

REGULAR BOARD MEETING - BLOOMINGTON PUBLIC TRANSPORTATION CORPORATION (BPTC) SEPTEMBER 19, 2017, 5:30 P.M.

In the Edward J. Kuntz Board Room of the Bloomington Transit Operating Facility, 130 W. Grimes Lane, Vice Chairman McDaniel convened the regular meeting of the Board of Directors of the Bloomington Public Transportation Corporation.

ROLL CALL

Board Members present: Vice Chair Kent McDaniel, Board Member Cartwright, and Board Member Hartman. Also present were Lewis May, General Manager, Christa Browning, Controller, and Brenda Underwood, Human Resource/Marketing Administrator, Ian Patton, Operations Manager, member of the public Mike Rouker, City Attorney.

PETITIONS AND COMMUNICATIONS ON NON-ACTION ITEMS

There were no Petitions and Communications on Non-Action Items.

MESSAGES FROM BOARD MEMBERS

There were no messages from the Board Members.

MESSAGES FROM THE MANAGER

Mr. May said if we could change the order of the agenda as Mike Rouker is here from city legal to talk about item number two on the agenda which is a site access agreement for testing wells for the Fleener Building LLC. He said we were recently contacted by the Fleener Building who is our next door neighbor at the Downtown Transit Center. He said they've had some environmental issues at their location for a number of years since they moved into that property. He said IDEM has directed them to sink some monitoring wells on and along all four sides of their building to do some air sampling to determine the concentrations of certain hazardous vapors in the basement of the building. He said from what he understands it is dry cleaning solvent vapors and petroleum vapors. He said they've got seven different wells that are proposed to be set including four of them are on their property and two of them proposed for our property on the east side of our building. He said it looks like one of the wells is also on their next door neighbor's property to the east. He said we dealt with them in 2010 shortly after we bought the property as they filed a tort claim against us for petroleum vapors. He said as part of that we agreed to allow a couple of wells on our site and we had a site access agreement that the Board agreed to. He said those wells went away when we constructed the site and now Fleener has been directed by IDEM install more wells. He said when he first got word of this he talked to Mike about it. Mr. Mays said his concern was why we would want to give them access to any of our property to do this as they might use it against us in some way. He said in talking to Mike he felt like he felt like IDEM was the one that was directing this and that IDEM would probably tell us to do it if we refused. Mr. Rouker said yes that's correct. He said once they've been ordered by IDEM to put monitoring wells on their site and adjacent parcels it would just be foolish to refuse. He said the state could certainly come down and order the monitoring wells to be put in

place. He said we obviously have a history on this site with IDEM given the petroleum tanks that were discovered during construction that we referred to so it wouldn't make any sense to not be cooperative in this case. Board Member Cartwright asked are these supposed to be permanent. Mr. Rouker said no absolutely not. He said he said they have to be abandoned. Vice Chairman McDaniel asked how long does that last. Mr. Rouker said we don't have a definite time period. He said the way the site access agreement is designed if they wanted to keep those wells in place beyond 2020 they would have to get permission to extend the agreement as the term of the agreement goes to 2020. Mr. Rouker said we would not anticipate the wells being in place beyond 2020. Board Member Cartwright said what specifically are they after, well do they have concrete evidence from an independent firm that did some other pilot drilling down there to see if there's still some vapors and liquids from dry cleaning or petroleum that would come from our property? Mr. May said it could have come from our property but remember the property to the east of them was also a gas station and they also had to remove leaking underground tanks just to the east of the Fleener Building. Vice Chairman McDaniel said they likely had to go through the same process that BT did. Mr. May said since they are a private land owner we're not privy to what they had to go through with IDEM but I do remember when they were pulling out the tanks he witnessed tanks being removed that appeared to be corroded. He said he assumes they went through a process similar to what we did. Vice Chairman McDaniel said is it true that typically public agencies are held to a high standard. Mr. Rouker said there is no question we live under the shadow of the Access to Public Records Act so if somebody wants to get a copy of any sort of environmental study we do we have to hand it over to them. He said we would love to be able to say no but private corporations aren't bound by the Access to Public Records Act. He said absent something like a contractual arrangement like this where we say if we want your records we can get them or a lawsuit being filed where we would have the power to subpoena those records we can't get them unless they hand them to us voluntarily. He said, and just to go back, transit did a really nice job before they bought these parcels in 2009 when the parcels were purchased. Environmental studies were done before the purchase and they did show some residual evidence of not only petroleum chemicals but also dry cleaning chemicals in the soil. Board Member Cartwright noted that when we got that report we wondered why they would require another one because it didn't show any pollutants or anything leaking. He said they gave us permission to go ahead with our project. Mr. May said we did Phase I and Phase II environmental assessments at the site and it did reveal some contamination but nothing that rose to the level where any serious mitigation was required. He said things changed when we demolished the building at Third and Walnut and underneath the slab of that building was a whole host of tanks and several were leaking. He said so we actually had a small release of material into the soil there that we had to notify IDEM about. He said one of the conditions of the sale of the building to us was and there are covenants in our deed that require us to put in a vapor mitigation system into that building that we built. He said we did that and then we have to have that vapor mitigation system tested periodically. He said we have an agreement with a local engineering firm that comes out and periodically checks to be sure that vapor mitigation system is working and functioning the way it is designed to do. He said that's something we're required to do to meet IDEM requirements. Vice Chairman McDaniel said does that go on forever. Mr. May said until they say this release incident is closed and it will probably take years. He said in the Board Packet there is a copy of the site agreement that Mike Rouker drew up on our behalf. He said we have sent it on the Fleener environmental representative and they have already signed it so it is ready to go but it just needs the Board's approval.

