

Board Minutes for the Board of Sanitary Commissioners Meeting of August 10, 2022

THE BOARD OF SANITARY COMMISSIONERS conducted a regularly scheduled meeting.

Board members present; Stephen Brand, Board President; Tonya Brothers-Bridge, Vice President; and Adam Leach, Secretary. Excused absences: David Smith, Board Member.

**Department managers and staff present;** John Barlow, District Administrator; Drew Hall, Legal Counsel; Harvey Wright, Sewer Maintenance Superintendent; John Anderson, District Engineer; Jason Ingram, WPCF Plant Supervisor; Barnell Vance, Sanitation Supervisor; Jason Donati, Stormwater Educator; Tim Stover, IT Administrator; and Maggie Bales, Executive Office Manager.

**Public present:** Charlie Richardson, 1121 S. Burlington Dr.; and 400 E. Kirby Ave.

**Consideration of Minutes:** Mr. Brand entertained a motion to approve the minutes as presented. Mr. Leach moved to approve the Board Meeting Minutes as submitted for the meeting of July 27, 2022. Mrs. Brothers-Bridge seconded the motion. The motion was approved (3-0).

**Consideration of Claims:** Mr. Brand entertained a motion to consider the register of claims totaling \$1,087,183.32. Mrs. Brothers-Bridge stated on page four of 16 we paid Best Equipment \$136,800 for a new small trash truck that will be used for the downtown area. She stated she learned from Mr. Barlow that the old truck will now become a backup and for some other special projects. Mrs. Brothers-Bridge stated on page five of 16 we paid \$24,000 to Yardberry Landscaping for work done on Ebright. She stated we paid \$45,098 payment to All American Chevrolet for a new truck for engineering. Mrs. Brothers-Bridge stated we paid \$15,120 for work done on Woodway. She stated there is a claim on page nine of 16 to Smith Family Services for the mowing contract for \$15,100. Mrs. Brothers-Bridge stated that is for mow number eight. She stated there is also a claim for an additional \$1,000 for the additional mowing scope agreed on last week. Mr. Leach stated a claim on page 15 of 16, a payment to the US Post Office. He stated we paid them \$5,541.55, a non-zero associated cost with the blue bag program. Mr. Leach stated it is worth noting that we send coupons out to citizens, but the money does go out. Mrs. Brothers-Bridge moved to approve the register of claims. Mr. Leach provided second. The motion was approved (3-0).

**Old Business:**

**1. Consideration of Contract Renewal for PSC & Associates – John Barlow.** Mr. Barlow stated this contract was tabled at the last meeting in lieu of additional information we wanted to get. He stated that Chuck with PSC has sent some good information regarding the history of PSC's work with Muncie Sanitary District regarding stormwater pervious, impervious service, surfaces, assessments, and billing for MSD. Mr. Barlow stated PSC started working for MSD in 2006 to calculate the impervious areas of over 3,000 improved commercial industrial and exempt properties for MSD. He stated in 2008 PSC did an additional 359 property for Yorktown. Mr. Barlow stated Yorktown, the county, Ivy Tech all fall under the entity of our MS4 so that is our stormwater that is part of the billing. He stated in 2014 PSC started the billing process for us regarding these properties. Mr. Barlow stated we have had four-year contracts with PSC since 2014, this would be a new renewal of those contracts. He stated the new amount of the contract \$18,500 annually, paid by us in two payments. Mr. Barlow stated there is a five percent increase per year. He stated that PSC also has per diem rates in the contracts for any additional services outside the contract scope that they would charge us. Mr. Barlow asked the board to authorize him to renew the contract with PSC Services for the next term. Mrs. Brothers-Bridge stated the automatic renewal happens July 1 of 2023. Mr. Barlow stated that is correct. Mr. Brothers-Bridge stated the fees for each year are in the contract with the five percent increase. She stated under additional services he examples for per

hourly rate for certain services like clerical, appraisal, staff, and consultant support. Mr. Barlow stated those are items that were not in the last contract, so he wanted to ensure those were in the contract. Mr. Brand clarified if there was any need for legal review of the contract. Mr. Barlow stated it is the same contract that we have had. Mr. Brand clarified that the request is to approve you to sign a four-year contract. Mr. Barlow stated that is correct. Mr. Brand stated he would accept a motion to approve the four-year contract as requested by John. Mrs. Brothers-Bridge moved to approve. Mr. Leach provided second. Motion passed (3-0).

