

**Cordry Sweetwater Conservancy District  
Board of Directors Meeting  
“Minutes”**

August 16, 2011, 7:00 PM, CSLOA Clubhouse

**Present:** Larry Kolar, Quinn Hetherington, Cheryl Boyle, Francis Gantner, Norman Noe, David Moebes, Dave Jarrett

**Absent:** None

**CSCD Attorney:** Roger Young

**Managers:** Vernon McGaha, John Collins

**Managers Absent:** Marty Anderson

**Guests:** Bob Sheldon, Kyle Risley, Margaret Bruce, JoAnn Hamilton, Rick Normington, Lanny Kossman, Stephen Rieman, Al Taylor, Frank Green, Dani Korson, Sandy Bridges, Mike Bridges, Neil Crum, Betsy Edwards

**A. Welcome and Pledge of Allegiance:** Mr. Kolar called the meeting to order at 7:01 PM.

**B. Agenda Modifications:**

**MOTION: MR. KOLAR MADE A MOTION TO ADD THE DISCUSSION TOPIC OF UNINSURED AND UNDERINSURED INSURANCE COVERAGE TO THE AGENDA UNDER “NEW BUSINESS”, SECONDED BY MR. MOEBES- MOTION CARRIED UNANIMOUSLY.**

**C. Freeholder Concerns:**

1. Harold McKean brought to the Board a concern regarding conflicting instructions on where he is permitted to park his boat next to his dock. Mr. Kolar stated that this topic will be addressed under the Building Commission section of the meeting.

**D. Approval of Minutes:**

1. July 19, 2011 CSCD Board Executive Meeting Minutes

**MOTION: MRS. BOYLE MADE A MOTION TO APPROVE THE JULY 19, 2011 CSCD BOARD EXECUTIVE MEETING MINUTES, SECONDED BY MR. HETHERINGTON- MOTION CARRIED UNANIMOUSLY.**

2. July 13, 2011 CSCD Board Executive Meeting Minutes

**MOTION: MRS. BOYLE MADE A MOTION TO APPROVE THE JULY 13, 2011 CSCD BOARD EXECUTIVE MEETING MINUTES, SECONDED BY MR. HETHERINGTON- MOTION CARRIED WITH 6 VOTES FOR AND 1 ABSTENTION.**

3. July 19, 2011 CSCD Board Meeting Minutes

**MOTION: MRS. BOYLE MADE A MOTION TO APPROVE THE JULY 19, 2011 CSCD BOARD MEETING MINUTES, SECONDED BY MR. NOE- MOTION CARRIED UNANIMOUSLY.**

**E. Management Reports:**

**1. Financial Manager: Marty Anderson**

- a. The financial report was read aloud by Betsy Edwards as Mrs. Anderson was absent due to medical leave.

**MOTION: MRS. BOYLE MADE A MOTION TO APPROVE THE FINANCIAL REPORT SUBJECT TO AUDIT, SECONDED BY MR. MOEBS- MOTION CARRIED UNANIMOUSLY.**

- b. The claims were reviewed by the Board members.

**Discussion:** Mr. Kolar asked if the gasoline in claim #603 was for all of the conservancy. Mr. Collins stated he was unsure whether it was. Mr. Moebis asked to eliminate claims #575 and #534 regarding portable unit rental until it is determined if these are duplicate payments or a duplicate payment for a CSLOA invoice. Mr. Collins stated he would investigate the matter. Mr. Moebis questioned what the status of the hydrant rental fees claim was. It was determined that the claim is waiting on the invoice from the Water Commission, which will be available at the next meeting. Mr. Hetherington asked if the unsold gasoline remains in the pumps during the winter season. Mr. Collins stated that it is removed from the pumps at the end of the summer season.

**MOTION: MR. MOEBS MADE A MOTION TO APPROVE THE CLAIMS WITH THE DELETION OF CLAIM #575 AND #534, SECONDED BY MR. HETHERINGTON- MOTION CARRIED UNANIMOUSLY.**

**2. Infrastructure Manager: John Collins**

- a. Mr. Collins stated that he had received a quote from Central Engineering and Construction Associates, Inc. for the repair of the Sweetwater Spillway for \$2,750.00.