Mr. May said item number one on the agenda is the Public Mass Transit Funding contract. He said this is a routine item that we bring to the Board every year to execute our contract with the Indiana Department of Transportation for our PMTF funding. He said the good news this year is that INDOT has informed us that we will receive \$2.53 million in PMTF funding and that's actually 3.2 percent more than we got last year. He said it's about a \$79,000 increase from the previous year. He said state funding went up for transit this year and the ITA was successful at advocating before the General Assembly and getting an increase. He said our ITA advocate was able to convince the governor's office, INDOT, and the State Budget Office not to do reversion on our funds. He said none of the money that was reverted in previous years is expected to ever be returned to the PMTF fund. He said that was under Governor Pence who did that. He said we have a new governor and so the good news is that the reversion didn't take place plus we got an increase in PMTF fund. Another increase is programmed in the 2-year budget for PMTF in 2019 as well. He said from what I understand from our ITA advocate there was another win in the process as Amtrak came in at the last minute and asked for \$400,000 to keep their service from Indianapolis to Chicago running. He said there was some consideration given to using PMTF funds for that \$400,000. The suggestion to use PMTF funds for this was not followed supposedly as a result of the assistance of our ITA advocates who talked to the State Budget Office, the governor's office and INDOT as well.

Mr. May added that INDOT Commissioner Joe McGuinness, who is the former mayor of Franklin, and who served on the Central Indiana Regional Transportation Authority (CIRTA) Board of Directors. He said the former Mayor McGuinness actually advocated for the IndyGo Red Line bus rapid transit line to come down to Franklin. He said IndyGo is apparently not going to do that but it shows that the Commissioner has a serious interest in transit and understands its value. He said myself and the CIRTA manager and the South Bend manager actually went up to INDOT and met with Commissioner McGuinness a couple months ago and we advocated to eliminate the PMTF reversions. He said through all these combined efforts we have achieved a victory in the increased PMTF funding as evidenced by the contract we have before us with a 3.2 percent increase. In the grand scheme of our overall budget of \$9.8 million, a \$79,000 increase isn't a huge amount of money but at least we got some inflationary bump here that can be used to pay for inflationary costs. Vice Chairman McDaniel asked when you got this distribution for the PMTF did they give you the formula. Mr. May said he had not seen the formula but if you notice the 2018 column says "base plus performance" meaning that a small portion of the PMTF funding is performance based. Vice Chairman McDaniel said there is a fair amount of volatility here. Mr. May said if you look at the group one systems there is not a lot of difference. He said there were some changes as Marion was moved from Group 4 to Group 2 and CIRTA got a big bump in their dollars that had something to do with their final year of transition. Mr. May said on the agenda is Resolution 17-15 that would authorize the Chair to execute a grant agreement for 2018 with the Indiana Department of Transportation for financial assistance through the Public Mass Transportation Fund under I.C. 8-9.5-5-4.

Mr. May said in this year's budget we had about \$44,000 budgeted to install several passenger shelters at various locations in Bloomington and historically 80 percent of those dollars have come from federal grants our Federal 5307 funding. He said we've had no problem as it's always been an easy line item to get approved in past grants. He said things changed this year with FTA

and caught us by surprise. He said now if you're going to use any of your federal money for passenger shelters you have to do an archaeological survey of the sites that are being proposed for the shelters and you have to do a historical survey review of the sites to be sure that your project won't have an adverse impact on any property that is on the national register of historic sites. He said in our view for the scope of this project \$44,000, it's not worth the effort, time and the cost to do that. He said our suggestion would be to simply fund those shelters in the 2017 budget with local dollars. He said he talked to one other transit manager Marty Sennett of Lafayette and he's well aware of this issue and he said they use local funds for shelters for that very reason. Mr. May said we're not losing the federal money on this we just wouldn't use federal money for this project. As such, the Federal funds originally planned for shelters would go back into our carry over Federal 5307 balance. Essentially this gives us a positive in the federal column and a negative in the local column. Vice Chairman McDaniel asked if the Board needed formal action on this or just a consensus. Mr. May said he just really wanted to bring it to the Board as an informational and be sure we have good direction from the Board. He said given the Board's consensus on this, we will proceed with the project funded solely out of local dollars.

