

THE MORGAN COUNTY BOARD OF COMMISSIONERS MET IN A REGULAR SESSION ON MONDAY, MARCH 19, 2018 AT 9:30 A.M.

MEMBERS PRESENT WERE NORMAN VOYLES, RYAN GOODWIN, AND BRIAN GOSS. LINDA PRUITT, TAX ADMINISTRATION MANAGER, FILLED IN FOR DAN BASTIN, AUDITOR; DEB VERLEY, EXECUTIVE ASSISTANT; AND ROD BRAY, COUNTY ATTORNEY, WERE ALSO PRESENT.

NORMAN VOYLES ASKED FOR A MOMENT OF SILENT PRAYER.

NORMAN VOYLES CALLED THE MEETING TO ORDER.

BID OPENING – *Tractors/side mowers*

Linda Pruitt opened bids for two 110 horsepower tractors, one equipped with a side mount roadside mower and one equipped with a boom mower, including trade-in, as follows: Plainfield Equipment \$194,017.50; Reynolds Equipment (Option #1) \$203,957.10; Reynolds Equipment (Option #2) \$210,459.10; MacAllister Machinery (#1) \$121,221 (#2) \$107,230 (#3) \$123,367 and Southeastern \$239,500. Ryan Goodwin made a motion to allow highway department personnel time to review the bids and report back. Motion seconded by Brian Goss. Motion carried 3-0.

PROFESSIONAL SERVICES AGREEMENT

Steve Oliver, Boren, Oliver & Coffey, introduced Lynn Toops, Cohen and Malad to discuss a class action lawsuit regarding expenses the county has occurred due to the opioid crisis. Ms. Toops stated that the law firm of Cohen & Malad has been retained by dozens of cities and counties across the state of Indiana. The United States (and it is particularly a problem in Indiana) is in the midst of an opioid crisis. Statistics show that Morgan County, at the peak, had 166 opioid prescriptions per 100 people in the county. The average for the state of Indiana is 84 and Morgan County is at 111. Many cities and counties have chosen to join in a class action lawsuit against the prescription manufacturers and distributors. All the lawsuits are concentrated in one court in Cleveland. The judge in this court has stated that he is going to try to reach a resolution; over 150 people a day die from opioid use and he does not want to see a long litigation process. There are two tracks for the basis of the lawsuit, one is against the manufacturers, led in large part by Purdue Pharma L.P. Prior to the 1990s, it was generally accepted medical standard that these medications should only be used for end of life terminal care, or right after surgery for acute pain. They should not be used for chronic pain because they are addictive and don't address the cause of the pain. America consumes 99% of the world's hydrocodone supply and 80% of the world's oxycodone supply. Purdue Pharma pled guilty to a criminal misbranding and paid fines. They are currently under a senate investigation and the Department of Justice just filed a statement regarding joining the litigation. The second track of the litigation is against the distributors of the drugs. There are three companies and they have a duty to report to the DEA and stop any orders that look suspicious; they did not do this. Ms. Toops stated that they are hopeful that with the settlement of the lawsuit that there will be some meaningful relief provided to the cities and counties in Indiana. One of the theories of the lawsuit provides a remedy called abatement which provides looking forward type damages. (How many narcan doses were provided, were jails overcrowded, etc.)

There would be no cost to the county; any attorney fees would only come out of any recovery that Cohen and Malad would obtain for the county. In addition to money, an important part of the settlement would be things the defendants agree to do, such as providing education, treatment centers, training programs, etc.) Rod Bray stated that he met with the attorneys and reviewed the agreement. Morgan County is not the only county that has considered engaging in the lawsuit. There will be ongoing litigation for many months going forward trying to determine the liability and damages.

Mr. Bray asked Ms. Toops what happens if the county doesn't participate. Ms. Toops stated that there could still be some benefits that flow to the county, possibly by a treatment center in another area that could also serve Morgan County citizens, but in order to claim any funds from the lawsuit and have a voice when they reach a resolution, the county needs an advocate. The county would also have access to confidential information regarding what prescriptions go to what zip code.

Ryan Goodwin stated that he has a few reservations regarding the process, but the issue is not going away and it is best addressed with an "all hands on deck" approach and made a motion to entertain the Agreement for Professional Services between the county and Cohen and Malad and Boren, Oliver and Coffey. Motion seconded by Brian Goss. Motion carried 3-0.

BRICKWORK DISCUSSION

Dale Coffey, Boren, Oliver and Coffey, was present to discuss a mutual wall that is shared between the Boren, Oliver and Coffey building and the Annex Building. Boren, Oliver and Coffey has been working on their building and there are some areas on the mutual wall where the brick face is popping and some tuck pointing is needed. Boren, Oliver and Coffee has had some moisture issues on this wall and currently have someone making repairs on other areas of the building. This same company supplied a quote for work on the mutual wall for \$7,100. Mr. Coffey proposed that this cost be shared by the county. Ryan Goodwin stated that it is a reasonable request and made a motion to approve sharing half the \$7,100 cost for the mutual wall repair. Motion seconded by Brian Goss. Motion carried 3-0.

