

**AGENDA**

**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, NOVEMBER 10, 2010 AT 9:00 A.M.**

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

**CALL TO ORDER:**

**Mr. Harbison called the meeting to order at 9:02 a.m.**

**PLEDGE OF ALLEGIANCE:**

**APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:**

**Mr. Brinkworth moved to approve the October 28<sup>th</sup> meeting minutes as amended, Mr. Wilkinson second, all voted in favor**

**BIDS:**

**COMMUNICATIONS - PUBLIC:**

**Steve Smith** addressed the board regarding two new constructions at 607 & 609 Elm Street through the Mid Town Renaissance Program. He stated that they bid these a few months ago and called in to check on sewer taps and were told they wouldn't have to pay a sewer tap but when he called in to get the permits he was told that he would have to pay the taps. He stated that he would like to get some clarification on what the actual policy is on this.

**Mr. Fifer** stated that they went through the same think with Linden Meadows and the council has an ordinance that says that the tap is good for a year and if a new structure is built they won't have to pay a tap fee but if it sets there for more than a year that tap is no longer usable and they have pay a connection fee. He stated that they went through this with the Community Housing Development Organization as a non-profit organization and asked the council to grant them the ability to waive the fee. He stated that they do not have the authorization to waive that because it would be going against the Council's ordinance.

**Mr. Harbison** asked if they had to do that even though they have a tap there.

**Mr. Fifer** stated that if the building sat vacant for more than a year they would.

**Mr. Brinkworth** asked who they were hired by in the city and who told them that they wouldn't pay a tap fee.

**Mr. Harbison** stated that he talked to him as well and told him he didn't think there would be a fee either so that was his mistake because he thought they had a similar situation where they didn't have to pay the taps.

**Mr. Smith** explained that they are doing this for New Directions originally and they were hired by the Redevelopment Commission. He explained that he didn't talk to Mr. Scott Wilkinson but whoever was there told him there wouldn't be a tap fee.

**Mr. Fifer** stated that he would go to whoever hired them from the city and ask them to

write a letter to the council to ask for permission to waive these tap fees for a non-profit organization for inner city revitalization.

**Mr. Harbison moved to approve contingent upon approval from the City Council, Mr. Brinkworth second, all voted in favor.**

**Mr. Smith** asked if about the sewer line in that area because he was told by another contractor that if they start digging in that area they may hit a sewer line. He wanted to clarify that if they hit a bad pipe if the board would give them a good pipe to work off of.

**There was a lengthy discussion regarding this area and work that was done approximately 6 year ago and whether the excavation went all the way down to where they are currently working.**

**Mr. Fifer** asked Mr. Sartell if he could find a TV tape of the area.

**Mr. Harbison** clarified that if the main needs to be replaced that it will not be his responsibility.

**Terry Bowen** stated that he is before the board again to ask for some help with the issue that he had with the sewage flooding his home. He stated that he understands that there is red tape that they have to go through but he and his family really need some help. He explained that he had insurance to cover the damage to the home and the cleanup but he hasn't received payment from them.

**Mr. Wilkinson** stated that he was trying to figure out the comments about the insurance from the last time that he was here.

**Mr. Bowen** stated that he won't get anything from the insurance the money will go straight to whoever rebuilds and cleans the place.

**Mr. Harbison** asked what the holdup was with the insurance company not paying for the the cleaning and rebuilding of his home.

**Mr. Bowen** explained that the work that was done was done well and he is sure that the insurance will pay for the rebuilding but he has no idea when that will happen but the walls have to be torn out and the insulation because it is filled with sewage.

**Mr. Brinkworth** stated that they need to follow up with Mr. Gibson to see where they are with the insurance adjuster.

**Mr. Bowen** stated that Mr. Gahan has been trying to help him and asked him to come back to the Sewer Board to ask if there was anything they could do for him.

**Mr. Brinkworth** stated that unfortunately they are stuck waiting for their adjuster to make a decision.

**Mr. Fifer** stated that they need a contact point for him to keep in touch with after he talks to the bank insurance company and when they are going to rebuild to be able to move the personal property in.