**Discussion:** Mr. Collins had contacted SSI for a quote as well but did not receive one in return. The Board discussed waiting to approve the quote from Central Engineering and Construction Associates, Inc. until a quote from SSI is received. After input from Mr. Young, the Board decided to accept the quote already received and have the work completed during the current dry season.

**MOTION: MRS. BOYLE MADE A MOTION TO ACCEPT THE QUOTE FROM CENTRAL ENGINEERING AND CONSTRUCTION ASSOCIATES, INC. FOR THE SWEETWATER SPILLWAY**

**REPAIR AT A COST NOT TO EXCEED \$2,800.00, SECONDED BY MR. HETHERINGTON- MOTION CARRIED UNANIMOUSLY.**

**3. Security Manager: Vernon McGaha**

- a. The security report was read aloud by Mr. McGaha.
- b. Mr. McGaha presented quotes he had collected on a new vehicle. The quotes were \$26,946.40 for an Explorer not outfitted and \$31,345.00 for an Interceptor already outfitted with the exception of the top bar light.

**MOTION: MR. NOE MADE A MOTION TO ALLOW MR. MCGAHA TO SPEND UP TO \$31,345.00 AT HIS DISCRETION TO PURCHASE THE NEW VEHICLE, SECONDED BY MRS. BOYLE- MOTION CARRIED UNANIMOUSLY.**

- c. The officers are stepping up enforcement on speeding.
- d. Boat decals were revoked from Neil Crum, a freeholder, as a result of issuance of a third violation ticket. The Security Commission recommends charging Mr. Crum the full two year price to purchase new decals as a penalty.

**MOTION: MR. HETHERINGTON MADE A MOTION TO SUPPORT THE SECURITY COMMISSION'S RECOMMENDATIONS TO REINSTATE THE BOAT DECALS, SECONDED BY MR. NOE- MOTION FAILED TO CARRY WITH 3 VOTES FOR AND 4 VOTES AGAINST. ROLL CALL WAS AS FOLLOWS:**

**MR. NOE – NO**

**MR. MOEBS – NO**

**MR. GANTNER – YES**

**MR. HETHERINGTON – YES**

**MR. JARRETT – YES**

**MRS. BOYLE – NO**

**MR. KOLAR – NO**

**Discussion:** Mr. Hetherington confirmed that if Mr. Crum were to receive a third ticket again, his privileges would be revoked again and the Security Commission would likely not be as lenient. Mr. Moebs stated he felt that the recommendations by the Security Commission are too lenient. Mr. Noe agreed. Mr. McGaha stated that Mr. Crum lost decals for four boats. Bob Sheldon, Chairman of the Security Commission, stated that quorum did exist at the Security Commission meeting but the entire Commission was not present and, if he had been present, he would have voted against the recommendation.

- e. Mr. McGaha requested that the Board approve the purchase of four E-ticket readers and four printers for the security vehicles at a price not to exceed \$2,295.00. Each ticket would generate \$3.00 toward the training fund for officers.

**Discussion:** Discussion ensued regarding the benefits of the purchase. Mr. Moebs stated that there would be savings in delivery costs involved with delivering tickets to Nashville. Mr. Noe asked if this would speed up the ticketing process. Mr. McGaha responded affirmatively. Lanny

Rossman, a freeholder, questioned if the boat patrol may have E-readers and printers as well. A freeholder questioned the cost of ink cartridges for the printers.

**MOTION: MR. GANTNER MADE A MOTION TO APPROVE THE PURCHASE OF FOUR E-TICKET READERS AND FOUR PRINTERS AT A PRICE NOT TO EXCEED \$3,000.00, SECONDED BY MR. MOEBS- MOTION CARRIED UNANIMOUSLY.**

**F. Commission Reports:**

**1. Building- Mr. Jarrett**

- a. A property line dispute exists between Ms. Eakle and Mr. McKean regarding the issue of whether or not property lines extend into the lake.

