

**ACRSD Board**  
**Meeting Minutes**  
**April 6, 2022**

**The following persons were present:**

Shannon Smitley, Chairman  
Nate Rumschlag, Secretary  
Josh Zimmerman, Board Member  
Jim Franz, Board Member  
Steve Bailey, Board Member  
Dick Lambert, Board Member  
Barry Scherer, Superintendent  
Mark Burry, Attorney  
Brooke Hindenlang, Paralegal to Mark Burry

**The following persons were absent:**

John Carroll, Board Member

**Introduction Of Grant Agreements And Documents Necessary For Closing On Project 4 With Indiana Finance Authority**

Mark Burry presents to the Board the WAF Grant and Resolution 2022-5 in connection with the award by the Indiana Finance Authority.

- The 5 million will be split between SWIF and WAF.

MOTION TO APPROVE RESOLUTION 2022-5, APPROVING A FORM OF GRANT AGREEMENT IN CONNECTION WITH THE AWARD BY THE INDIANA FINANCE AUTHORITY OF A GRANT UNDER THE WATER INFRASTRUCTURE ASSISTANCE PROGRAM MADE BY JIM FRANZ AND SECONDED BY STEVE BAILEY. Approved 6-0.

Mark Burry presents to the Board the Subrecipient Agreement regarding the 1.5 million APRA funds that have already been approved, but the Agreement states that the District and the County will follow the terms and requirements.

MOTION TO AUTHORIZE CHAIRMAN TO ENTER INTO SUBRECIPIENT AGREEMENT MADE BY JIM FRANZ AND SECOND BY NATE RUMSCHLAG. Approved 6-0.

- Steve Baily inquires if there will be difficulties with the rules
  - Mark Burry explains that there are some procurement rules about bidding things. Mark Burry also advises that the funds are only going to be used for construction costs since those are competitively bid.

Mark Burry and Ben Adams present the Labor standards agreement (NIRCC) standards.

- Ben Adams explains that this is a requirement. NIRCC is the Agent for projects 2 and 3, and now 4. Basically, the projects are required to follow federal wage scale, make sure that all workers, contractors are on an approved governmental list. They have to verify that what contractors are paying their employees/sub-contractors is what was agreed upon and so on. Payroll has to be certified and many other documents have to be presented.
- Mark Burry explains that it is a condition of doing projects with federal funds.

MOTION TO APPROVE NIRCC AGREEMENT MADE BY STEVE BAILEY AND SECONDED BY NATE RUMSCHLAG. Approved 6-0.

Ben Adams and Mark Burry introduce the Suggested Form of Task Order from Commonwealth regarding Project 4; this is everything post bidding.

MOTION TO APPROVE THE AGREEMENT WITH COMMONWEALTH FOR \$386,800 MADE BY JIM FRANZ AND SECONDED BY STEVE BAILEY. Approved 6-0.

Mark Burry introduces the closing engagement agreements for services from the beginning to closing of Project 4:

- Barnes and Thornburg – \$32,000.00
- Baker Tilly – \$50,000.00
- MBB – \$50,000.00

MOTION TO APPROVE ENGAGEMENT AGREEMENTS MADE BY STEVE BAILEY AND SECOND BY JIM FRANZ. Approved 6-0.

Mark Burry updates the Board on the Federal Litigation matter:

- Mark Burry will mail out the proposed settlement agreement with the Amish. The District will approve a local exemption which will be called a contained sewage low flow exemption. If residents have an outhouse they can not have any indoor toilets or pressurized showers and all sewage must stay in a sealed vault, then they won't have to connect to the sewer system. Anything else is up to the health department.
- Discussion by various Board Members regarding inspections, gravity lines and pressurized systems held.
  - Mark Burry and Barry Scherer comment that this exemption will include a right of inspection by the health department or sewer department.
  - The Board will need to decide if it should include pressurized water for showers or only for sewer.

Mark Burry discusses the effects of HB 1245. He points out that it has to be a non-discharging system to qualify for an exemption.

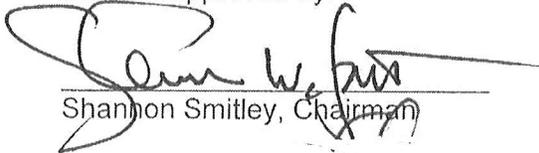
Barry Scherer wants to know if we can submit the Auditor's bill when we close with SRF.

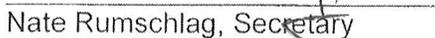
Shannon Smitley presents a recent committee meeting involving the EDU's. The White Rose has asked for a variation to the rate ordinance concerning the EDU's. The recommendation of the committee is that in the off season the White Rose should only be charged 93.30 and May through September the bill will be at the full rate based on the number of seats, but it will need to be reviewed again if they open year round.

- Steve Bailey and Jim Franz are concerned about the term seasonal.
- Mark Burry advises the Board to not decide today.
  - Nate Rumschlag asks if exceptions are made, will an amendment need to be made to the rate ordinance.
  - Mark Burry – Yes.
  - Shannon Smitley wonders if the District should ask Baker Tilly regarding the EDUs and the rate ordinance.
  - Suggestion also made to check with other Districts to find out how they handle this situation.
  - Barry Scherer also presents the Board with the situation at Prestress regarding their current facility set-up.
  - Steve Bailey suggests that the EDU's could be revised to consider the number of days that a business is used.

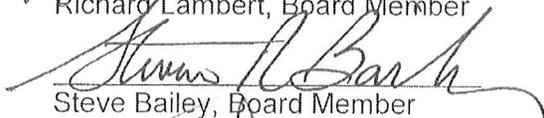
MOTION TO ADJOURN BY STEVE BAILEY AND SECONDED BY JIM FRANZ.  
APPROVED 6-0.

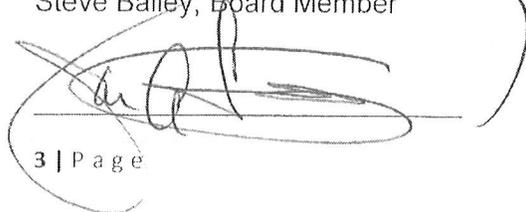
Minutes approved by:

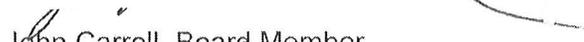
  
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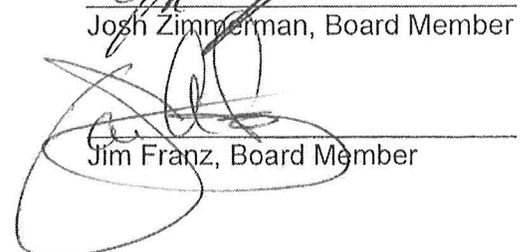
  
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