

Swan creek Water District

Record of Proceedings
Thursday, February 23, 2017

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

Roll call attendance showed the following Board members present: Dale Brunner, Mark Fowler, Walter Lange and Randy Walker. Also present were Tina Whalen, Office Manager and Cindy Fowler, Office Assistant. Visitor list attached.

Trustee Albert was out of town.

Minutes Approval from Regular Meeting on February 9, 2017- Motion was made by Trustee Lange, seconded by Trustee Fowler, to approve the meeting minutes from February 9, 2017. Roll Call Vote: Brunner, yes; Fowler, yes; Lange, yes; and Walker, yes. Motion Carried.

Manager's Report –

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

1st Half Assessments from County Auditor were received.

Resolution 2017-04 was reviewed and signed by the Board. Details of this resolution are in the February 9, 2017 meeting minutes.

Purchase Orders were reviewed and initialed by the Board.

Caine & Weiner- (Gibbons Debt Collection) Tina reported that after Caine & Weiner said they would not pursue collections that were under \$200 and needed a social security number, they sent the District a check in the amount of \$75.32. It appears they collect the \$150.64 that was due on the Gibbons past due account and kept half of it. The payment will be posted to the account and the other half will have to be written off. Cindy will check to see if the balance is still on the account...

Comparison of Budget and Appropriated Report was given to the board for review.

Pie Chart for General Operating Budget- was given to the board for review.

Treasurer's Report

Bill Payments – After Trustee Fowler reported that he has gone over all the bills:

Resolution 2017-05 was motioned by Trustee Fowler, Seconded by Trustee Lange to approve payment of the bills in the amount of \$2,239.81. Roll Call Vote: Brunner, yes; Fowler, yes; Lange, yes and Walker, yes. Motion Carried.

Scheduling an Audit Committee Meeting – An audit committee meeting needs to be scheduled for 2017. Tina will email Alan Raven to check his availability. Tina said she would rather not have it on a regular meeting day. Trustee Fowler asked Sharon Niedzwiecki if she was interested in being a part of the Audit Committee again this year, she said she was interested, but would not be available the last week in March.

Inspector's Report – Tom is on vacation and is expected back around March 8th.

Unfinished Business

Addendum to the Expired Agreement w/Village of Swanton and Fulton County is finally completed. The only changes that were made are names and terms of the agreement which now expires in 2023. Tina said that the District's Attorney, Bobbie O'Keefe has signed it and is sending the three (3) originals back to the District for Dale Brunner's signature. After further discussion:

Resolution 2017-06 was motioned by Trustee Lange, Seconded by Trustee Walker to approve and authorize Trustee Brunner to sign the Addendum to the Agreement between, Swancreek Water District, the Village of Swanton, and Fulton County for the Emergency Water Connection. Roll Call Vote: Brunner, yes; Fowler, yes; Lange, yes and Walker, yes. Motion Carried.

Discussion from February 17th Special Meeting was overviewed by Trustee Brunner and Trustee Lange. Focusing on an area(s) to study as well enlisting the help of Dennis Miller for well maps of the area and other information will prove very helpful. More detailed discussion will be had after the minutes are available.

New Business

Excessive Water Bill for 4350 County Road 1-2, (Mr. Gase) was discussed with the Board. The property flagged a leak which the customer found and fixed. His last water bill was \$496.22 and his average bill is \$92.50. Mr. Gase asked Tina if there was any relief that could be credited to him for the lost water. Tina stated she would present his situation to the Board. After further discussion and review of the following data:

Average Usage in gallons	8252
Residential Rate per 1000 gallons	\$11.21
Average Cost	\$92.50
Gallons Billed on 2/1/17	44266
Average Usage in gallons	8252
Excess usage from leak above average usage	36014
Bulk Hydrant Rate	\$7.31
Cost for Leak at Hydrant Rate	\$263.26
Average Cost	\$92.50
New bill	\$355.76

February 1, 2017 original bill	\$496.22
Revised Bill	\$355.76
Mr. Gase has paid the bill so his credit =	\$140.46

Resolution 2017-07 was made by Trustee Fowler, Seconded by Trustee Lange to approve a One Time Credit in the amount of \$140.45 to Mr. Gase's account for the excessive water bill at 4350 County Road 1-2. Roll Call Vote: Brunner, yes; Fowler, yes; Lange, yes and Walker, yes. Motion Carried.

RFQ (Request for Quote) for New Meter Reading Equipment was discussed with the Board. Tina reported that the equipment the district is using is out of date, and is in need of an upgrade. Repair parts are not available due to the age of the equipment and the GPS (Global

Positioning System) on the unit is not working. Tina will get quotes on new equipment and present it to the board for consideration.

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. There were no public questions or comments.

Jim Wagoner asked under the Payment Listing, why the Board has switched Attorney's from Spengler Nathanson P.L.L. to the other Attorney. It was explained to Mr. Wagoner that Carlile Patchen & Murphy LLP has been on the Payment Listing before, and they have used them or Bobbie O'Keefe (who works for Carlile Patchen) for many years. It was explained to Mr. Wagoner that due to the Lawsuit, the Board's Insurance Company told them to use Spengler Nathanson. Mr. Wagoner asked about Bobbie not doing the work that Spengler Nathanson started. Trustee Brunner stated that they cannot talk about the lawsuit. Mr. Wagoner said he was just talking about legal counsel, Trustee Brunner said they are for the water project under litigation. It was stated that Spengler Nathanson would never have been brought in if not for the lawsuit. They use Carlile Patchen because they are familiar with ORC. 6119. Mr. Wagoner said "It seems like we are changing horses in the middle of stream here, to bring in another set of attorneys in some vague manner, seems we should to stick with same attorneys". Mr. Wagoner said so the answer is: "it's too close to the litigation".

Sharon Niedzwiecki asked who, was it Spengler Nathanson who told the Board they cannot talk about the project at all and cannot even answer a simple question, it is somehow talking about the project?

It was stated to Sharon by the Board that they are not supposed to engage in discussion about the project by their Attorney.

Executive Session to discuss Pending Litigation- was not needed

Adjournment – At 7:10 p.m. Trustee Lange moved to adjourn seconded by Trustee Walker. Motion Carried.

Up Coming Meeting

Next two regular meetings are scheduled for Thursday, March 9, and March 23, 2017 at 6:30 p.m.

SWANCREEK WATER DISTRICT BOARD

Mark Fowler

Dale Brunner

Shawn Albert

Randy Walker

Walter Lange, Water Board Secretary