

# **Lake Asbury Municipal Benefit District (LAMSBD)**

## **Meeting Minutes**

June 7, 2021

### **I. Call to order**

The Trustees of the Lake Asbury Municipal Service Benefit District (LAMSBD) met in the Lake Asbury Community Center, 282 Branscomb Road, on the above-stated date. Chairman McMillan called the meeting to order at 6:40p.m.

### **II. Roll call**

The following trustees were present: Chairman McMillan, Treasurer Kocher, and Trustees Weisenburger, Pickens, Barrett, Wantage, and Davis – a quorum of seven. Staff present: District Engineers Laura and John Mahoney (TOCOI Engineering), District Accountant Tom Hallquest. District Attorney Wayne Flowers. Vice Chair Gaver was not present.

### **III. Administrative Announcement**

Chair McMillian asked the audience to please refrain from talking during the meeting as the meeting is being recorded. Please wait for new business to ask their questions.

Mary Ann Magers from the Auditor's General Office was introduced she announced that the Budget for the Fiscal Audit for 2021-2022 was completed, she meet with Treasurer Kocher and CPA Hallquest today and there were no major changes made to the report.

### **IV. Approval of Minutes**

**Trustee Pickens made a motion to approve the April 30, 2021 Special Minutes. Trustee Barrett seconded the motion. Carried 7-0.**

**Trustee Pickens made a motion to approve the May 3, 2021 meeting minutes. Trustee Barrett seconded the motion. Carried 7-0.**

**Trustee Pickens made a motion to approve the May 17, 2021 Special Meeting minutes. Trustee Barrett seconded the motion. Carried 7-0.**

### **V. Treasurers Report**

a) **Trustee Weisenburger made a motion to approve the Treasurers Report for April. Trustee Pickens seconded the motion. Carried 6-1.**

b) **Treasurer Kocher made a motion to approve checks 3663 thru 3673. Trustee Weisenburger seconded the motion. Carried 6-1.**

c) Trustee Pickens asked about the brushwork removal. There is still brush growing on South Lake Asbury spillway. Most of the work has been completed. **Chair McMillian made a motion to approve two checks for Forrest Groundworks and as the work was completed. Trustee Barrett seconded the motion. Carried 7-0.**

d) Draft budget for 2021/2022 was reviewed and will be put on the LAMSDB website prior to July 12<sup>th</sup> meeting to be approved. **Motion was made by Chair McMillian to approve the 2021/2022 draft budget. Seconded by Trustee Weisenburger. Carried 7-0.**

CPA Hallquest requested TOCOI Engineering to give an estimate from June to September of work that is required to be completed. TOCOI Engineering stated that any decisions the board makes on repairs during this time frame will have to be included in the estimate. TOCOI provided an estimate to Hallquest later in the meeting.

Treasurer Kocher asked if the 3 additional piezometers had been installed to monitor possible piping in the South Dam. TOCOI Engineering stated that the board had decided not to put the monies into additional testing and preferred to put the funds into work to improve the dam. All dams leak to some extent; however, there is no evidence at the outfall pipes that material is eroding from piping through the dam. TocoI does not see evidence of an emergency at this time.

Treasurer Kocher requested that a maintenance plan be prepared by TOCOI Engineering. He added an additional \$50,000 to the budget for that purpose. All board members agree to having maintenance plan and the funds can always be moved around as needed. TocoI Engineering suggested \$53,000 for each dam's maintenance plans.

Tim Ley needs a dock constructed close to the valve at Lake Ryan as he does not have a 24' ladder to reach it from the shoreline. A pontoon boat could work for him. He already has the equipment to fix the valve if it is found to be broken.

Trustee Pickens ask about fixing Lake Ryan valve before the DEP arrives. Tom can add an estimate to fix Lake Ryan and it can be revised before the final CIP Budge is posted. Treasurer requested TocoI Engineering to update the 5-year plan to a 10-year plan.

**Chair McMillian made a motion to allocate a maximum of \$20,000 for possible repair to Lake Ryan. Seconded by Trustee Wantage – Carried 7-0.**

Increase of assessment referendum resolution #21-01 to increase the assessment in the amount of \$1800 making it a total of \$2400. Board determines in July if you can decrease it as long as the debt is paid in full. A 10-year loan minimum is needed. The majority of residents that attended the last two meetings agreed to increase the assessment.

TOCOI Engineering will perform a quarterly inspection of the Piezometer, this is in their scope of work. They requested an itemized list of what LAMSDB requires. Trustee Davis disagrees regarding Engineer John Mahoney statement that the West Valve had a reduction in water flow when the intake pipe was blocked by Lewis Diving.

Trustee Barrett asked if LAMSDB could go to the county for help; as they have promised to help in the past. It is in writing and wants to hold them accountable. Due to the time restraints, there is no time to go to the county. Due to the conditions of the dams and potential loss of life the State wants the dams to be under control now stated TOCOI Engineering.

