

Monday, June 3, 2013

Pursuant to adjournment comes now the Starke County Board of Commissioners and meet in regular session at 9:00AM in the Annex Meeting Room, Knox, Indiana, with Kathy Norem, Kent Danford and Jennifer Davis present and the following proceedings were held to wit:

The meeting was called to order by President, Kathy Norem. She inquired as to additions or corrections to the posted agenda. Hearing none, she proceeded with the meeting.

RE: WEAVER & BOOS, LANDFILL MONITORING

Mike Maxwell of Weaver & Boos appeared before the Board to discuss the monitoring at the landfill site. He advised, to be in compliance with IDEM, they are now conducting weekly monitoring of the gases being emitted at the old landfill. Mr. Maxwell advised they are proposing the installation of vertical borings, which are essentially chimneys, which would allow the venting of the gases. He noted it would be a cheaper alternative than the installation of trenches in between the probes. Mr. Maxwell advised he had received two price quotes and the price range for the installation of the vents would be approximately \$50,000.00, and the corresponding fee from Weaver & Boos, would be approximately \$15,000.00-\$20,000.00 for the company to document the installation of the vents, and provide a survey, with the coordinates of the vent locations. President Norem inquired if there would also be an additional fee for the ongoing monitoring of those vents. Mr. Maxwell advised that is included in the original contract of monitoring. In regard to the price quotes received, he advised he had received quotes from R,D & P Drilling, Merrillville, IN, and EDAC, Holland, MI. He stated, between those two companies, he would recommend EDAC. He added, after the vents are installed, a monthly monitoring schedule could be established, noting the standard schedule is quarterly monitoring. He advised the wet spring has forced the gasses to travel outward going elsewhere. President Norem inquired if he had a written proposal for County Attorney, Marty Lucas, to review. Mr. Maxwell advised he could prepare the proposal. Attorney Lucas stated a total of three price quotes, from three different vendors, is required. If only two vendors are available, then they should prepare a written statement stating that fact. He noted he would like to see a written proposal with the exact costs. President Norem requested Weaver & Boos return in two weeks with the documentation, and to send it on to Attorney Lucas, prior to the meeting, for his review in advance of the meeting. Mr. Maxwell advised he would like to see someone from the County meet with the owner to discuss their plans for the landfill, since the land owner is concerned with having a habitat friendly ground covering, instead of just mowed grass. Mr. Maxwell also advised his associate, Brian Horvath, is leaving the company, and therefore, will no longer be working on the Starke County landfill project.

RE: EMS MONTHLY REPORT

EMS Director, Paul Mathewson, and Clerk MaryLynn Ritchie appeared before the Board to present their monthly report. Clerk Ritchie advised they had received a total of \$592.50 from Collections Attorney, Jonathan O'Hara, and \$94.59 from the Starke County Clerk, from Small Claims. She distributed a monthly report citing the number of runs for the month of May, noting the number of runs is remaining consistent, but the number of dollars in revenue is increasing, over the 2012 figures. Clerk Ritchie inquired about the writing off of the 90 days and older accounts receivable after being two years old, if that should be done on a monthly basis, or yearly. President Norem advised she would like it be done on a monthly basis. President Norem inquired if there has been any incidence of payments made after an account was written off. Clerk Ritchie advised there has been, and those payments are so noted that they are no longer listed in the computer software. Director Mathewson advised he is working on preparing for future growth, and has been working on the County's Policy for part time employees, that will need to go into effect by July 1st.

Commissioner Davis advised the Director, the Hospital Committee may be looking at the land site of the Knox EMS Base, just for his information.

RE: COUNTY HIGHWAY DEPT. MONTHLY REPORT

Highway Superintendent, Rik Ritzler, appeared before the Board to present his monthly report. He advised the Bridge 43 Construction Contract has been signed by JCI, and is ready for the Board's approval. Commissioner Danford made a motion to approve the Construction Contract, seconded by Commissioner Davis. The motion passed with all ayes, and was signed by the Board. He noted a pre-construction meeting will take place on Tuesday, June 4th. Superintendent Ritzler advised, besides the Bridge 43 project, the State will be replacing the Bridge on US35, just south of US30, and therefore closing US35 for a couple of months this summer. He advised a detour route will be established by the State. Superintendent Ritzler advised his department will be beginning the chip and seal process on June 17th, and is hoping to have it completed a couple of weeks after the 4th. He noted by the end of this week, all nine culvert replacements will be completed. He also advised the entire county will be

completely mowed by Friday of this week for the first cycle. He noted his department is ready for the Auction on the 14th.