**MOTION: MR. JARRETT MADE A MOTION TO SUPPLY INFORMATION ABOUT THE PROPERTY LINE DISPUTE BETWEEN EAKLE AND MCKEAN TO THE CSCD ATTORNEY FOR REVIEW AND GUIDANCE, SECONDED BY MRS. BOYLE- MOTION FAILED DUE TO WITHDRAWL BY MR. JARRETT.**

**Discussion:** Mr. Noe questioned why the district would utilize Mr. Young's services for a civil dispute. Mr. Gantner stated that the Conservancy owns the lake and controls the privileges of freeholders to utilize the lake(s). Ms. Eakle cited a case (Bristow vs. Charles and Joan Snyder) where it was ruled that property lines extended 15 feet into a lake. Mr. McKean hired a surveyor who examined the property lines from a drawing without completing a physical property line location. Mr. Young stated that his position would be to determine, based upon available facts, whether or not there has been a violation of CSCD rules and he cannot do this until the property lines have been physically located and staked. The Board recommended that Ms. Eakle have a staked survey completed. Mr. McKean stated he would not contribute to the payment for this. Both property owners pledged in good faith that once the survey is completed, they would attempt to resolve the situation peaceably. Mr. Collins asked if the district will now follow the ruling presented by Ms. Eakle in that property lines extend 15 feet into the lake(s). Mr. Young explained that that was a separate case and that the district will only follow CSCD rules.

**MR. JARRET WITHDREW HIS MOTION.**

- b. The Commission voted to ask the Board to approve a variance of approximately 10 feet for a carport to be built closer than the 35 feet setback for Mr. Davis on 6544 Warbler Drive.

**MOTION: MR. JARRETT MADE A MOTION TO APPROVE THE VARIANCE 6544 WARBLER DRIVE, SECONDED BY MRS. BOYLE- MOTION CARRIED WITH 6 VOTES FOR AND 1 VOTE AGAINST.**

**ROLL CALL WAS AS FOLLOWS:**

**MR. NOE – NO**

**MR. MOEBS – YES**

**MR. GANTNER – YES**

**MR. HETHERINGTON – YES**

**MR. KOLAR – YES**

**MR. JARRETT – YES**

**MRS. BOYLE – YES**

**Discussion:** Mr. Noe asked if there were any other locations for the carport on the property. Mr. Jarrett and Mr. Collins responded that there was not. Margaret Bruce confirmed that it is in line with other structures.

- c. Mr. Jarrett presented to the Board a list of 12 unkept properties. The condition of these properties is affecting property values, especially that of Steve Herald located at 7845 Centerlake Road. The Building Commission asked the Board to approve the distribution of letters by Mr. Young to the property owners.

**MOTION: MR. JARRETT MADE A MOTION TO DIRECT MR. YOUNG TO SEND LETTERS TO THE OWNERS OF THE UNKEPT PROPERTIES- MOTION FAILED DUE TO WITHDRAWAL BY MR. JARRETT.**

**Discussion:** Mr. Young recommended that, as the situation involves rule and code violations, it would be more appropriate for the CSCD Code Enforcement Officer to send letters first and Mr. Young would then send letters to those unresponsive to the CSCD Code Enforcement Officer. The Board came to the consensus that Dan Lee, the CSCD Code Enforcement Officer, would contact Mr. Young to draft a letter for Mr. Lee to send.

**MR. JARRET WITHDREW HIS MOTION.**

- d. The Commission asked the Board to appoint a steering committee to study any changes that may need to be made to the building covenants. The Board decided to wait to discuss this until the next meeting.
- e. The Commission is working on Resolution 2011-TBD-1 to present at the next meeting.

**2. Ecology-Mr. Kolar**

- a. The USACE disagreed with the wetland delineation report. The district can either respond to the letter within 30 days or withdraw the application temporarily while contacting a professional environmental consultant to assist with the process.