**2. RFP for Legal Services – Tonya Brothers-Bridge.** Mrs. Brothers-Bridge stated a month ago we discussed in looking for legal service provider that we wanted to continue evaluating if we had new information. She stated that she does have new information. Mrs. Brothers-Bridge stated that one of her colleagues stated that one of the advantages of doing business with a different firm was the number of attorneys that they had. She stated she learned that McKinney & Company has added an additional attorney on staff. Mrs. Brothers-Bridge stated she met with the new attorney and he unprompted shared that he hoped to specialize in or intends to specialize in some employment law. She stated to her, that was an opportunity for us to improve, and saw that as McKinney & Company adding to their suite of expertise. Mrs. Brothers-Bridge stated that currently we go out to a different firm for any employment work. She stated that was a positive for us. Mrs. Brothers-Bridge stated McKinney & Company has added an additional attorney to the three primary attorneys the currently have. She stated it will take some time for him to ramp up his skills but wanted to share what she saw as a benefit that McKinney & Company has added some staff and expertise. Mr. Brand asked for the gentleman's name. Mrs. Brothers-Bridge stated Vincent Walker. She stated he has been there just under a month and has worked as a public defender in Delaware County and for DCS for some time. Mrs. Brothers-Bridge stated she was pleasantly surprised to learn that he has also done some work for us. She also wanted to point out that we will often have providers in the audience. She stated that for example if we have a mowing bid, folks who want to bid on that will be in the audience so we can ask them questions. Mrs. Brothers-Bridge stated if we are doing contracting work many times the contractor will be in the audience, or the engineers or different firms will be in the audience so we can ask them questions. She stated she has not seen any of the other firms present, perhaps they are watching online. Mrs. Brothers-Bridge stated she thinks it is important that a relationship of this significance that the provider would be present. She stated that she would like to move to approve or make a motion to approve McKinney & Company's RFP for legal services. Mr. Brand stated he will not second the motion today. He stated with our fellow board member Smith out it is probably not the best way to move forward. Mr. Brand stated his appreciation for Mrs. Brothers-Bridge's due diligence and appreciates the motion, but he will not second the motion. He stated that he would rather it be a unanimous decision by the entire board. Mr. Brand stated with a second the motion will lay on the table.

**District Administrator Update – John Barlow.** Mr. Barlow stated he has couple of updates for the board. He stated Washington Street has been paved to the east past the Academy, there is more work to do at the very end. Mr. Barlow stated a majority of the street has been paved and is accessible. He stated we wanted to get the work done in a certain time frame for the folks over there. Mr. Barlow stated we had great communication between Bowen Engineering and the neighborhood association. He stated that Jackson Street is still closed at College Avenue and will be for an estimated additional four weeks. Mr. Barlow stated they are being conservative as they always are on closures, but if we get done quicker than that, all the better. He stated he wanted to give an update on that as it is a major thoroughfare and school is starting. Mr. Barlow stated the update as of this morning was another four weeks for the Jackson Street closure.

Mr. Barlow wanted to give credit to the brainchild of board member Adam Leach regarding the Touch A Truck event we had last Friday. He stated the event started at 10:00 and from the start we had large groups all day up until closing. Mr. Barlow stated we had Unc's Barbecue that supplied over 250 hotdogs along with the meatloaf dogs, which were all gone. He stated that The Barking Cow supplied 300 plus

servings of ice cream that was all gone. Mr. Barlow stated we do not have an exact number of people that came out, but that can give you an idea of how well the attendance was. He stated that the kids who attended loved getting in the vehicles and honking the horns of those vehicles. Mr. Barlow stated there were vehicles from city MFD, MPD, Muncie Sanitary District with all vehicles on display like SWAT team vehicles, boats, big trucks, trailers, sweepers, vac trucks, and more. He stated that it was a great event. Mr. Barlow stated his appreciation again to brainchild, Adam Leach. He stated it was easy to put together where we just needed a spot for departments to park their exhibits. Mr. Barlow stated that we would like to make this an annual event based on the turnout and we may try to coordinate with Jason Donati to try to coordinate with is Camp Prairie Creek. He stated we have some ideas to improve this event in the future.