RE: CENTURYLINK 911 CONTRACT

IT Director, Joe Short, appeared before the Board to get their approval on the renewal of the CenturyLink 911 Contract. He advised the Contract, is the same as last year, with the same pricing also.

He advised the Contract covers the 911 P-SAP. Commissioner Danford made a motion to approve the contract, seconded by Commissioner Davis. The motion passed with all ayes, and was signed by the Board.

Commissioner Davis advised she was contacted by the North Judson Fire Department Assistant Chief, Mike Scutchfield, in regard to issues their Fire Department was experiencing with their radio communication. She inquired if Director Short, or EMA Director Bombagetti were familiar with the complaints. Director Bombagetti advised he had spoken with Mr. Wappel of the NJFD, and the Fire Department was advised to follow the proper protocol, and document the complaint with the proper paperwork. He noted so far he has not received any paperwork. The EMA Director advised the next meeting of the fire chiefs was not scheduled until this fall, but if necessary he could call for a special fire chief meeting.

RE: STARKE COUNTY ECONOMIC DEVELOPMENT DIRECTOR UPDATE

SCEDF Director, Charlie Weaver, appeared before the Board. He stated in regard to the CR300E & SR8 Project, he has prepared the paperwork for the County Attorney to render a title opinion on the recent Singleton property that was just purchased by the County, at CR300E & SR8.

He then asked the Board to revisit the Stelerema Property. He advised he had been receiving emails from the Stelerema Bankruptcy Attorney/Trustee. He noted the County will be receiving the entire amount due the County from the assessment of Personal Property Taxes, in the amount of \$413,153.30, since it is regarded as a priority claim. He advised, in regard to the real property taxes due, approximately \$440,000.00, a Petition to the State has been filed to abandon the existing the bankruptcy. He would like the Board to consider asking the Trustee to halt the petition to abandon. He advised they may have a prospective client that may be interested in purchasing the building. He noted, if the bankruptcy is abandoned, the ownership of the building would be taken over by the bankruptcy trustee. He advised presently the building has a leaky roof, bad lighting, and the value of the building is rapidly deteriorating, noting it is presently worth between \$400,000.00 and \$600,000.00. Director Weaver noted there are four different avenues that could be taken: find a purchaser for the building, sell the property to the highest bidder at an auction, have a real estate broker try to sell the building, or do nothing. Starke County Council President, Dave Pearman inquired who is responsible for fixing the roof or who pays the insurance on the building. Director Weaver advised the Bankruptcy Trustee is responsible for those expenses. He noted the SCEDF has been paying for the mowing of the property, and recently paid for repairing lighting, in order to be able to show the building to the prospective client. He requested the Board authorize the SCEDF to issue to the Bankruptcy Trustee, a stay of the bankruptcy action in regard to the Stelerema Building. Commissioner Danford made a motion to approve his request, seconded by Commissioner Davis. The motion passed with all ayes.