**MOTION: MR. KOLAR MADE A MOTION TO WITHDRAW THE APPLICATION AND PURSUE ASSISTANCE FROM AN ENVIRONMENTAL CONSULTANT WHILE CHECKING PRICES FOR AT LEAST THREE DIFFERENT CONSULTANTS, SECONDED BY MR. MOEBS- MOTION CARRIED UNANIMOUSLY.**

- b. Mr. Collins purchased herbicide and milfoil but was advised by the Ecology Commission not to treat with it. The Commission is asking that freeholders with weeding concerns take pictures and bring to the Commission Meeting(s).
- c. The structures are under construction.
- d. The Commission will be contacting an engineer to draw plans for repair and replacement of boat ramps.

- e. The Commission is waiting to hear back from REMC regarding proposed structures and maps for the Raptor Program.

**Discussion:** Mr. Noe stated that the weeds are the worst they have ever been in his cove and that he feels attending the Ecology Commission Meeting is cumbersome for freeholders with weeding concerns. Rick Normington stated that the Commission wants to approve what goes into the lake as they know what types of weeds were targeted and they can plan in the future according to the areas receiving the most complaints. Al Taylor stated that the Commission may have a special meeting this winter concerning weed control. Mr. Normington stated that the initial survey of weeds is completed in the Spring and that the weeds may need to be charted at full growth during the Summer/Fall.

**3. Security-Mr. Hetherington**

- a. The Commission investigated a boat appearing to carry water weight but confirmed it was not carrying ballast.
- b. The Commission presented selected dates for the 2011 Deer Reduction within the Conservancy. The dates are as follows:
  - Archery – 10/1, 10/2, 10/8, 10/9, 10/15, 10/16, 11/5, & 11/6
  - Firearms – 11/12, 11/13, 11/19, 11/20, 11/24, 11/25, 11/26, & 11/27
  - Muzzleloader – 12/3, 12/4, 12/10, 12/11, 12/17, & 12/18
  - Orientation 8/30 at 7:00 p.m.

**Discussion:** Mr. Kolar suggested that it would be prudent to review the dates and that the approval should be postponed to the next meeting. Mr. Noe explained that the suggested dates are the same as they have been in previous years (weekends in October, November, and December within the DNR established seasons with the exception of the weekend before and the weekend of the Haunted Forest) and that there is still an issue with the deer herd and the effects on the ecology within the Conservancy. There is a need for either more hunters or more dates and the state safety guidelines identifying the number of hunters allowed are already being followed. Mr. Noe also stated that the vote needed to be taken so that hunters could have the chance to plan and scout. Mr. Kolar stated that he understood the need for the reduction asked how many deer had been taken during previous hunts and when the DNR had last visited the Conservancy. Mr. Noe responded that Lt. Lee is at the Conservancy often and continues to recommend the reduction. Mr. Kolar suggested collecting a consensus of the freeholders. Mr. Hetherington stated that he felt the reduction was needed and the only complaints from freeholders he had received were regarding the dates in October.

**MOTION: MR. NOE MADE A MOTION TO APPROVE THE DATES RECOMMENDED BY THE SECURITY COMMISSION FOR THE 2011 DEER REDUCTION, SECONDED BY MRS. BOYLE- MOTIOON CARRIED WITH 4 VOTES FOR AND 3 VOTES AGAINST. ROLL CALL WAS AS FOLLOWS:**  
**MR. NOE – YES**  
**MR. MOEBS – YES**  
**MR. GANTNER – YES**  
**MR. HETHERINGTON – NO**  
**MR. KOLAR – NO**  
**MR. JARRETT – NO**

**MRS. BOYLE – YES**

- c. Mr. Hetherington stated that the CSCD Rule Book needs to be reviewed before the next boating season.

**Discussion:** Mr. Kolar suggested consolidating the rule books into one. A freeholder commented that the ecology of the area should be taken into consideration regardless of the boat size. Mr. Moebis stated that there are resolutions that are not in the CSCD Rule Book.

