

**THE SEWER BOARD OF THE CIVIL CITY OF NEW ALBANY, INDIANA,
WILL BE HELD IN THE THIRD FLOOR ASSEMBLY ROOM OF THE CITY-
COUNTY BUILDING ON THURSDAY, OCTOBER 28, 2010 AT 9:00 A.M.**

PRESENT: Roger Harbison, Gary Brinkworth, Ed Wilkinson, Tim Marinaro, Rob Sartell, Wes Christmas, Kelly Welsh, Greg Fifer, and Mindy Milburn

CALL TO ORDER:

Mr. Harbison called the meeting to order at 9:00 a.m.

PLEDGE OF ALLEGIANCE:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Wilkinson moved to approve the October 14th meeting minutes as amended, Mr. Brinkworth second all voted in favor.

BIDS:

Mr. Marinaro presented a quote from Grip for a flow monitor for pre I&I removal flow data at Basin 4 in the amount of \$2,234.40 which includes the purchase of a sensor.

Mr. Christmas stated that they need to do this.

Mr. Brinkworth moved to approve, Mr. Wilkinson second, all voted in favor

COMMUNICATIONS - PUBLIC:

John Erbele addressed the board and explained that he had sent out a request for an adjustment for his waste water bill. He stated that he has lived in Floyd County for about thirty years and this is the first time that he has turned on his irrigation system in years and 90% of the water that was used was used to take care of his lawn and landscaping and he presented the board with photos of his property. He explained that since then Silver Creek Water Co told him that he had to have another meter installed and it would take care of the problem but he received a \$500.00 water bill when it is normally around \$50.00 and he is asking for some reprieve from the board.

There was a lengthy discussion to revise the wording in the ordinance to address these issues so that they have the same answer for each customer.

Mr. Brinkworth moved to adjust for the rate increase of 20% then make the adjustment for his bill and to adjust the bill for the next month if needed, Mr. Wilkinson second, all voted in favor.

Maurice King addressed the board regarding the watering program and to request and adjustment on his bill. He stated that his water bill increased \$30 because they discontinued the summer watering program one month earlier than in previous years and now they are hearing that there is an ordinance that addressed this issue but there are a lot of people that were on the summer watering program that need the same consideration that the just gave Mr. Erbele. He stated that this is an appointed board that the constituents can't hold accountable and he doesn't understand how they can change an ordinance without going to the City Council to make changes where the citizens can have a say in the changes.

Mr. Fifer stated that under Indiana Law regarding how rates are to be established has two avenues one of which can be tied to water usage. He stated that New Albany has

historically tied it to water usage but the summer watering program is not addressed in state statute. He stated that he doesn't know the workable answer for Mr. King but the authority to establish and change this program lies with the Sewer Board.

Mr. King stated that he would like to see this in writing that the authority lies with the sewer board and he would like to request an adjustment for his bill.

Mr. Brinkworth stated that this was passed several months ago and it was advertised in the paper. He explained that they moved the summer watering months because they felt like it would benefit more customers and they did away with the fifth month because the city is in an economic crisis. He stated that they did give ample notice of the changes to the public and the bills stated when it starts and with it ends.

Mr. King stated that he understands what they are saying but it doesn't mesh with historical facts and actions. He stated that he scans the paper on a regular basis and never saw anything regarding this change in the program and he doesn't understand how they can make adjustments for one person and not for the rest of the customers some of which may not watch their billing or notice these changes.

Mr. Brinkworth stated that he got a credit in May when he wasn't expecting one and that balances out with the month that he didn't receive one. He stated that they made the decision to change the watering program and whether it is the right decision or not they are going to stand by that decision.

Sonny Sprigler explained that he requested an adjustment and Ms. Welsh was doing some research for him and he wanted to know the outcome of that.

Ms. Welsh stated that he was at the last meeting and stated that he had a leak at one of his buildings and she did some research on this property. She read a letter from IN-AWC explaining that they had several meters that were reading incorrectly and they had to change them out and she checked Mr. Sprigler's usage and at the moment that he received the large bill and it wasn't at the time he had the leak but he was under billed by IN-AWC because of the meter so he was backed billed for all the months that the readings were wrong. She stated that he may have had a leak but the cubic feet he was charged for was for a back bill from IN-AWC and this was out of their control.

Mr. Fifer stated that in the past when something like this has happened they let the individual set up a payment plan.

Terry Bowen addressed the board and stated that he is here to submit a tort claim in because the city had a blockage and they weren't able to clean it out and the sewage went into his home. He explained that he got printouts from EMC showing the blockage and discussed what happened at that property. He presented the board with estimates of the damages, photos, receipts from items lost as well as the paperwork from EMC.

