full.

**Water Board Trustees' Report** – No other Board Member had anything new to report

**Inspector's Report** - Tom stated he had nothing new to report.

### **New Business**

Trustee Albert asked how many Meters and Regulators we had on hand. Tina reported that 12 or each have been recently ordered and received.

### **County Road 3 & EF West Project**

**Engineer Update** – Scott Lumbrezer, from Arcadis presented a Letter of Agreement for the Bid Phase of the project. After review and discussion:

**Resolution 2018-16** was motioned by Trustee Fowler, seconded by Trustee Brunner to accept, approve, and sign the letter of agreement from Arcadis for the bidding phase of the County Road 3 & EF West Project and to authorize the expense of \$9,700.00. Roll Call Vote: Walker, yes; Albert, yes; Fowler, yes; and Brunner, yes. Motion Carried.

Mr. Lumbrezer reviewed the planned time line as follows: 1) advertise for bids on Tuesday, March 27, and April 3, 2018; 2) open bids on Tuesday, April 10, 2018 at 10:00 a.m. here at the Township Hall; 3) Mr. Lumbrezer will take prepare the bid tab, take the bids and review them, and 4) present the bid tab and the lowest and best bid to the Board at their meeting on Thursday, April 12, 2018.

Trustee Albert asked about the project start date. Scott said the plan is 75 days from the Notice to Proceed. Trustee Albert stated he does not feel this size of a project needs 75 days. Trustee Albert does not want the Contractor to delay the start of this project and feels that 60 days is sufficient. Scott said he added an extra 15 days to the process to provide a time frame the Contractor can work with. The EPA permit is in the works, Tina said she will reach out to the EPA and check on the status. Scott has the County Highway Permit that needs to be signed by the Water Board President, Scott will scan a copy of the plans to the County.

**Resolution 2018-17** was motioned by Trustee Fowler, seconded by Trustee Albert to authorize the County Road 3 & EF West Project to be advertised for bid. Roll Call Vote: Walker, yes; Brunner, yes; Fowler, yes; and Albert, yes. Motion Carried.

**Easement(s) Status** – Mr. and Mrs. Aumiller attended the meeting and reviewed their Temporary and Permanent Easements with Scott before signing them. Tina has a call into the property owner for the other easements.

### **Unfinished Business**

**Review of Contingency Plan** - Tina reported she has spoken to Ziad Musallam, the Fulton County Sanitary Engineer, regarding Trustee Mitchells question on reviewing the Contingency Plan during a public meeting when it is not a public record document. It was suggested that the Board have a work session meeting 30 minutes prior to a regular meeting to review the contingency plan. It was decided to have a work session meeting on April 26, 2018 at 6:00 p.m. to start reviewing the Contingency Plan.

**Township Zoning Commission & Request for Possible Amendment** – Still in progress

**Public Forum** Trustee Brunner opened the floor to the public after stating that: DUE TO PENDING LITIGATION, THERE WILL BE NO DISCUSSION ON THE ROAD 3, EF & PEACEFUL VALLEY PROPOSED PROJECT. Records request can be submitted to the Swancreek Water District Office during normal office hours.

**Sharon Niedzwiecki** she would like to know from Shawn, since he is the pusher/leader of the project, she stated they sued on the first project because they didn't see a need, and did not want the cost. Sharon spoke about gathering signatures from the people that want out of the lawsuit, she spoke with the Truckor's neighbor, who said she has no knowledge of them needing water. Sharon said if she was adamantly against the water line, if she wanted to, she could sue again for lack of need.

Trustee Albert stated that his project was designed so that people that wanted the water could get it without assessing the people who do not want any part of it. Sharon stated she doesn't understand why the Board wants the water down there so bad. Trustee Albert stated the purpose of the Board is to provide water to people that need or want it., and he figured out a way. The people that want the water are paying for it, the people who don't want the water are not affected by it. Sharon said the next thing after water will go in will be sewers, and commented on how many chemicals go into the water.