Mr. May said Isabell Piedmont-Smith and Jean Caplin were here at the last Board meeting requesting that we consider expanding the BT Access service area on Sundays to include the entire City rather than just the ¾ mile corridor as is currently done. He said given that this was especially important to board members Obermeyer and McLary, Mr. May suggested continuing the discussion on this item to the next meeting when they're here. He added there is no urgent need for action on this item.

Mr. May said this is going to be news for a few of you but everything has come together quite quickly and suddenly on an autonomous vehicle demo that we are planning here in Bloomington next week. He said we got a call late last week from the autonomous vehicle supplier that they had an opening in their calendar. He said this is something that Mayor Hamilton has urged us to do and was very much interested in. He said the date is September 29. He said that happens to be the first day of the Lotus Festival. He said the Lotus Festival doesn't technically start till 6 p.m. that Friday evening and continues through the weekend. He said the autonomous vehicle demo would be a good kickoff for the Lotus Festival. He said we're proposing to run the demo on Kirkwood which is the mayor's suggestion to close a 3-block section of Kirkwood to run the autonomous shuttle vehicle back and forth giving the public rides on it so they can see it and experience it.

Mr. May gave an overview of August ridership. He said August fixed route ridership was down 1.46 percent compared to August of last year. He said year-to-date ridership is down 2.24 percent compared to the same period last year. He said fixed route transit ridership across the county is down in the 5-10 percent range which is a much greater decline than we are seeing here in Bloomington.

Mr. May noted BT Access ridership was up 3.2 percent in August compared to August 2016. He said year-to-date BT Access ridership is up 6.63 percent in compared to the same period last year. He said our productivity continues to be up as a result of our new scheduling software.

MESSAGES FROM THE CONTROLLER

Controller Browning noted on the agenda is Resolution 17-14; a resolution approving the governmental certificate to German American Bank for issuance of credit cards for the Board's review and approval. Ms. Browning summarized this item which was for the use of staff credit cards.

Controller Browning gave an overview of the August Financial Reports and noted that we continue to run below budget for operating expenses through August.

PUBLIC COMMENT – ACTION ITEMS

There was no public comment on actions items other than the suggestion that BT consider expanding its Sunday service area for BT Access to the entire City as previously mentioned in the public comment section of the agenda.

NEW BUSINESS – ACTION ITEMS

Under New Business, Board Member Hartman moved to approve Resolution 17-14; a resolution approving the governmental certificate to German American Bank for issuance of credit cards. The motion was seconded by Board Member Cartwright. Resolution 17-14 was approved unanimously.

Also under New Business, Board Member Cartwright moved to approve Resolution 17-15; a resolution authorizing the BPTC Chair to execute a grant agreement for 2018 with the Indiana Department of Transportation for financial assistance through the Public Mass Transportation Fund under I.C. 8-9.5-6-4. The motion was seconded by Board Member Hartman. Resolution 17-15 was approved unanimously.

Under New Business, Board Member Hartman moved to approve Resolution 17-16; a resolution authorizing the BPTC Chair to execute an agreement between the BPTC and Fleener Building LLC to allow the installation and maintenance of monitoring wells on BPTC property. The motion was seconded by Board Member Cartwright. Resolution 17-16 was approved unanimously.

OLD BUSINESS

There was no Old Business.

MINUTES

The minutes for July 18, 2017 were presented for approval by Board Member Cartwright and seconded by Board Member Hartman. The minutes were approved unanimously.

The minutes for August 15, 2017 were presented for approval by Board Member Cartwright and seconded by Board Member Hartman. The minutes were approved unanimously.

CLAIMS

The claims for September 19, 2017 were presented for approval by Board Member Cartwright and seconded by Board Member Hartman. The claims were approved unanimously.

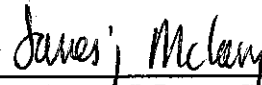
ADJOURNMENT

APPROVE:



10-17-17
Nancy Obermeyer, Chair
Board of Directors BPTC

ATTEST:



10-17-17
James J. McLary, Secretary
Board of Directors BPTC