

**MINUTES OF A REGULAR SESSION OF THE
BOARD OF COMMISSIONERS HELD APRIL 2, 2012**

Comes now the hour of 9:38 A.M. on the 2nd day of April, 2012, in the Commissioners Court in the Noble County Courthouse, Albion, Indiana, being the time, date and place set for a regular session of the Board of Commissioners of Noble County, Indiana.

Present were:

Joy Y. LeCount, President
David J. (Dave) Dolezal, Vice President
Jack W. Herendeen, Member

Also present were:

Marion S. Cavanaugh, Deputy Auditor
Dennis Graft, County Attorney
Chad Kline, Commissioner Candidate
and Bob Braley & Scott Perry, News Media

TRAIN DERAILMENT BRIEFING

Sheriff Doug Harp and EMA Director Mick Newton came before the Commissioners to brief them on a Norfolk and Southern train derailment that happened last week. Mick presented some pictures and he explained what they were. He said there were 9 tank cars piled up in the picture with the smoke. Mick said there were 22 cars that derailed, one of which contained wine and one underneath that they thought contained cardboard. He said the original call came in around 5:22 A.M. and dispatch started notifying everyone. Mick said the problem was that the location they were given was 950 W and the railroad, and that is where the engine came to a stop. He said Ligonier was on the scene within a couple of minutes and they said there was just one car with wheels off of it and there was no problem, so they could cancel HAZMAT or slow them down. Mick said there was a deputy that went down to 1100 W and that is where the mess was. He said he was amazed at how quickly the railroad people were on the scene. Mick said at 6:20 West Noble was notified that there was a problem and not to come into certain areas with school busses. He said it was 7:00 when they started evacuating people. Mick said initially they were seeing foam in the river that they thought might be contaminated, so they set a boom up to try to contain it. He said they never identified the foam and it appears that very little, if any of the products actually got into the river. Mick said it took a lot of work for the railroad to continually build containment areas as they moved the cars. He said one of the cars broke in two and put 198,000 pounds of molten sulfa on the ground. Mick said IDEM is overseeing all of this, and they will continue with their monitoring. He said Thursday morning at the last briefing, the railroad was making agreements with landowners to contract to be able to build a road in, and eventually remove all of the hazardous material. Mick said the railroad was great to work with. He said they kept them briefed, at least twice a day. Mick said in total there were about 53 or 54 homes that had been evacuated, most of which were evacuated about 3:00 P.M. Wednesday when the wind shifted. He said he thought there were only about 11 houses evacuated prior to that. He said the fires were out by about 6:00 and all of the monitors were

reading zero. Mick said the evacuations were lifted at 9:00 A.M. Thursday. Mick said the railroad set up a claim center in Goshen for the people that had to be evacuated, because that is where most of them were moved to. He said they did a wonderful job of working with the people involved, and they had offered to come back in and test people's houses if they had any concerns about going into them.

Joy asked if they ever identified what the white substance was that came out of the one car. Mick said he couldn't say, but he knew some of it was plastic.

Joy asked about the reports that some of the yards were turning brown. Mick said he had talked to Rich Haffel, the IDEM emergency response coordinator from this area, and he said there was some browning of the yards. He said they are going to investigate it.

Mick said they will be meeting Wednesday with everyone involved to put together a proposal to send to the railroad for expenses incurred by those involved. He said a gentleman from Indianapolis would be coming up that is good at putting the proposals together. Mick said Thursday at 9:00 they are bringing everyone together for an "after action review". He said they are going to tear apart what was done and see what they could do better the next time.

Mick said it was 5:22 A.M. when they were initially notified of the derailment, and that was where the engine and some cars derailed. He said at 5:44 A.M. a deputy located the second derailment which is where they really needed to be.

Doug said there are always things that could be done better, and that is what is going to be important about the debriefing. He said overall it went well, and the railroad was amazing the way they came in and took care of business.