Trustee Kocher stated the CIP does not cover inflation and will be posted to LAMSDB's website within the next two days.

Trustee Barret requested \$2,000 to 3,000 to hire someone to cleanup Hazelwood Hole as is it littered with trash.

Laura Mahoney will assist Trustee Wantage in seeking grant money.

#### VI. Staff Reports

- a) **District Engineer:** Siphoned System – Engineering Lining Systems provided an estimate of \$17,975 to perform the siphon work in the North Dam. They were the contractor that prepared the video of the outfall pipes of North Lake. If the contract is approved it will take 2 weeks to get the material. Jeff’s Excavating also gave a quote of \$18,100.
  - (i) A SJRWMD emergency permit is required for the siphoned system. The application takes 24 to 48 hours to process once submitted and is good for 90 days. It can be extended. Laura will obtain the price for the permit and email everyone. We also need a written agreement with resident Don Wright to access his property. **Trustee Weisenburger made a motion to give Chair McMillian the authority to review the contract that Attorney Flower will create to will allow us to get the siphon system put in as quickly as possible with the best price as recommended by our engineers which is Engineered Lining Systems. Seconded by Trustee Barrett. Trustee Davis dissented. Carried 6-1.**
  - (ii) Trustee Pickens requested video from Engineered Lining, Laura said she will provide it.
  - (iii) John will call Tim Ley and setup a date to repair the Lake Ryan valve, this will involve a drawdown of Lake Asbury to keep the pipe free of water for the repairs. When a date is set, they will inform the District Secretary to be put on the marquee and the website.
- b) **District Attorney: None**
- c) **District Accountant: None**
- d) **District Secretary: None**

#### VII. Trustee Report

- a) **Chair:**
- b) **Vice Chair:** – No Report
- c) **Trustees:** - Trustee Wantage has 5 grants that LAMSDB can apply for. Some of them are cost sharing grants and others are full grants. Most of the grants require the permits to be in place before applying for them. Trustee Wantage is requesting a committee to help in applying for the grants. Motion for Trustee Wantage to-form a sub-committee to work grants to be bought back to the board made by Trustee Barrett. Seconded Trustee Weisenburger. Carried 7-0.

#### VIII Unfinished Business

#### IX. New Business:

- (i) Resident – Steve Rizzo of 1033 Lake Asbury Drive thanked the board and asked how long would the increase last before returning to the \$600 a year and will vote no if no end in sight you and you will not get support.

- (ii) Resident Mike Worley of 1319 Lake Asbury Drive no questions just want to thank the board for their service. Asking if there could be a grandfather clause for residents. If assessment is raised can't afford to live here and they will have to sell their property.
- (iii) Resident John Bentley of 1005 Arthur Moore Drive stated you have to come to meetings to understand that the assessment needs to be voted on and if not, the lakes will be lost.
- (iv) Resident Lee Goodnight 614 Branscomb Road the proposed assessment is a heavy lift and that residents who cannot access the lake from their property have to pay the full assessment. They should not suffer because LAMSDB & Clay County have failed to get the situation under control. Why can you not obtain a 30-year loan? Chair response was Bank usually will only give 10 possibly 15-year term loans.
- (iv) Resident Renee Dobson of 122 Wesley thanks the board and the amount is not feasible. Nine years ago, it was raised to \$600 and had projects ear marked. Take longer to raise the money and not increase the assessment so high does not feel it will get approved.
- (v) Resident Verlin Peacock of 506 Lake Asbury Drive, if we do not repair the dams will the roads over the dams be damaged? Chair response was yes. Why are we not going after the residents that don't live on the water as we are maintaining the dam? Chair does not disagree but what does the resident get in return when we ask them to pay to go over the dam. It has been discussed in the past that the ranchettes are not allowed to use the lakes. The county basically owns the road and are in charge of them.
- (vi) Meeting Attendee Dave Carpenter agreed with 506 Lake Asbury, asked about the grants and not raising the assessment. Chair's response was the state wants action now and grants applications take a long period and residents have to pay up front in order to be reimbursed.
- (vii) Resident Cindy Rankin of 959 Arthur Moore Drive lives on finger where spring collapsed. When bought 2 years ago the previous owners said it was going to be taken care of. She is paying for waterfront property and it is all dirt and is still waiting for it to be done.
- (viii) Resident Diane Poidevant of 548 Lake Asbury Drive needs clarification on the amount of the assessment. Chair's response was that the increase is \$1800 making a total of \$2400.
- (ix) Resident Dawn Vitellaro of 190 Wesley Road left early.
- (x) Resident Gary Hutson of 1327 Lake Asbury Drive new resident does not want to lose the lake. Losing the lakes is way worse than the\$2400.

**X. Adjournment:**

Chairman McMillian adjourned the meeting at 9:40 P.M.

*Minutes prepared by:* \_\_\_\_\_

*District Secretary Nel Meyer*

Mark McMillian, Chairman, LAMSBD

Date