- d. The Commission is investigating an issue regarding the grandfathering of pontoon horsepower. A new home owner received a pontoon with horsepower higher than 100 when he/she bought the home and it is not clear whether this should be grandfathered or not.

**4. Roads-Mr. Noe**

- a. Mr. Noe stated that there was not a meeting held this month due to lack of quorum.
- b. A Conservancy Roads Department vehicle is in need of new tires. Taylorsville Tire has quoted the replacement of the tires at \$725.00.

**MOTION: MR. NOE MADE A MOTION TO APPROVE THE PURCHASE OF THE TIRES FROM TAYLORSVILLE TIRE AT A PRICE NOT TO EXCEED \$725.00, SECONDED BY MR. GANTNER- MOTION CARRIED UNANIMOUSLY.**

- c. The bed on the truck used to spread sand is in need of repair/replacement. Mr. Collins found that it was more expensive to replace than to purchase a new 2011 bed and bedliner.

**MOTION: MR. NOE MADE A MOTION TO APPROVE THE INSTALLATION OF THE NEW 2011 BED AND BEDLINER BY WEBB FOR A PRICE NOT TO EXCEED \$2,520.82, SECONDED BY MRS. BOYLE- MOTION CARRIED UNANIMOUSLY.**

**Discussion:** Mr. Kolar asked what the price to replace the bed with an identical bed would be. Mr. Collins responded that it would cost approximately \$3,000.00. Mr. Gantner asked if the rest of the truck was still in satisfactory condition. Mr. Collins responded affirmatively.

- d. The road pavers will be in the District at the end of the month. Mr. Collins is examining areas requiring patch.

**5. Water-Mrs. Boyle**

- a. Mrs. Boyle stated that there was not a meeting held this month due to lack of quorum.
- b. The Commission will present information regarding the hydrant rental fees at the next meeting.

**G. Brown County Solid Waste: Mr. Moebis**

1. The Director is investigating a merge of health insurance of the Brown County Solid Waste employees with that of the Brown County employees.
2. The Commission is investigating dumping and burning violations.
3. On October 29, 2011, from 8:00 a.m. to 12:00 p.m., the Brown County Solid Waste will be conducting a day of drug takeback, shredding, and possibly sharps collection.

**Status from CSCD Attorney: Mr. Young**

1. There has been no change in the Mercer case.
2. There has been no change in the septic inspection case. It is on stay pending the Klosinski suit. However, Mr. Young sent out letters to those not in compliance and he has received numerous responses.
3. The Klosinskis filed petition to transfer to the Indiana Supreme Court that was three days late. The District will use this tardiness as substantiation to request the court to dismiss the petition. Otherwise, the Supreme Court will consider it.

**H. Unfinished Business:**

1. Regarding liability insurance for the dam, Mr. Kolar stated that more coverage and a new carrier is currently being sought.
2. Regarding boat sticker revisions proposed by Mr. Young, the Board decided to delay discussion until the CSCD Rule Book is revised. Mr. Noe requested to be on the committee that recommends revision(s) of the CSCD Rule Book.
3. Regarding hydrant rental fees, Mrs. Boyle stated that she will be bringing more information to the next meeting.
4. Mr. Kolar read aloud the totals of each section of the proposed 2012 CSCD budget.
  - a. The district has asked for \$750,000.00 by property tax levy for 2012.
  - b. The non-binding review of the budget with the county will be held on August 18, 2011 at 6:30 P.M.

**I. New Business:**

1. Mr. Kolar stated the Brown County Interlocal Agreement was done in 1998. Upon review of the county vehicle insurance policy, Brown County officials determined that the county does not have an insurable interest in the police vehicles used by CSCD security officers. As it insures the vehicles, an insurable interest is needed. It was proposed that CSCD lease the vehicles to Brown County for approximately \$1.00 per year in order to obtain an insurable interest. Mr. Young and Kurt Young, the county attorney, are working to revise and update the Interlocal Agreement.