Jack asked about the average number of trains that use those tracks. Mick said he was told that at least 100 trains a day is the track volume through there. He said the first train ran through before 1:00 in the morning.

Dave asked if the boneyard (area where damaged railroad cars were taken) is in Noble County. Mick said it is. Joy asked if all of the derailed cars were in Noble County. Mick said they were.

CIVIL DEFENSE BARRELS

Mick said they are moving the 17 gallon Civil Defense barrels today that they have had stored in the evidence area at the Ligonier Police Department. He said he had permission to sell them but had not been able to get to them. Mick said the town of Albion has given us a place to store them. He said he had a list of people that wanted to buy the barrels, and he would get them delivered and they will pay for them at the Auditor's Office. Mick said they are having a town (Albion) garage sale, and he would like permission to set up on the courthouse square and sell the rest of the barrels then. Auditor Jackie Knafel was present, and she said she would be willing to sit out there and collect the money. Mick said he would be there to help too.

Mick said he has cots, toilet paper, pillows, masks, etc. on the second floor of the Ligonier Police Department. He said now the Mayor is going to move her office up there. Mick said they have been looking for a trailer to store the supplies in.

Dave moved to give Mick permission to sell the barrels at the garage sale. Jack seconded the motion and it carried, 3-0.

SHERIFF – EXPENSE OVER \$500.00

Sheriff Harp said he needs to replace the sprinkler head in the evidence storage room at the jail. He said the State Fire Marshall had been in there a couple of times recently and they

have gotten pickier. Doug said it was going to cost \$975.00 for the sprinkler head and whatever is needed to install it.

Jack moved to approve the expense. Dave seconded the motion and it carried, 3-0.

TITLE FOR SHERIFF'S CAR TRADED IN

Jackie said she had a title that needed signed for a Sheriff's car that was traded in. Dave moved to approve the signature. Jack seconded the motion and it carried, 3-0.

Doug said all of their new cars are in so he will have more titles that will need signed. He said they have to keep the pool cars until they get everything changed over to the new cars. Doug said the new cars are Chargers and they went with the white vehicles because they are about \$1500.00 cheaper than the two tones. He said it is also much easier to get replacement parts if they need any vehicle repairs.

HIGHWAY BUSINESS - MARK GOODRICH

LPA CLAIM VOUCHERS – BRIDGE INVENTORY & SIGN REPLACEMENT

Mark presented LPA claim vouchers for the Bridge Inventory and the Sign Replacement Projects, (H.I.).

Joy said she had some people tell her that they thought the signs were closer to the road way than the previous signs were. There was discussion that the new signs are bigger and it may appear that they are closer to the road because of that. Mark said he would go out and do some checking to see if the sign posts are put in the same place that the old ones were, and he would send Wayne out to do some checking too.

Jack moved to sign the claim vouchers. Dave seconded the motion and it carried, 3-0.

UTILITY PERMITS

Mark presented the following permits from Noble REMC: #UP-014-12 for work on CR 900 N between CR 1025 W and Gerber Street at the Mary Moser residence; #UP-015-12 for work on CR 1050 N between CR 125 W and CR 250 W in Elkhart Township; and #UP-016-12 for work on CR 1100 N between CR 900 W and CR 975 W in Perry Township; and from Ligonier Telephone Company #UP-013-12 for work on Stones Hill Road between US 33 and CR 1025 W in Sparta Township, (H.I.).

Mark also presented permit #UP-012-12 which is a fiber optic permit. He said most of the fiber optics being put in now are more related to the internet and that type of things, instead of the original systems they put in.

Mark said they are trying to get the companies to notify the Highway Department before they start so they can go out and make sure they are doing things the way they are supposed to.

SIGN PROJECT

Jack asked how many Townships are completed now. Mark said they are through with Orange and are in Wayne Township now. He said he thought by mid week they would be done on the four north townships. Mark said Wayne was upset because none of the stubs that they are

driving in to put the posts in have flares on them. He said Wayne would have preferred that they all had that because it makes the signs more stable. Mark said he took some of the stubs up to them, and they said if they get into a mucky area they would put them in.