Trustee Brunner stated her time was up and they could continue this conversation after the meeting. Both Trustee Albert and Sharon said they would like to speak after the meeting.

Sharon stated if the Shinaberry's, and Truckor's are the driving force and they really want the water, the Board should charge them each \$50,000.00 and everyone else less. If they want it, they will pay it. There is no need, it is a want. The Board pointed out this is her opinion and there are more factors involved.

**Jim Wagoner** asked what is the section number that allows the Board to do a voluntary assessment. Tina stated she did not know and does not understand why this is an issue when Mr. Wagoner himself signed the same waiver when the Road 2 Project went in. Mr. Wagoner asked if she could research it, Tina and the Board thought he was going to ask his Attorney, and suggested he do so. Mr. Wagoner stated he could not find anything in ORC. 6119 that deals with voluntary assessments.

Mr. Wagoner stated it sounds like more of a contractual thing between the property owners and the Board. Tina stated it is a Petition, Statement and Waiver. Where the property owner is waiving their right to a hearing to object to the assessment. Mr. Wagoner said it is an agreement between the property owners and the Board. Mr. Wagoner stated he would like a copy of it. Trustee Fowler stated that he has signed this for the Road 2 Project. Tina stated she has several waivers that Mr. Wagoner has signed.

Mr. Wagoner asked if this project goes like the Board would like it to go will they use this method for future projects. The Board responded that they do not know, they need to get thru this project first.

Mr. Wagoner asked what the figure is that would be under budget. Trustee Albert said he doesn't know the exact number at this time. Trustee Fowler stated when the bids come in they will be reviewed by the Board.

Mr. Wagoner pointed out that in the last meeting minutes under public forum he asked if the Board would be willing to take off the assessment on the non-taxable parcel, not taxable parcels as printed.

**Cindy Aumiller** asked what the assessment dollar amount was going to be. Trustee Fowler stated the Assessment at this point is only an estimate. Trustee Albert stated once the bids come in we be able to narrow down what the actual assessment is going to be. If the bids come in lower, the assessment will be lower.

Mrs. Aumiller stated that Sharon is more of the spokesperson, but she says a lot of us feel that this is being shoved down our throat. They don't intend to hook into the water, and asked about drilling a new well if something happens to their water. Trustee Albert said yes, you would be able to drill a new well. She said that was not her understanding. She said she didn't get a lot of information. She feels she should have got the same paperwork as everyone else. Tina said the paperwork that listed options went to everybody, which is what brought them here tonight. Being that they are in the Lawsuit, we were not able to send them the Waiver form, until they signed off the Lawsuit.

**Executive Session to discuss Pending Litigation**

At 7:54 p.m. Motion was made by Trustee Fowler, seconded by Trustee Brunner to go into Executive Session to discuss Pending Litigation. Roll Call Vote: Albert, yes; Brunner, yes; Fowler, yes and Walker, yes. Motion Carried.

At 8:05 p.m. Motion was made by Trustee Fowler, seconded by Trustee Albert to return to regular session. Roll Call Vote: Albert, yes; Brunner, yes; Fowler, yes and Walker, yes. Motion Carried.

**Adjournment** – At 8:06 p.m. Trustee Fowler moved to adjourn seconded by Trustee Albert. Motion Carried.

**Up Coming Meeting -**

The next two regular meetings are scheduled for Thursday, April 12<sup>th</sup> and April 26<sup>th</sup> at 6:30 p.m.

The Board will have a work session meeting on Thursday, April 26<sup>th</sup> at 6:00 p.m.

SWANCREEK WATER DISTRICT BOARD

\_\_\_\_\_  
Mark Fowler

\_\_\_\_\_  
Dale Brunner

\_\_\_\_\_  
Shawn Albert

\_\_\_\_\_  
Lennox Mitchell

\_\_\_\_\_  
Randy Walker, Water Board Secretary

ORIGINAL