REAL ESTATE PURCHASE DISCUSSION

Larry Smith, Morgan County Highway Engineer, stated that for a road project in the Baseline/Shuler Road area, they will need to purchase approximately 3.3 acres, but they will need a survey. Rod Bray stated that after obtaining the survey, they will need to obtain two appraisals and Council approval of any purchase agreement. Ryan Goodwin stated that they would need the survey before moving forward.

USS INDIANA

Rick Baum, Morgan County Veterans Service Officer, shared an email he received from Ray Shearer with the USS Indiana Commissioning Committee. The new USS Indiana is the first namesake submarine and the first ship in over 70 years (the last being a WW II battleship). The Commissioning Committee is asking that the county raise local awareness, put together a gift basket of items unique to the county to give to the crew at the time of commissioning, and raise money for a \$1,000 scholarship. Mr. Baum stated that they asked that gift basket items be small enough to hold in the palm of your hand, as there was not much room to display items, and suggested a book on the history of the county. Rod Bray stated that there is a book going around all 92 for signatures and asked if Mr. Baum knew of the book or how it would get to Morgan County. Mr. Baum stated that he was not aware of it, but would try and get information. Ryan Goodwin stated that there was a postcard history book published by a local author and he would look into getting a copy of it.

MINUTES – 2/19/18, 3/5/18

Ryan Goodwin made a motion to approve the February 19 and March 5, 2018 minutes. Motion seconded by Brian Goss. Motion carried 3-0.

ROAD NAME

Gregg Fire Drive has been submitted for the name of a private existing drive off of Baltimore Road close to the Gregg Township Fire Department. Brian Goss made a motion to approve the road name. Motion seconded by Ryan Goodwin. Motion carried 3-0.

INCIDENT CLAIM

David Gettinger submitted a claim for a cracked driveway. Mr. Gettinger stated that a salt truck backed on to the corner of the drive. Ryan Goodwin stated that if the crack was within the right of way for maintenance, then he had no interest in sending it to be investigated by the liability carrier. Norman Voyles stated that the insurance company normally investigates and determines if there is any liability. Marvin “Sport” Whaley, Morgan County Highway Superintendent, stated that one of the drivers looked at the area and it turned into a “he said, she said” incident. Brian Goss stated that he would not be in favor of paying the claim for damages and made a motion to send the claim to the insurance company. Motion seconded by Ryan Goodwin. Motion carried 3-0.

TORT CLAIM

Brian Goss made a motion to submit the Purtlebaugh tort claim to the insurance company. Motion seconded by Ryan Goodwin. Motion carried 3-0.

EMS UPDATE

Troy Whedon, Morgan County EMS Deputy Director, stated that they did 308 runs for February and have done 170 so far this month. The remodel for the EMS Building on Morgan Street has been pushed back a week for delivery of a 22’ beam that spans the training room. The beam needs to be installed before the ceiling can be installed.

DISPATCH UPDATE

Scott Hamilton, Morgan County Public Safety Dispatch Director, stated that there have been 4443 911 calls, including 350 abandoned calls, 18,451 administrative calls, 6,966 CAD calls, 6 inbound texts, and 176 outbound texts. Mr. Hamilton stated that if they get an incomplete 911 call, they try to call back and then text if they don’t answer.

Mr. Hamilton stated that he had a recall on his vehicle and asked the mechanic to look into why the vehicle was running rough. He thought maybe it needed a tune-up, but the oil pressure pump is going out. There is also an issue with the front end. The repairs would be over \$4,000. Mr. Hamilton looked into obtaining a replacement vehicle from the Sheriff's Department and there aren't any available at this time. Mr. Hamilton requested approval to approach the Council about obtaining a new vehicle via purchase or lease. Mr. Hamilton thought he would be able to transfer funds within the budget to cover the purchase, but he would request an additional appropriation. Brian Goss made a motion to approve the request to approach the Council. Motion seconded by Ryan Goodwin. Motion carried 3-0.

COMP TIME DONATION

Mr. Hamilton stated that three of his employees are sons of Steve Goss. They are fairly new employees and don't have much vacation or comp time to use. With the recent passing of their father, they are out of time to use and several employees have requested to donate time. Ryan Goodwin stated that when it is a limited number of days and the donation pool comes from within the agency, he had no problem granting that flexibility. Ryan Goodwin made a motion to approve the donation. Motion seconded by Norman Voyles. Motion carried 2-0-1. Brian Goss abstained.

SHERIFF/JAIL UPDATE

Sheriff Robert Downey stated that the number of inmates continues to stay in the low 300s, there is one DOC inmate, 6 on work release, 24 on the jail corrections program, and 2,342 law enforcement calls for service.