RE: AUDITOR'S BUSINESS—MINUTES, PAYROLL CLAIM, VENDOR CLAIMS

Commissioner Danford made a motion to approve the payroll claims for the pay period ending on May 25th, the pay date of May 31st, in the total gross amount of \$178,790.57. Commissioner Davis seconded the motion, and it passed with all ayes. President Norem noted the pay claim included the grant pay to the Deputy Prosecutor. Commissioner Danford made a motion to approve the minutes of the May 20th meeting, seconded by Commissioner Davis. The motion passed with all ayes. President Norem made a motion to approve the minutes of the May 28th meeting, seconded by Commissioner Davis. The motion passed with two ayes (Commissioner Danford was absent from that meeting.) President Norem advised the vendor claims included the claims in regard to the Knox School Referendum, in the total amount of \$17,732.28. Auditor Chaffins advised the County had already received the funds from the Knox Schools for those expenses. President Norem advised some of those election expenses will result in negative balances in the Election Board Department's budget, and will require the Council to approve the appropriation reimbursement of their budget. President Norem inquired as to why Alicia Bradney was listed twice as a poll worker in the vendor claims. (It so happened there was an Alicia Bradney and an Ashley Bradney listed in the claims, and they are two separate individuals). Commissioner Danford made a motion to approve the vendor claims in the amount of \$257,838.19. The motion was seconded by Commissioner Davis, and passed with all ayes.

RE: REQUEST TO VACATE KOONTZ LAKE SUB-DIVISION

Bob Aloï, of Territorial Engineers, appeared before the Board to request their approval to vacate the Koontz Lake Subdivision. He advised the property was designated as a subdivision, but there has not been any development on that land, not even the first tree was cut to clear any land. Commissioner Danford made a motion to approve his request to vacate the subdivision, seconded by Commissioner Davis. The motion passed with all ayes. Mr. Aloï advised the motion will vacate any covenants as well. He advised he will contact Ms. Starkey of the Planning Commission to provide the necessary documents for their signatures.

RE: REPORT FROM SAFETY COMMITTEE

Safety Committee members, EMA Director Ted Bombagetti; EMS Director Paul Mathewson; and Highway Department Superintendent Rik Ritzler appeared before the Board to discuss the County's creation of a "Light Duty Return to Work Policy", in regard to worker's compensation employees returning back to work. Director Bombagetti advised the policy is an attempt to lessen the future costs of workers comp claims, when a physician authorizes an employee the ability to return to work for light duty only. In the past when a department had an employee received a back to work—light duty only, they would continue being off work, since that department would not have a light duty work position the employee could be placed in. Director Bombagetti suggested, since all the employees of the County, are employed by the County when an employee has a physician authorization to return to work, in a light duty capacity, the employee could be placed in any County department that would have light duty assignments for that employee. He noted having the employee return to work, will save the County from increasing worker compensation costs, and also in the over-all workers compensation experience ratio. He noted the County's w/c experience ratio has increased from 1.25 to 1.51 and the County will see an increase in their w/c premium of nearly \$50,000.00. Attorney Lucas inquired if that wasn't already covered in the employee handbook. Director Bombagetti noted the employee handbook just minimally addresses a return to work policy, and what has been happening, is that some departments were creating their own policies. President Norem advised they will need the cooperation of the Elected Officials and Department Heads for the policy to work. She noted the payroll expense would continue to be paid from the original department where the employee is employed. Superintendent Ritzler advised he does have an employee that will be returning to work on a light duty basis. President Norem stated she would like to see the Board accept the return to work policy, have the employee come back to work, working them in various departments, and then review the policy in two weeks to see how the policy is working. Commissioner Davis advised if the employee refuses to return to work, working in other departments, their employment could be subject to termination. Commissioner Danford made a motion to approve the policy for a two week period, and review it at their next meeting. Commissioner Davis seconded the motion, and it passed with all ayes. Attorney Lucas advised he would like to see feedback from other Department Heads, and noted the biggest difference with the County's Return to Work Policy, is it is now Inter-Departmental.

IN OTHER BUSINESS TO COME BEFORE THE BOARD:

President Norem advised there is a conflict with their regularly scheduled meeting on the 3rd Monday of June. She stated that evening the County needs to appear in front of the City's BZA Board to request their need for a Special Use Permit, in regard to the proposed County Jail Project. She suggested possibly starting the meeting at 3:00 or 4:00PM that day, prior to the County Council meeting, which is at 5:30PM. Attorney Lucas advised he would be in favor of a change of date, noting instead of scheduling the meeting for that Monday, they could schedule the meeting days earlier. Following a discussion, it was decided the next Board of Commissioners' Meeting will be held on Thursday, June 13th, at 6:00PM.

President Norem advised the Board will be taking a five minute break, and will reconvene in five minutes. The meeting reconvened at 10:53AM.

President Norem passed out a calendar for the month of June, and asked the other Commissioners to fill in the hours they would be able to work in the Commissioner's Office, at the Courthouse.

Attorney Lucas advised of the issue of the County establishing new criteria for the designation of "part time" employment. He stated, due to the implementation in 2014, of the new federal health insurance, commonly known as "Obamacare", employers with over fifty employees will be accessed for any full time employees. He advised the County policy for their "part time" employees should be clearly defined. President Norem advised they had been receiving information through the radio, and from other Counties, and some Counties are setting their part time status as working less than 28 hours a week. EMS Director Mathewson explained it will be difficult for his department to establish work schedules if the maximum number of hours for part time employment is set at 28. A discussion followed in regard to the number of hours for part time status. President Norem advised the County policy needs to be in effect by July 1st, so the County has a six month history of employment at the new

part time level. Following a discussion, Commissioner Danford made a motion to designate “part time” employment status as working less than 130 hours per month. Commissioner Davis seconded the motion, and it passed with all ayes. President Norem stated the County Council will be advised of their recommendation.

Attorney Lucas advised the next issue is that of the employee that is given a County vehicle due to their position, and the right to drive that vehicle to and from their home to work. He advised the privilege is considered an employee fringe benefit. He stated there are two issues to take into consideration in the calculation of the amount of the fringe benefit and that is: which evaluation method is used to calculate the value of the benefit, and which County positions are exempt from it being a taxable fringe benefit. He noted a County employee that is a public safety employee is exempt from it being a taxable fringe benefit for that employee. President Norem advised each County vehicle needs to be clearly marked as a County vehicle. She asked Commissioner Davis to announce at the Department Head meeting that will be held that afternoon, to have the Department Head who currently have that fringe benefit to plead their case in writing as to why it is necessary for them to be assigned a vehicle and why would they be considered to be tax exempt, and turn in the letter by the end of the week. She would like to have Attorney Lucas review the requests, and each request would be addressed by a case by case policy.

Commissioner Davis advised the Summer Intern will begin his employment on June 10th.

She then read an email complaint she received in regard to the conditions at the Bass Lake Campground, and asked Commissioner Danford to look into the situation. Commissioner Danford advised he was scheduled to visit Bass Lake that afternoon.

Jim Coad, Chairman of the County’s Safety Committee, appeared before the Board to advise of OSHA Classes that will be presented to Department Heads by the County’s insurance carrier, covering such topics as blood borne pathogens, work place violence, and an emergency action plan. He advised there will be a \$5.00 fee for each County Department Head in attendance, and is asking the County to pay for the fees. Commissioner Davis made a motion to approve the payment of the class fees, seconded by Commissioner Danford. The motion passed with all ayes. President Norem advised the expense could be paid from the Commissioners’ portion of the CEDIT Fund. Chairman Coad advised the training class will take place at the Knox Southside Fire Station, and is tentatively scheduled for June 26 & 27th.

PUBLIC COMMENTS

EMS Clerk MaryLynn Ritchie returned to the meeting with a request of the Board. She advised in the process of obtaining the medicare recertification, there was an attempt to match the physical address of the EMS bases with the address on the telephone billing. She advised the address on the telephone billing is that of the Office, not the bases. She had prepared a letter explaining the address discrepancy and is now asking for their approval of the letter. Commissioner Danford made a motion to approve the letter, seconded by Commissioner Davis. The motion passed with all ayes.

EMA Director, Ted Bombagetti suggested a different style emblem be used for the logo on the unmarked County vehicles. He advised he will prepare it.

At this time in the meeting, Bob Aloï presented the paperwork from the Planning Commission Office in regard to the vacation of the Koontz Lake Sub-division. Commissioner Danford made a motion to approve the paperwork, seconded by Commissioner Davis. The motion passed with all ayes.

There being no further business, President Norem adjourned the meeting at 11:53AM.

June 3, 2013

Kathy Norem, President

Kent Danford

Jennifer Davis

Katherine Chaffins, County Auditor
& Secretary to the Board of County Commissioners