Rob Sartell stated that he just found out about his yesterday and asked Scott Wilkinson

Scott Wilkinson collections supervisor for NA Sanitary sewer and when someone calls in a blockage they go out to assess the situation. He stated that the blockage in question was relieved within 2 hours after the initial call came in and what seems to happen is that they broke loose a grease ball right near his tap which caused it to back up into his system but it could have been that there was already a blockage in his system and that is why it wasn't able to release back out. He stated that they can tell them when the blockage was called in and when it was relieved but they can't say what happened in his home.

Mr. Fifer asked if they were able to clear the blockage by shooting upstream.

Mr. Wilkinson stated that they did and they took all steps necessary to prevent any backup from going into anyone's system. He stated that had they not relieved the blockage his home would not have been affected but all the homes upstream would have been.

Mr. Bowen stated that they clean their lines twice a year and he was told by an employee that they shot the system and it didn't clear it and it took 4 days to fix the issue not two hours.

There was a lengthy discussion regarding how the problem was identified and addressed at the time of this incident.

Mr. Sartell asked what Basin this was.

Mr. Wilkinson stated that it was Basin 35 and explained that through TVing it appeared that there was some tree roots coming out of the lateral but the camera angle prevents him from saying for sure.

Mr. Bowen stated that he is asking for personal damages of around \$15,000.00

Mr. Fifer explained the tort claim process and timing required.

Mr. Bowen stated that he turned in everything that was requested of him.

Mr. Fifer stated that the city has insurance coverage that includes the sewer utility with a deductible of \$25,000.00 and since this is over \$25,000.00 he would recommend that they file this with the cities insurance. He stated that generally if they do not find that they city is negligent in their actions they will deny the request but he will have a recourse to bring this back to the board but since they have insurance they would have to refer this to them first.

Mr. Bowen explained that this is only for his personal items totally approximately \$15,000.00 which he has receipts for.

Mr. Brinkworth asked for the employee's names that he spoke with.

Mr. Fifer stated that they are not out of the woodwork yet on the \$9,000.00 with recourse from his insurance company but he needs to take the photos to Mr. Gibson for an adjuster to make his own appraisal. He stated that State Board of Accounts they will have to show a valid basis of fact to pay any amount even if they do agree that the fault lies with the city they will have to have this information.

Mr. Harbison made the recommendation to send the tort claim to the city and then continue to evaluate this situation as they get the information, Mr. Brinkworth second, all voted in favor.

COMMUNICATIONS - CITY OFFICIALS

Mrs. Garry stated that all the claims are paid except for 2 months of EMC but there is a possibility that she can get one of those paid on Wednesday.

Steve Price addressed the board and stated the city council is getting calls about the summer watering program and they are all very concerned about this situation. He stated that he understands this board is doing everything they can to save money and lower their deficit. He suggested that they get deposits for utilities so that they don't have unpaid bills and to make sure the liens are done in a timely fashion because they are getting reports from the state that there are some that are not getting filed in a timely manner.

Karen Basham with McCauley Nicolas went over the August financial statements with the board. The report is on file with the City Clerk's office. She stated that if there are any questions or any more information they can provide for the budgets they would be happy to help.

Mrs. Garry stated that have made two bond payments for 2010. She stated that the September statements will be a little later because the office has been short staffed.

SEWER ADJUSTMENTS:

Janus Development requested an adjustment in the amount of \$813.96 for a broken line that was repaired and they provided documentation that the water did not go into the system.

Mr. Harbison moved to approve the adjustment, Mr. Brinkworth second, all voted in favor

Delores Every requested an adjustment in the amount of \$558.00 for the extra watering from the summer watering program and this adjustment will take them back to the summer watering average.

Mr. Brinkworth moved to approve the adjustment, Mr. Harbison second, all voted in favor

Mr. & Mrs. Schraer requested an adjustment in the amount of \$799.80 for the extra month from the summer watering program and this adjustment would bring them back to their summer watering average.

Mr. Brinkworth moved to approve the adjustment, Mr. Harbison second, all voted in favor

Jack Gable requested an adjustment in the amount of \$585.90 for water used during lawn reconstruction and this adjustment would take them back to their summer watering average.

Mr. Brinkworth moved to approve the adjustment, Mr. Harbison second, all voted in favor

Mrs. Welsh gave a copy of all adjustments that were done in house that were under \$500.00. She stated that there have been some ownership changes that she has included as well. She provided them with a printout of the Silver Creek and IN-AWC billing for informational purposes.

NEW BUSINESS:

Item #1 - Todd Solomon with GRW Engineers

Mr. Brad Montgomery VP addressed the board and gave some background information on GRW and their history with the City of New Albany. He stated that their most recent expansion includes an office inside the city.

Mr. Solomon stated that he works in the New Albany office and explained that they are very experienced in Consent Degrees and they have a full mapping program. He stated that they work closely with their clients and take a unique approach to customer service. The explained that they provide a monthly update to the sewer board and their philosophy is that they same staff should work on the project until its completed. He gave background information on himself explaining that he is a resident of New Albany, a

former Sewer Board member, and his is familiar with the New Albany system so they could hit ground running on any projects. He stated that they are not here to supplant current engineer but to supplement the work they are already doing.

Item #2 - Mr. Fifer re: Summer Watering Program Policy

Mr. Fifer asked to put this on the next agenda.

Rob Sartell stated that the green Aquatech pump is out and the company is denying that they were told to service and their insurance refused to cover it. He explained that the truck is 7 years old and it will cost about \$15,000.00 to replace and he wants to know if the board wants to take any action with the company or move forward to fix it.

Mr. Fifer asked how long they had their hands on it and if they have record of how many times it has went in for service.

Mr. Sartell stated that they have invoices.

Mr. Fifer asked when they were first told it needed to be serviced.

Mr. Scott Wilkinson explained that they went through the service manuals on these trucks before they started using the vendor and this particular item that failed was supposed to be being greased and it was not but it did last past the expectancy of the truck. He explained that the cylinder ceased to work and caused the pump to fail but they can't say that grease would have affected that outcome because they have already gotten the life expectancy out of the truck. He stated that they currently have another truck running but this is the first Aquatech truck they have had and it has been a good truck. He stated that it is his intent to send the truck up to be evaluated if they are going to fix the truck.

Mr. Fifer stated that he would like to hear their opinion as to whether or not the lack of service had an impact.

Mr. Sartell stated that the \$15,000.00 isn't a bad investment on this truck if they plan to use it anywhere else.

Mr. Wilkinson stated that he would expect to get 2 more years out of this truck if it is fixed.

Mr. Harbison asked to get the evaluation before they finalize their decision

Mr. Sartell stated that he had an invoice from AUS and wanted to know if they were going to stick with the \$2500.00 but the billing did look reasonable once it was explained to him.

Mr. Brinkworth moved to approve paying the balance on the claim, **Mr. Harbison** second, all voted in favor.

OLD BUSINESS:

Item #1 - Clark Dietz Update

Mr. Christmas gave a brief update on the status on the capital projects to be bid in December 2010. He stated that he had received final written approval from SRF of all the PERs including environmental assessment. He stated that minor comments received from environmental assessment will not affect the design/bid schedule of the projects to be bid in 2010. He explained that the Jacobs's creek project schedule could be affected

due to potential bat roosting conflicts, but the project schedule has not been finalized at this time. He stated that the contract documents for projects to be bid in 2010 will be completed in the next 2 weeks and will be advertised for bid opening Dec 9th and at this time all projects to be bid in 2010 are going according to schedule for bidding. He explained CDI attended meeting with John Rosenbarger, Carl Malysz, and BLA and it was agreed to keep same alignment as existing sewer and CDI will move forward as soon as preliminary design plans for McDonald Lane reconstruction are received from BLA. He stated that the estimated equipment costs for lining and rehabilitation will be forwarded to the Board.

Item #2 - Tim Marinaro re: Draft Non-Usage Ordinance

Mr. Sartell presented the most updated non usage agreement with all the changes from Mr. Wilkinson and Harbison and explained that they will email the final version to all the members.

Mr. Marinaro explained that Automotive Quarterly are requesting credits on cooling tower from May in 2010 and was asked to write a letter by Mr. Fifer in response to their request but wants to know if they are going to allow the credit from May until now.

Mr. Fifer asked if he could work with Ms. Welsh and bring a total to the next meeting for consideration.

CLAIMS

Mr. Marinaro presented the October 28th claims as follows:

VENDOR	INVOICE DATE	ITEM	INVOICE	COST (\$)
EMC/Indiana American Water	10/15/2010	EMC Interest on unpaid invoices	20017263	2,489.11
Verizon Wireless	10/9/2010	Cell Phone	247072355	80.53
New Albany Municipal Utilities	10/14/2010	Old Ford LS	40063700	12.51
New Albany Municipal Utilities	10/14/2010	Basin 14 LS - Scott Rd	40050100	150.12
New Albany Municipal Utilities	10/14/2010	38 W 10th St	402383000	875.70
Oct 28, 2010 Sewer Board Meeting		SUB TOTAL		3,607.97

Mr. Harbison moved to approve, Mr. Brinkworth second, all voted in favor

ADJOURN:

There being no further business before the board, the meeting adjourned at 10: a.m.

Roger Harbison, President

Mindy Milburn, Deputy City Clerk