HIGHWAY UPDATE

Marvin "Sport" Whaley stated that the situation at Bottom Road is deteriorating, there are now barriers on both sides of the road, making it difficult for farm machinery to make the 90 degree turn. Ryan Goodwin stated that it was the opinion of the Surveyor's Office and attorney that the county has no right of way beyond the bed of the roadway. Rod Bray stated that the county is limited on what they can do in this circumstance. Mr. Whaley stated that he didn't want the county to be liable for an incident regarding the barriers along the road. Rod Bray stated that the person having the liability would be the property owner who placed the barrier along the road. Mr. Bray stated that the county could obtain additional land to make the turn wider. Norman Voyles asked if one of the property owners would entertain widening one side of the road if compensation was offered. Mr. Goodwin stated that they added gravel to help expand the corner, but it keeps expanding beyond that; the property owner would probably want some assurance that the expansion would not continue. Mr. Whaley stated that he would look into it.

Mr. Whaley stated that they completed a project on Salem Church Road and will be putting up a fence. Mr. Whaley asked if guardrail should also be installed. Norman Voyles stated that if the fence is toward the edge, then guardrail should not be needed.

BID INFORMATION

Mr. Whaley stated that he reviewed the bids and the two that came the closest to what will benefit the Highway Department the most is the Challenger bid and the Reynolds John Deere bid. The Reynolds bid was \$53,887.44 and the Challenger was \$55,409. There was another John Deere option that was \$200 more, \$55,605 but Mr. Whaley couldn't find any difference in the tractors. Challenger has a Diamond mower and the John Deere tractor has a Tiger mower. The Highway Department has several Tiger mower parts and equipment, which would be a benefit. Mr. Whaley recommended the Reynolds John Deere quote at \$53,887.44 for a 4-year lease. The New Holland quote was less, but did not meet all the specifications and needs. Brian Goss made a motion to accept the Superintendent's recommendation of the \$53,887.44 quote. Motion seconded by Ryan Goodwin. Motion carried 3-0. Mr. Whaley stated that one tractor is a side-mount mower and one is a boom mower.

ENGINEER UPDATE

Larry Smith stated that he approached Jerry Aigner Construction about using dirt from a Bryants Creek Road location. Mr. Aigner requested that two piles of dirt be removed, but they didn't need that much. Mr. Smith requested approval of an agreement to purchase the dirt for \$4,500. Rod Bray stated that he would review the agreement for the next meeting. Ryan Goodwin stated that there are a certain amount of material supplies that the Highway Department purchases within the budget, but he was not inclined to enter into an agreement with a third party after the fact.

Mr. Smith stated that VS Engineering supplied a quote for the redesign of the roadway on Bridge #68 on Ballinger Road. This is a small structure replacement that will probably be purchased through E3 Bridge and highway crews will install the structure. The design roadwork, right of way acquisition, roadway design, utility coordination, topographical survey, and erosion control, is included in the scope of services. The amount of the agreement is \$76,300. Mr. Smith checked

with United Engineering for a quote but they did not submit one. Brian Goss made a motion to approve the agreement. Motion seconded by Norman Voyles. Motion carried 2-1. Ryan Goodwin was opposed.

Mr. Smith stated that the INDOT LPA consulting contract for Bridge #75 on Bowman Road was approved at the last meeting. INDOT has returned the contract because the contract was printed on two sides and was not signed in blue ink. Mr. Smith re-printed the contract on one-sided paper and asked that the Board re-sign the contract in blue ink.

Mr. Smith stated that House Bill 1290 was passed and the State Board of Accounts will make sure that the 50% guidelines are met by changing the annual report. Maintenance and work done outside of the edge of the pavement will not count towards the 50%. The current budget allows for 22%. Mr. Smith stated that approximately 80% to 85% of the MVH Fund goes toward salaries and fringes.

WENS AGREEMENT

Scott Hamilton requested approval of an agreement with Inspiron Logistics LLC and Morgan County for a three-year term to provide a mass notification system. Mr. Hamilton stated that once employees have used the system for a year and are familiar with it, they will begin using it county-wide. Rod Bray stated that the agreement automatically renews every year after the first term. Brian Goss noted that the dates are wrong on Schedule A. Mr. Hamilton stated that he would obtain a new one. Rod Bray suggested some changes to #6(c) Liability. Mr. Hamilton stated that he would contact Inspiron Logistics and present the agreement at the next meeting.

COMMENT

Courtney Strachan, a Morgan County resident, told of an issue regarding her dog and the Humane Society and asked for advice. Ryan Goodwin explained that the county contracts for animal control services from the Humane Society in support of sheriff deputies that are often unable to respond to animal related calls, but the day to day operations of the Humane Society are 100% their own. They have their own board of directors and source their own funding. Mr. Goodwin stated that he did look into the situation and was told that the dog was malnourished and rights to the dog were voluntarily signed away; this is really a civil issue between Ms. Strachan and a non-profit entity.

ADJOURNMENT

Brian Goss made a motion to adjourn the meeting. Motion seconded by Ryan Goodwin. Motion carried 3-0.

Morgan County Board of Commissioners

Norman Voyles

Brian Goss

Attest:

Dan Bastin, Morgan Co. Auditor

Ryan Goodwin