**Discussion:** Mr. Young stated that the main change in the Interlocal Agreement will be that, due to the lack of authority of the District to maintain a police force, the Brown County Sheriff will provide contracted security services to the CSCD and that the deputies will be the ultimate employees of the Brown County Sheriff. The District will not have authority to hire and fire, etc., deputies as the Brown County Sheriff will have the ultimate control of its employees. Mr. Moebs asked how this might change the deputy support of the lake(s). Mr. Young replied that this changes nothing in terms of the duties of the deputies. Mr. Jarrett asked, for clarification purposes only, if the District can contract with security companies for security services. Mr. Young replied affirmatively but stated that a security company would not have the arrest powers or the quality of training that the Brown County Sheriff deputies have.



2. Mr. Gantner is investigating whether uninsured/underinsured motorist coverage for the District can be rejected. It has been excluded in the past and the Board will need to decide whether the District wants to reject or elect the coverage, if it can be rejected.

**Discussion:** Mr. Gantner stated that the Board will want to consider the exposure involved, the deductible amount, and the comprehensive coverage possibly in force. The Board decided to request additional time from the insurance carrier in order to investigate and consider the coverage.

**J. Board Member Concerns:**

1. Mr. Hetherington stated that although the CSCD has control over the lakes, the CSCD will not want to become referees over property disputes.

**Discussion:** Mr. Noe stated that if there is no rule regarding where a freeholder can park a boat, he is unsure what would prevent him or her from parking in anyone's spot. Mr. Young stated that the Law of Nuisance may be a remedy. Mr. Hetherington explained that shorelines are curved as well so if one were to follow the 15 feet ruling, the property lines would cross in the water.

2. Mr. Moebs requested that an explanation be brought to the next meeting regarding differences in pay rate increases and why the office staff was switched from the comp time program to the flex time program. He also asked that the draft agenda be provided to the Board the Tuesday prior to the meeting with a deadline for changes at noon on Fridays. He stated he has some reasons to reconsider putting resolutions in the minutes. He suggested that both the measured length of the boat and the length listed on the title be recorded.
3. Mr. Kolar distributed a rough plan of the proposed office and maintenance building and asked Board members to review.

**Discussion:** Mr. Collins stated that he had never seen a maintenance building connected with a town hall or district office building. Mr. Noe requested that some possible locations be staked and that a special meeting be conducted regarding the new building.

4. Mr. Collins stated that there was an accident in the previous week involving a CSCD vehicle but there was no damage to the CSCD vehicle.
5. Mr. Jarrett asked Mr. Kolar how many hours per week the Chairperson spends on CSCD business. Mr. Kolar responded that he spends approximately 20 hours per week on CSCD business.
6. Mr. Noe stated that the Conservancy Act states that the Board Members will be paid an appropriate amount and that the amount the Board Members receive needs to be reviewed and updated.

**K. Adjourn:**

Mr. Gantner made a motion to adjourn the meeting at 10:11 pm, seconded by Mrs. Boyle-motion carried unanimously.

Respectfully submitted by Betsy Edwards.

Approved this 20<sup>th</sup> day of September, 2011, at Nineveh, IN

~~\_\_\_\_\_~~ ✓ Francis Santner  
Larry Kolar, Chairman      Aye Nay      Francis Gantner, Vice Chairman       Aye     Nay

David Moebs ✓ \_\_\_\_\_ Cheryl Boyle \_\_\_\_\_  
David Moebs      Aye Nay      Cheryl Boyle       Aye     Nay

Quinn Hetherington \_\_\_\_\_ Norman Noe ✓ \_\_\_\_\_  
Quinn Hetherington, Secretary      Aye Nay      Norman Noe      Aye     Nay

David A. Jarrett ✓ \_\_\_\_\_  
Dave Jarrett      Aye     Nay

Attest:  
Quinn Hetherington  
Quinn Hetherington, Secretary