

**ACRSD Board**  
**Meeting Minutes**  
**October 8, 2021**

**The following persons were present:**

Shannon Smitley, President  
Nate Rumschlag, Secretary  
Jim Franz, Board Member  
Steve Bailey, Board Member  
Barry Scherer, Superintendent  
Mark Burry, Attorney

**The following persons were absent:**

John Carroll, Board Member  
Don Bergdall, Board Member  
Dick Lambert, Board Member

**APPROVAL OF MINUTES**

MOTION TO APPROVE MINUTES MADE BY JIM FRANZ AND SECONDED BY STEVE BAILEY. Approved 4-0.

**APPROVAL OF CLAIMS**

MOTION TO APPROVE CLAIMS IN THE SUM OF \$13,793.14 MADE BY JIM FRANZ AND SECONDED BY STEVE BAILEY. Approved 4-0.

MOTION TO APPROVE PAYROLL CLAIMS IN THE SUM OF \$7,262.81 MADE BY STEVE BAILEY AND SECONDED BY JIM FRANZ. Approved 4-0.

MOTION TO APPROVE BANK RECONCILIATION MADE BY NATE RUMSCHLAG AND SECONDED BY JIM FRANZ. Approved 4-0.

MOTION TO APPROVE SRF CLAIMS IN THE SUM OF 450,401.00 MADE BY JIM FRANZ AND SECONDED BY STEVE BAILEY. Approved 4-0.

**DISTRICT SUPERINTENDENT REPORT**

Barry Scherer updates the Board as follows:

- Larry Oberley is leaving for vacation for 3 days (Thursday, Friday, Saturday of next week).

- Barry Scherer is leaving for vacation starting Saturday of next week and will be gone 1 week. While both Larry Oberley and Barry Scherer are gone on Saturday, the City will cover.
- Regarding continuing education hours: Larry Oberley is up-to-date, but Barry Scherer is not.
- Barry Scherer will be meeting with Carla from Cincinnati Insurance, Barry Scherer has asked Jim Franz to help him with coverage determination.
  - Discussion held regarding the Board needing to be added for liability.
    - Barry Scherer believes it will cost 10-11K for insurance per year.
- Barry Scherer met with Oakwood's residents the other night regarding Project 4. Jim Franz also was present.
- Manley Meats has inquired about becoming part of a project.
- Barry Scherer and Larry Oberley are trying to coordinate something regarding the grinders so they can receive information about the usage via a computer program.

#### Budget with Steve Bailey:

- Steve Bailey has prepared a budget for year 2022 and reviews the information with the Board. He notes Phase IV is not part of this budget.

MOTION TO APPROVE THE BUDGET MADE BY JIM FRANZ AND SECONDED BY NATE RUMSCHLAG. APPROVED 4-0.

- Steve Bailey continues discussion of the budget and the financial standing of the district. He reminds the Board that this system is on a cash basis accounting. The cushion is 10%.
- He also advises the Board that the budget includes Becky's office doing billing and bookkeeping work, though the district might decide to move this in house. It appears that this is the direction we are going.
- Nate Rumschlag suggests that we should wait until we get approval from SRF.
- Steve Bailey brings up that currently spending \$42K on booking, billing and administrative support. He asks if we have a person in house that would be a better resource for Barry Scherer and Larry Oberley, without impacting the budget, with the individual working 32-36 hours per week. This would

be an NE 5 county equivalent= 17.75/hour. Steve Bailey believes that Barry Scherer should talk to Becky Cochran and that maybe we will continue to utilize Becky Cochran's services for some things.

- Jim Franz expresses that this is going to be quite a district and it is inevitable to have someone in house to do stuff. Professional/CPA stuff might still need to be utilized. There is a responsibility to the District to utilize money and support for Barry Scherer and Larry Oberley.
- Nate Rumschlag would be in support of advertising once we know if we have the funding for project 4.
- The Board also discusses getting a job description finalized and presenting at the November meeting.
- Shannon indicates that he would like to see the new person start at the first of the year. Shannon would like to see this move faster. He would prefer that the board see an emailed job description and post it.

MOTION MADE TO ASK BARRY SCHERER TO WORK WITH COCHRAN CPA TO DISCUSS OPTIONS MOVING FORWARD WITH 2022, BECKY'S RESPONSIBILITIES, RE HIRING AND MAYBE WITH THEIR ASSISTANCE TO TRAIN, AND FOR BARRY SCHERER TO GET WITH THE HR DEPARTMENT IN THE COUNTY AND FINALIZE JOB DESCRIPTION AND DISTRIBUTE TO THE BOARD AND ASSUMING THAT NO ONE OBJECTS TO THE DESCRIPTION AND PUT AN AD TOGETHER AND AS LONG AS THE HR DIRECTOR, MARK BURRY AND BARRY SCHERER APPROVE THE DESCRIPTION THEN IT CAN BE POSTED MADE BY STEVE BAILEY AND SECONDED BY NATE RUMSCHLAG. Approved 4-0.