Jack asked how many loads of posts and signs have been brought back to the Highway Department. Mark said they are being put in trailers and we are unloading them every three days. He said as soon as they get a truck freed up they will start scrapping the stuff out.

CSX RAILROAD CROSSINGS

Joy asked where we are on the CSX railroad crossings. Mark said we are no better off than we were before. Joy asked if 700 was still closed. Mark said it was. He said the gentleman he talked to said 700 E is a CSX project and they are working on it. Mark said he told him we couldn't have all of those roads closed at the same time. He said the man he talked to at Benchmark, which is a consulting firm that the railroad is using to keep people updated, talked like they wouldn't put 700 back together until the whole system goes through. The Commissioners expressed their concern that 700 had been closed for so long (approx. four weeks now), and because no one in the county had been notified the road was going to be closed. Mark said there is something specific that the railroad is going to put in at the intersection, and it might be a switch. He said there is something besides the normal track, and that is why it is going to be torn up longer. Jack said that isn't right.

Joy asked if Clark street was closed over the weekend. Mark said he was notified Saturday morning that they had closed it.

Jack asked Mark to keep his eye on the road where the train wreck was. He said there will be some road damage there with everything they are hauling in and out of there.

IRRIGATION SYSTEM CLOSE TO ROAD (CR 1150 W)

Mark referred to the pictures the Commissioners had received regarding an irrigation pivot foundation that was 1700 feet from the centerline of CR 1150 W, (H.I.). He said his concern is that this might turn into a legal situation. He said he had another situation up by Ligonier which he presented a copy of, (H.I.). Mark said the property owner had applied for an electrical permit about two years ago.

Joy said the electrical that they applied for is in place, and she said at the edge of the woods there is an electric panel and a pump set back well off the road. She said they never got a building permit to install the pivot foundation. Joy said if you look at how the system is sitting, practically the whole thing is sitting in the road right-of-way. She said she went out and looked at it Saturday evening. Mark said that Mike had told him that anything that is within 10' of the edge of the road right-of-way is a liability if there is an accident.

There was discussion about the second picture. Jack asked if it is a bumper stop. Mark said it is a stop for the wheels on the irrigation system.

Jack asked if there isn't anyone in charge of checking where these things are put. Joy asked who would check it. She said if they get a building permit that is all we require.

There was discussion about the liability if someone would hit one of them. Dennis said they would sue the county.

Joy said when we start with this, we have to figure out if we are going to start from now and make it different, or try to go back and decide how far back we are going to go.

Dave said he thought they should move it out of our right-of-way. Joy asked if we would make everyone else that has something in our right-of-way move it as well. Dave asked if it is

something that is permitted. Mark said he thought anything that is put on county right-of-way requires a permit. Dave asked if we need to send them a letter and tell them they need to get it out of our right-of-way. Dennis said we should. Joy asked if we are going to do that for every other thing that we know of.

Mark asked Dennis what he recommends. Dennis said he would want to see the original building permit. Richard Adair, Building Inspector was present and he said the permit would only be for the electrical pedestal. He said typically they aren't in the right-of-way. Joy asked Richard to get the Commissioners a copy of the permit that had been issued to Glade Rogers on CR 1150 W.

Dave asked Richard if the permit would allow them to pour a concrete foundation. Richard said the permit is just for the power company to hook up the electrical system. He said the power company doesn't look any farther than the meter. Richard said he looks at everything from the meter side going back out to the system, and that is all he looks at.

2011 ANNUAL REPORT

Mark presented the 2011 Annual Operational Report for Local Roads and Streets for the Commissioners approval, (H.I.).

Joy said it would be interesting to go back ten years and compare the income and expenses.

After the Commissioners reviewed the report and pointed out some typographical errors Jack moved to approve it as corrected. Dave seconded the motion and it carried, 3-0.