Mr. Barlow stated it is becoming the season for college move outs and move ins and reminded those to dispose of things properly. He stated if you have large items like couches, beds, mattresses to call Sanitation so they can come pick it up in a timely manner. Mr. Barlow stated we would appreciate it, but we also understand that there is only so much control in that sometimes people move out without notice. Mr. Leach stated his appreciation to MSD and all the things they did for our Touch a Truck event. He stated that he appreciates MSD and city employees who were out there during the event. Mr. Leach stated our employees got to attend and interact with the public to show what they do day in and day out for a living. He stated that it made a lot of kids happy. Mr. Leach stated that he thinks we made a great impression on a lot of young people who will hopefully slow down for the guys that work alongside the road or appreciate their Sanitation guy that collects their trash. He stated that it was a good thing that our employees got to attend the event and appreciates everyone being there.

## **New Business**

**1. Muncie Sanitary District Right-of-Way Dedication for the City of Muncie – Adam Leach.** Mr. Leach stated this is an item that John Anderson did the drafting of McKinney & Company handled the legal of, and Beasley Gilcrest the city's attorney reviewed it. He stated this is a dedication of a right-of-way easement along Hoyt for an MSD property, essentially this cleans up the right-of-way, so we do not have any outstanding property in the roadway. Mr. Leach stated Board of Public Works passed it last week so now we just need MSD's signature and to get it filed. He stated that the plan for the property, which will follow with the resolution, would be for MSD to divest itself of that property. Mr. Brand entertained a motion to approve the right-of-way dedication for the City of Muncie as presented. Mr. Leach made a motion to approve. Mrs. Brothers-Bridge provided second. Motion passes (3-0).

**2. Consideration of Level 365 Contract as MSD Telephone Provider – John Barlow.** Mr. Barlow stated that one of the things about upgrading our communication system that came to fruition when we had our power outage several months ago was our telephones. He stated that our current phones are served based, proprietary phones and Tim Stover in IT has been evaluating how to safeguard our phones. Mr. Barlow stated the way to do that would be to go to a cloud-based phone. He stated with that, regardless of who we choose to be our provider we would be looking to replace out current hardware of phones. Mr. Barlow stated that part of Tim's evaluation was to audit the departments and he found that 11 phone sets could be eliminated, that are not being used anymore or very rarely used. He stated that in addition to that we are looking to use new phones that are not proprietary where any provider we use could work on them. Mr. Barlow stated our current phones are proprietary. He stated that we have compared our current provider, Gibson, with Level 365 and are recommending using Level 365 as the provider and supplier of the phones. Mr. Barlow stated there is a cost savings of over \$6,000 for the hardware. He stated it is a month-to-month contract as opposed to a three-year contract. He stated there is no cost for support use with Level 365. Mr. Barlow stated the licenses are pretty much the same. He stated there is a significant cost savings. He stated we were able to ask Kyle Johnson with GIS and the county who use Level 365 and they were very complimentary of Level 365 and the responsiveness. Mr. Barlow stated that Leap, who is our Internet support group also has a relationship with Level 365. He

stated Tim and Dustin with IT have done the leg work on this with evaluations and comparisons. Mr. Barlow stated at this time he is asking the Board, in lieu of pending legal review, approval to use Level 365 as our next provider and phone supplier. He stated our contract with Gibson is up at the end of September and requires a 30-day notice. Mr. Barlow stated pending legal review, we will go through steps to switch providers at that point in time so Level 365 has time to implement our services so there is no lapse in phone communication. Mrs. Brothers-Bridge stated a comment to Tim and team, they have worked really hard to ensure that we do not have another outage or downtime like we have experienced in the past. She stated that we, as a Board, would like to thank you for that. Mrs. Brothers-Bridge stated that because this new phone system is cloud based, our customers can still reach us if there were some sort of event that would cause the Internet to go down. She stated we would still be open and functioning because we will be going into cloud service. Tim Stover stated yes that is correct. He stated along with the phone service comes an app that could go on a cell phone so if the desk phone did not ring the cell phone with the app would. Mr. Stover stated we will have backup Internet at all three sites so if the primary Internet go down the backup Internet would kick in so the phone would fail over to the backup Internet. He stated that this creates two levels of security to keep the phone able to ring. Mr. Stover stated there is also a cradle point, a third level of security, which would be cellular. He stated should both primary backups go down we would have the third relief. Mrs. Brothers-Bridge stated that is outstanding and that we need customers to be able to reach us in a time of need. Mr. Stover stated we have the red phones in any department that interacts with the public. He stated should the network go down the red cell phone would still ring and that is in place right now. Mrs. Brothers-Bridge stated her appreciation and good work. She is supportive of this. Mr. Leach stated we currently use a voice over Internet protocol type of phone that ties directly into the Internet, fiber or cat5, whatever we have. He stated these cloud-based phones are a little different from that and they will still have the VoIP connection but if the VoIP fails it will go over to a wireless type of setup. Mr. Leach stated or is two separate fiber lines. Mr. Stover stated they can still be plugged into our network. He stated with that being a cloud-based phone, should we go back to a COVID time again, and totally shutdown, all these phones need is Internet access. Mr. Stover stated realistically the user could take his or her phone to any public hotspot and could be answering the phone just like they would in the office. Mr. Leach stated just to elaborate on that most of our modern cell phones have hotspots, so it is an additional level of security to ensure the phone works in the case that both Internet's and the cellular system are down. He stated it is a lot of reliability and layers to fail through. Mr. Stover stated in order to get that level of reliability and redundancy new are going to have to get new phones anyway because our current phones are proprietary phones. He stated we are proprietary licensed to Mitel with the current phones, and they go back to our server and then the go out cloud based. Mr. Stover stated cloud-based phone will not bounce back to our server. Mr. Brand entertained a motion to approve John Barlow to sign the contract with Level 365 for MSD telephone service provider. Mr. Leach moved to approve pending legal review. Mrs. Brothers-Bridge provided second. Motion passed (3-0).

#### **Additional Board Topics:**

1. Mr. Leach stated his appreciation to all staff and employees for doing an excellent job. HE stated for the public to keep fog in mind. Mr. Leach stated fats, oil, greases, our plant does not like them, and our collection system does not like them. He stated lard, butter, vegetable oil, sanitary products please do not flush them, put them in the trash.

#### **Public Comments:**

1. Charles Richardson, 1121 S Burlington Drive. Mr. Richardson stated he is a retired electrician and took his money to purchase a house here in Muncie. He stated that is the worst mistake he has ever made. Mr. Richardson stated he has been flooded three times because of the drain system that comes down Meeker

Ave. and drain right in front of his house. He stated he has received quotes of over \$30,000 in damages. Mr. Richardson stated it is only a ten-inch pipe, which is the engineers should know you can only move so much water through a ten-inch pipe. He stated that the pipe was put in many years ago and there is a big pipe underneath Burlington, so it is less than 100 feet to fix the whole problem. Mr. Richardson stated this has totally trashed his house with this water. He stated that the last time was a few weeks ago, maybe July 17<sup>th</sup>, he provided pictures of the water in his living room. Mr. Richardson stated he had people swimming in his front yard. He stated that this is totally uncalled for, and this is the third time that he has been dealing with these people. Mr. Ricardson stated they all need fired, everybody involved there needs fired. He stated they are not doing their job; they have had a year and have done nothing at all. Mr. Richardson stated he has been flooded three times. He stated he has called each time to get them to come out to look at it. Mr. Richardson stated that cars drive down and the water is up to the hood and people have to push them out of the way. He stated this is ridiculous and they all need fired, all involved needs fired. Mr. Richardson stated he is going to do a Tort claim to get the repairs done. He stated they got away with it the last two tie, but not his time; it is way too much damage this time. Mr. Richardson stated the carpets are full of water in the living room, the bathtub and toilet were overflowing. He stated that it is totally ridiculous; totally, totally ridiculous. Mr. Richardson stated it is all because of these people failing to change his pipe out. He stated that is all it would take is to change the pipe out. Mr. Richardson stated the water comes down with no problem for the rest of the road, he is near the corner and that is where all the water comes out. He stated that the water does not go in. Mr. Richardson stated that they want me to pay money each month for stormwater, but he does not want that water coming into his house. He stated that they need to do something about this, it is ridiculous, totally, totally ridiculous. Mr. Brand asked for Mr. Richardson's address. Mr. Richardson stated 1121 S Burlington Drive. He asked the board to look at the pictures. Mr. Brand thanked Mr. Ricardson for his comments.

**2. Tim Quakenbush, 400 E Kirby Ave.** Mr. Quakenbush stated he is the owner of Dague Supply in Muncie, Indiana. He stated he has a lot to talk to about but only one will fit in three minutes. Mr. Quakenbush stated that the Muncie Sanitary District seems to employ large contractors to do a lot of work or them all at once, like Bowen Engineering. He stated that he gets residual business for a local contractor which subs off of that contractor. Mr. Quakenbush stated we have a project going on at 14<sup>th</sup> and Birch. He stated there has been a slow payment on that job and is here to find out where his money is at. Mr. Quakenbush stated the job was originally quoted in early spring. He stated we have a situation in this environment with pricing, escalating costs that if you do not secure this material in a quick fashion, you will pay more for it. Mr. Quakenbush stated the original project was \$337,000 for us on materials. He stated there is \$190,000 worth of pipe on his job and was originally quoted \$190,000. Mr. Quakenbush stated within 15 days that pipe could have escalated over 30% if it did not get order and put on the job. He stated the pipe has been on the job since May. He stated the contractor still owes \$232,000. Mr. Quakenbush stated he has three companies wanting to know lean information on this project and are shutting off his credit at this moment. He stated eh has been in business for 35 years and Dague Supply has been there since 1906. Mr. Quakenbush stated this city does not practice what it preaches, they do not buy local, they do not consider local, and he is in a real pickle. He stated that he will have to lock his doors real soon. Mr. Brand stated that the subcontractor is the one not paying you. Mr. Quakenbush stated that is correct. He stated he has done some homework; Bowen has been paid \$3.8 million since June 1<sup>st</sup> and his sub is telling him they are not getting their money. Mr. Quakenbush stated he probably put the material in good faith maybe a little early and a little fast. He stated if you do not get it on the job, we all increase in cost. Mr. Quakenbush stated he is just trying to save the city money and earn a living. He stated that he has other issues with Bowen Engineering that he would like to talk about and cannot do it in three minutes. Mr. Brand stated we will look into this today and thanked Mr. Quackenbush for his comments.

**Adjourn:** Mr. Brand stated our next regularly scheduled meeting will be held on Wednesday, August 24, 2022, at 11:30 a.m. in the City Hall Auditorium. Mr. Brand stated he would accept a motion to adjourn.

Mr. Leach made a motion to adjourn the meeting for August 10, 2022. Mrs. Brothers-Bridge seconded the motion. The motion was approved (3-0).

Respectfully Submitted,

Maggie Bales  
Maggie Bales, Executive Office Manager

*Approved by the Board of Sanitary Commissioners  
Muncie Sanitary District*

Stephen Brand  
Stephen Brand, President

Adam Leach  
Adam Leach, Secretary

Tonya Brothers-Bridge  
Tonya Brothers-Bridge, Vice President

David Smith  
David Smith, Board Member