### **ENGINEER'S REPORT**

Ben Adams updates the Board on projects 2 and 3:

- Project 2: SRF still needs documents, we are waiting on NIRC.
- Project 3: Ben handed out current mapping progress.
- 3C-All residents have been asked to connect

Tomorrow is the deadline for 900 N Residents to connect.

The remainder of 3C's deadline is 1/1/22.

- 3A-Most of Linn Grove's work is complete
  - Got 2 more done yesterday, drill jobs to do, everything is wired in the lift station.
  - I&M will be there to put meter in the next week, City of Berne has offered to put water in the main to fill it up and as long as there are no leaks and the pressure test is good, maybe turn on the first of November, per Barry Scherer.
- 3B Preble is the least complete. Meetings have occurred and the engineers are on them every month. Flemings have their own issues with labor. Their completion deadline is Mid-November, they probably won't make it.
  - Nate Rumschlag indicates that if an extension is needed, we need to get explanation.
- Ben Adams was able to get update re SRF amounts, sitting in a really good position, he thinks we might have several hundred thousand dollars left to spend. Barry has a couple items that he might want. Trailer built up with a steam cleaner, small loader tractor with bucket and mower.
- Nate Rumschlag wants to know if the new shop roof can be repaired with SRF money. Ben Adams and Barry Scherer are not sure.
- Ben Adams will update everyone about the budget after the meeting.
- Project 4 – 3 areas are for sure. He was just approached by SRF yesterday about closing in March, he committed to those timelines. We did receive 5mil in the state moneys free and clear for the new project. He does think the SWIF award was the precursor. Need to accept the award, but not until we get the rest of the money.
  - Per Ben Adams and his conversation with SRF he told them we are In position to have design by the end of the year, permitting, bidding and close by the end of March.
- Steve Bailey wants to know why Allen County sold to the City, do we need to be aware of anything?
  - Ben Adams responds that it is, unique situation in Allen County.
- Jim Franz wants to know if we should always go for the free money if we don't have a target.

- Ben Adams says yes, but we won't be able to do big projects in the future because there won't be any to do.

### **DISTRICT ATTORNEY REPORT**

Mark Burry updates the Board on various matters:

- Project 3 – finances are good. We are submitting legal expenses for litigation to SRF for reimbursement.
- Information has been sent to Indiana finance authority about purchasing the new shop/building from the City. The more difficult thing is to make sure all the money is covered under SRF. Need to follow codes, including needing an appraisal unless certain situations apply. The IFA is supposed to get back with him Tuesday.

### **OTHER MATTERS PRESENTED**

Barry Scherer updates the Board about the award they received for working with the County.

Steve Bailey inquires about the federal lawsuit.

- Mark Burry updates the board as follows:
  - Mediation is set for December. A discussion was held yesterday with Barnes & Thornburg, & Opposing counsel.
  - Steve Bailey asks what is the least costly/aggravating way to get out of this case.
  - In the discussion yesterday a plan was proposed to have the health department inspect and determine the septic system they may use in lieu of connecting which includes an inspection by the Health Department to make sure they are complying. Basically, no water other than gray water in the house.
  - Jim Franz wants to know if we can make the Health Department be involved in the lawsuit.
  - Mark Burry advises that we did ask if the Health Department could be drawn in, but the Court didn't want to mandate this.
  - Steve Bailey indicates that ultimately there is a battle that needs fought but it shouldn't be us.

- Lew Seffernick talks about the ordinance of the Health Department indicates that they shall connect if property is within 300 feet from the line.
- Steve Bailey thinks we need to get out of the battle.

**PUBLIC COMMENTS**

Lew Seffernick questions that if the District is ahead money wise, can the residents like Mandy Brenner and her neighbor be connected

- Nate Rumschlag comments it is an option, we need to look at.
- Jim Franz also comments that we need to give it further consideration.
- Steve Bailey comments that he believes we have already vetted this. He is willing to support the prior decision.
- Lew Seffernick continues to argue. He is sure they were in the project originally and then removed.
- Mark Burry indicates that he will take a look at this via the record.

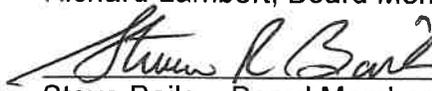
MOTION TO ADJOURN BY STEVE BAILEY AND SECONDED BY NATE RUMSCHLAG. APPROVED 4-0.

Minutes approved by:

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Shannon Smitley, Chairman

  
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Nate Rumschlag, Secretary

  
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Richard Lambert, Board Member

  
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Steve Bailey, Board Member

  
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John Carroll, Board Member

  
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