TRUCK UPDATES

Mark said he had an expenditure of over \$500.00 for truck #42. He said the parts were \$1204.29 plus \$119.00 for the diagnostics. Jack asked what they found out about the truck. Mark said it was the oil pump and two other things dealing with the oil pump that showed bad on the diagnostics. He said Justin (Winebrenner from Bob Thomas Ford) said it showed another error code, but he thought it might have been a result of the oil pump problem. When asked, Mark said he thought the truck was a 2003 and it had 213,000 miles on it.

Jack asked about the bucket truck. Mark said it should be up and running today.

Joy asked if truck #3 is the bucket truck. Mark said it wasn't and that it is the truck that had the plow come off of it and hit the truck.

Dave moved to approve the purchase over \$500.00 for truck #42. Jack seconded the motion and it carried, 3-0.

Mark said tractor #8 has a leak in the fuel tank and it will cost \$700.00 to replace it. Dave moved to approve the money for the fuel tank. After some discussion as to whether the tank could be repaired or not, Jack seconded the motion and it carried, 3-0.

HORSESHOE LAKE – PIPE PROBLEM

Mark told the Commissioners about a culvert across CR 350 S at Horseshoe Lake. He said they put a new culvert in there a few years ago, and all of a sudden within the last month the south side of it keeps coming up. Mark said he went down there Friday because they had two calls about it, and the pipe was up higher than the road. There was further discussion.

PUBLIC HEARING - UNSAFE BUILDING AT BEAR LAKE

Present for this portion of the meeting were Richard Adair, Building Inspector and Randy Tucker, landowner.

Joy said it was her understanding that there had been a letter sent by regular and certified mail to two different addresses (to the other owner of the property in question). Richard said that was correct, and all but one of them had come back.

Dennis asked what other addresses had been used. Richard said they were Michigan addresses. He told about the extent of his search to find the persons address. Richard said he is going to go through the local Sheriff's Department to try to find her. Dennis said we wouldn't have to wait forever. He said we could do notification by advertisement.

Joy asked Richard to check with the Sheriff's Department and see if anything happens within the next week or so. Dennis told Richard if he finds anything out he should get in touch with him.

Joy told Randy that at one time she had been told that he wanted to demolish the house. Randy said he was in the process of finding a pick-up truck and a place where he could burn the house. He said he just wanted to get her name off the property so there are no problems for him.

Richard said in the mean time, if Randy finds a place to burn the material he is welcome to start tearing it down, and as long as Randy shows progress he will work with him.

HEALTH DEPARTMENT VEHICLE PURCHASE

Linda Gray from the Health Department came before the Commissioners to discuss the purchase of a 2012 Chevy Silverado Regular Cab truck. She said it is a bigger truck (than had been discussed previously) because they found out the trailer weighed 7700 pounds, and the Silverado will haul 9900 pounds. Linda said this truck would cost \$300.00 more than the one that they had a quote for last week. She said the trade-in and rebate would be the same. Linda said this truck is a V8 and the one last week was a V6.

Jack asked if the Commissioners have any say so over the purchase of the truck. Joy said the title to the truck that is being traded in is titled to the Noble County Health Department and the new one is to be titled to the Noble County Board of Commissioners, which is why the Commissioners are involved with the letter Linda had submitted, (H.I.).

Linda said the truck and the money had been approved through the proper channels, the Health Board and the State.

Jack moved to approve the letter to go to the Indiana State Department of Health. Dave seconded the motion and it carried, 3-0.

ADVANCED IMAGING SOLUTIONS - PRINTER ADDED TO MANAGED PRINT SERVICES AGREEMENT

Dave Baum, IT came before the Commissioners to ask permission to add a printer to the above referenced agreement, (H.I.). He said Mick is getting a printer through a grant. Dave said it would be the same cost per page as everything else.

Dave Dolezal moved to have Joy sign the paperwork. Jack seconded the motion and it carried, 3-0.