**Mr. Harbison** stated that they could talk to Mr. Gibson to see where this is at.

**Mr. Fifer** stated that ultimately this has to be settled with Mr. Gibson's office and if they get a contact person for him to go through maybe they won't lose any more time trying to

get this issue resolved.

**COMMUNICATIONS - CITY OFFICIALS:**

**Mr. Wilkinson** stated that he would like to have an executive session in the next week to discuss personnel issues.

**The board set a tentative executive session for Tuesday 16<sup>th</sup> 6:00 p.m. at Mr. Brinkworth's office. Mr. Brinkworth stated that he would call and confirm the date with the clerk's office.**

**SEWER ADJUSTMENTS:**

**John M. McCue** requested an adjustment in the amount of \$1,272.24. Ms. Welsh explained that this is the same situation with the summer water that they have been having and she is asking to adjust it back to the summer watering rate and they did have a leak in their irrigation system and none of the water went into the sewers.

**Mr. Fifer** stated that she needs to get some evidence from them that the repair was made before they give him the adjustment.

**Mr. Brinkworth moved to approve contingent upon Mr. McCue providing documents that the repair was made, Mr. Wilkinson second, all voted in favor**

**Jeff & Sandy Flatt** requested an adjustment in the amount of \$623.10. Ms. Welsh explained that this is another summer watering issue and is asking to adjust it back to the summer watering rate.

**Mr. Brinkworth** asked if they are going to require proof from one they have to require proof from all.

**Ms. Welsh** stated that she does understand that but they don't have to ask for an adjustment for seeding but can ask for an adjustment for heaving watering.

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

**Ms. Welsh** state that she has two additional adjustments that didn't make it into the packets.

**Steve Corzine** requested an adjustment in the amount of \$520.80 for summer watering

**Thomas Davidson** requested an adjustment in the amount of \$511.50 for summer watering

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

**Mr. Wilkinson** discussed the issue with Mr. King and the fact that they granted him a credit and then he went the Council and criticized the Sewer Board for giving others a credit. He stated that as Mr. Fifer finishes up the new summer watering program they need to clarify any of the language so that the policy is standardized and everyone is treated the same.

**Mr. Harbison** stated that this policy also needs to be made clear to the public.

**NEW BUSINESS:**

**Item #1 - Don Thieneman, Dave Ruckman & Steve Thieneman re: Pipeline to Highlander Point**

**Tabled until the next meeting.**

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

**Mr. Fifer** stated that he will have this for them at the next meeting.

**Mr. Wilkinson** stated that he told the Council that they would have this remedied by January.

**Mr. Brinkworth** stated that he doesn't have a problem giving those credits for longer months but the way it was being billed they were averaging it over the winter months and they were getting killed by that.

**Mr. Fifer** stated that initially they discussed reducing the designated months by X% off the rate for all residential customers and there would be no adjustments for anything other than leaks at that point.

**There was a lengthy discussion regarding the summer watering program and how to cut down the number of adjustments.**

**Mr. Wilkinson** stated that the sign up is a small way to eliminate some of the work that needs to be done for this program.

**Item #3 - John Duerr re: ongoing sewer adjustment for hot tub**

**Not present.**

**Ms. Welsh** explained that Mr. Duerr wants to fill his hot tub every 2-3 months and would like to request an ongoing approval for an adjustment each time he does this. She stated that she told Mr. Duerr that the Sewer Board would not look favorably on this request but that he was more than welcome to bring this to them.

**Tabled**

**OLD BUSINESS:**

**Item #1 - Clark Dietz Update**

**Mr. Harbison** stated that Mr. Christmas did send them some information and asked if there were any comments or questions.

**Mr. Wilkinson** explained that Mr. Sartell and Mr. Christmas started out with an equipment list and then he met with Mr. Christmas and upgraded the list which was forwarded to Reline America for confirmation. He stated that this is their final list that was sent back and it was only adjusted by about \$10,000.00 so he is comfortable with the equipment list being complete.

**Mr. Brinkworth** stated that they need to spend a little time with this information before taking any action.

**Mr. Marinaro** asked if the board was going to approve the non usage policy. He stated that he drafted a letter to Automotive Heritage at Mr. Wilkinson's request and sent a copy to the board members to review.

**Mr. Fifer** stated that he hasn't had time to review it.

**Mr. Wilkinson** stated that he is okay with it as long as Mr. Fifer approves it. He stated that as far as he is concerned this should start whenever they approve it.

**Mr. Fifer** stated that he is fine with the policy and he doesn't see any legal reason not to do it.

**Mr. Wilkinson moved to approve the non-usage policy, Mr. Wilkinson second, all voted in favor.**

**Mr. Brinkworth made a motion to approve, Mr. Wilkinson second, all voted in favor.**

**Mr. Fifer** recommended that they task Mr. Sartell, Mr. Marinaro and Mr. Christmas to take EPA on the tour and he doesn't think they need to be involved in the Monday proceedings unless asked. He stated that Mr. Gibson is trying to put together an executive session since it relates to federal litigation and since it affects the proposed extension to Grantline Road that the Redevelopment staff should be allowed to attend.

**Mr. Sartell** explained that they will be sending out form letters to the existing non-usage customers stating that they have to be in compliance by March 30, 2011.

**Mr. Fifer** stated that if there aren't going to be in compliance by that date they need to submit a letter to them stating the reasons.

**Mr. Sartell** stated that Wimco would be in on November 15<sup>th</sup> and they are going to go over to the machine shop and review the pump situation but his feeling is they aren't going to get much out of it. He explained that with regards to Reflection Lake he contacted the developer and explained that the phone line was no longer working and they need to get that in place and was told that they thought the city paying that, but he explained that for the first year the developers are responsible for the changes. He stated that EMC New Albany will be receiving an IWEA Safety Award which is a national award from the state agency and it is the first time receiving the National Burk Award which is only give to one company in the state and they are very proud of that accomplishment.

**Mr. Fifer** stated that and regarding reflection lake, the Sewer Board asked them to upsize and pays some money into that project to put a parallel pipe in. He explained that after that agreement Bob Elsby came in from Mecca and did the bore across the road and in exchange for getting that done they agreed to let him have a reimbursement fee too. He stated that when he left the Sewer Board he handed this off to Mr. Gibson and the Thieneman agreement still needs to be amended to a flat fee of \$2500.00. He stated that with Elsby he never got all the documentation to be able to record the agreement so it isn't effective until it is recorded. He stated that both agreements say that when a new development connects it is up to the board's discretion to require the entire development to pay up front. He stated that with the way the economy is now no one has the cash to put out for houses that aren't going to happen so Mr. Elsby keeps calling and saying he is being shorted reimbursement fees. He explained that he hasn't been shorted but that when the developer came in for this are they asked for 5 sewer taps so that they could get their construction permit and paid for 5 taps. He stated that they only have one reimbursement fee because they only have one house connected but they have 4 other taps and this is what is causing the problem.

**Mr. Brinkworth made a motion to reimburse Reflection Lake 4 taps fees or they can pay fees for the other 4, Mr. Wilkinson second, all voted in favor.**

## CLAIMS

**Mr. Marinaro** presented the following claims in the amount of \$308,674.11:

EMC/Indiana American Water	10/1/2010	EMC Nov Monthly Billing	2001714 8	307,524.1 1
TSI	10/29/2010	McDonald Rd Milling & Paving to remove dip	122775	1,150.00
<b>Nov 10, 2010 Sewer Board Meeting</b>			<b>SUB TOTAL</b>	<b>308,674.1 1</b>

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

**ADJOURN:**

There being no further business before the board, the meeting adjourned at 10:31 a.m.

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Roger Harbison, President

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Mindy Milburn, Deputy City Clerk