DRAWING FOR SOUTH COMPLEX WIRING

Dave Baum, IT said that he had some drawings of the South Complex wiring stuff. It was decided that the drawings will be reviewed and discussed at next week's meeting. _

PAYROLL TO BE PAID 4/05/12 APPROVED

After reviewing the payroll from 3/09/12 - 3/22/12 to be paid 4/05/12 Dave moved to approve payroll pending the inquiry on the E-911 overtime. Jack seconded the motion and it carried, 3-0.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 11:30 A.M. and reconvened at approximately 11:38 A.M.

CLAIMS TO BE PAID TODAY'S DATE APPROVED

After reviewing the claims to be paid today's date Dave moved to approve them. Jack seconded the motion and it carried, 3-0.

TRANE - WORK AUTHORIZATION

The Commissioners received work authorizations for Trane to replace a faulty actuator at the courthouse and monitor it, and to install a new controller and set it up at the south complex, (H.I.). The quotes were deferred until next week.

MEDIACOM – CHANGES TO CABLE TV LINEUP

The Commissioners received notice from MEDIACOM about some changes that will be made in the local cable television lineup beginning on or about March 23, 2012, (H.I.).

DEPARTMENT OF NATURAL RESOURCES – ELKHART RIVER LOGJAM PROJECT FUNDS

The Commissioners received notice from the Department of Natural Resources that the grant award for the logjam removal projects on the North and South Branches of the Elkhart River has been finalized with a signed purchase order in the amount of \$65,000.00, (H.I.).

Joy said she had been in contact with them. She said Noble County will develop the scope of services and get the quotes, and we can use up to 10% in-kind for our portion of the cost. Joy said the work has to be completed within 2 years.

PRIMCO INC. – CERTIFICATE OF LIABILITY INSURANCE RENEWAS

The Commissioners received notice from Garrett-Stotz Company of the above referenced renewal, (H.I.).

EMC INSURANCE COMPANY – LIST OF INSURED BUILDINGS & PERSONAL PROPERTY

The Commissioners received a list of the buildings and personal property which is owned by the county and insured by EMC Insurance Company, (H.I.). This will be held until next week for approval.

TREASURER’S REPORT FEBRUARY 2012

The Commissioners received the Treasurer's report for February 2012, (H.I.). This report was held up because the State has been unable to get the correct excise information to the county.

DE-BRUSHING NOTICES – CHARLES BENDER AND STEELE DRAINS

The Commissioners received notice that de-brushing would start as soon as possible on the Charles Bender and Steele Drains, and that de-brushing would be done on both sides, (H.I.).

VFIS NEWS

The Commissioners received a copy of the VFIS news which contains information for emergency service organizations, (H.I.).

2013 COURTHOUSE CALENDAR

The Commissioners received a proposed 2013 courthouse calendar with the holiday schedule and office hours on it, (H.I.). The Commissioners briefly reviewed the calendar. Dave noted that Christmas is on Wednesday and not Thursday as indicated on the calendar. The calendar was taken under advisement until next week.

ASSOCIATION OF INDIANA COUNTIES, INC. – FEDERAL REIMBURSEMENTS FOR COURTS

The Commissioners received notice from the Association of Indiana Counties, Inc. about an opportunity to receive additional General Fund revenue by a service provided by MAXIMUS to find Title IV-D reimbursements for the county, (H.I.). The county has this service already.

MINUTES APPROVED

After reviewing the minutes of the March 26, 2012 meeting and making corrections, Dave moved to approve them as corrected. Jack seconded the motion and it carried, 3-0.

After having reviewed the minutes of the October 26, 2005 meeting Jack said they were correct to the best of his recollection and he moved to approve them. Dave seconded the motion and it carried, 3-0.

**ATLAS BUILDING SERVICES, INC. -
SERVICES PROVIDED**

The Commissioners received information from ATLAS Building Services, Inc. regarding the services they provide for restoration of buildings, (H.I.).

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 12:27 P.M. recessed from day to day until the 9th day of April 2012.

Joy Y. LeCount, President

David J. Dolezal, Vice President

Jack W. Herendeen, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor