

PARTA
PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY

BOARD OF TRUSTEES MEETING MINUTES

PARTA ADMINISTRATION BUILDING
2000 SUMMIT ROAD
KENT, OHIO 44240

January 24, 2019

Board Members Present:

| | | |
|---------------------------------|-----------------|----------------|
| Rick Bissler, President | David Gynn, TPO | Jeremy Moldvay |
| Dominic Bellino, Vice President | Virginia Harris | Frank Vitale |
| Marge Bjerregaard | Pete Kenworthy | Karen Wise |
| Jeff Childers | Timothy Lassar | |

Board Members Not Present:

| | |
|--|--|
| Richard Brockett (1 st excused absence) | Brian Gray (1 st excused absence) |
| Christina West (1 st excused absence) | |

Staff Present:

| | | |
|-----------------|-----------------------------|----------------|
| Claudia Amrhein | Kelly Jurisch | Brian Trautman |
| Marcia Fletcher | William Nome, Legal Counsel | |

Guests Present:

None.

CALL TO ORDER

President Rick Bissler welcomed everyone and called the meeting to order at 7 p.m. An oral roll call followed, and a **quorum was present.**

Moving on, Mr. Bissler said the meeting minutes for the December 20, 2018 Board meeting were distributed, and he entertained a motion to accept. Mr. Timothy Lassar made a motion to approve the minutes as presented. Mr. Jeremy Moldvay seconded the motion. **Motion to approve the minutes, as presented, passed unanimously.**

GUEST COMMUNICATIONS

None.

GENERAL MANAGER'S REPORT

Ms. Claudia Amrhein started off by thanking the Maintenance Department for an outstanding job this past weekend of staying on top of the snow and ice removal at the Gateway. It is almost a 24/7 job so that it does not accumulate and freeze. People park in the deck 24/7/365 because they live downtown. KCG is their personal garage. Mr. Trautman and his staff made sure that everything was clean and maintained while keeping buses on the road. It was a busy weekend.

In more news from Clean Energy, Ms. Amrhein said a portion of the piping needs to be rebuilt that was installed using specifications that were incorrect. She said Mr. Trautman can explain a little bit further, but it will be completed at Clean Energy's expense. It will inconvenience PARTA in the sense that the station will have to be shut down for a weekend to have the piping torn out and fully replaced.

Mr. Trautman said much of the piping used above ground for all the connections and transport of the CNG is inferior. It was caught when the as-builts were being reviewed. The architecture and engineering firm asked some questions and found out that the wrong product was delivered to the subcontractor, so it is being remade and will be installed at their cost. He agreed to have them come in on a Friday and work through the weekend to get it back up. Hopefully it won't inconvenience too many people when it comes to folks who come here and buy fuel during the week.

Mr. Bissler asked if that is all that needs to be redone and if the architecture and engineering review is done.

Mr. Trautman said the review is done and as-builts have been submitted and reviewed. This was the only thing that was caught. He noted that he has not reviewed as-builts because he doesn't have his copy yet. He said Clean Energy, in his 34 years in transit, is by far one of the most difficult companies he has ever had to deal with in his entire career and it is continuing down that path. He doesn't anticipate this will be his last discussion with the Board about Clean Energy moving forward. The station is up most of the time. There are a lot of issues with what Clean Energy is calling nuisance failures. He said he explained to them that there are parts of the contract that speak to nuisance failures and it's Clean Energy's responsibility.

Mr. Vitale asked if PARTA had its own construction manager for this project.

Ms. Amrhein said the follow along architecture and engineering firm, Richard L. Bowen & Associates, worked alongside PARTA on the final preliminary design up to the 30% plans, oversaw the review of all the construction documents and worked closely with Mr. Trautman for the onsite construction.

Mr. Trautman said Marathon, the premier leader in the field of CNG design services, was also engaged as a subcontractor. Mr. Rob Adams was the representative from Marathon.

Mr. Vitale asked if Clean Energy volunteered that they made a mistake or was that discovered some other way.

Mr. Trautman said Richard L. Bowen & Associates and Mr. Adams reviewed the documents as submitted. When those documents are submitted, the engineers and architects review them to make sure that their submittals are part of the project indicating what it will be built out of (as-builts). PARTA approves it, they build it, and then they submit the as-builts. When the as-builts were being reviewed, they discovered that the piping used was not correct. Their contractor showed up here, reviewed it, and said the piping was incorrect. The architecture and engineering firm that PARTA used caught the mistake and Clean Energy is replacing it.

Ms. Wise asked if there is a construction management company for onsite construction oversight for the CNG station.

Ms. Amrhein said it was a design build project. Clean Energy took the 30% plans that Richard L. Bowen & Associates developed, finished the design to 100% and then constructed the station. They are the construction team.

Ms. Wise clarified that there is no independent construction management.

Ms. Amrhein said correct, the architecture and engineering firm provides all the professional services that PARTA doesn't have on staff.

Mr. Vitale asked if Richard L. Bowen & Associates had a construction manager on site.

Ms. Amrhein said no, a construction manager was not on site but came at different times for spot checks.

Mr. Trautman said there aren't construction management firms on every project. It would drive the cost of projects through the roof. Architecture and engineering companies are hired to provide construction management, which is what PARTA had.

Mr. Vitale said a construction manager would not come to a job on a spotty basis. They would be there full time to look at the products and the plans to see if they agree with the specifications.

Mr. Trautman said it wouldn't have mattered who was here because they would not have been able to tell by looking at that pipe that it was out of specification until the pipe specification used to build it on an as-built drawing was reviewed. You could go look at the pipe now and you wouldn't be able to tell it from the pipe that they're going to use.

Mr. Gynn asked if there was much public use of the CNG station.

Ms. Amrhein said yes, there are a handful of distinct users identified by their credit card last four (4) digits.

Mr. Moldvay asked if a lot of revenue would be lost while the station is shut down.

Ms. Amrhein said no, it should only be for a few days and people will be notified.

Mr. Bissler asked if there was anything else.

Ms. Amrhein asked Mr. Nome to update the Board on Christina West.

Mr. Nome said Christina West was recently appointed to fill an unexpired position on the Board by the City of Ravenna. She works for the Portage County Board of Developmental Disabilities (PCBDD) and since her appointment, PCBDD has raised the issue of an alleged conflict of interest. They're in the process of sorting that out. Other than the fact that she's a member of the PARTA Board, PARTA isn't involved in that. It was an appointment by the City of Ravenna and there is a presumption that any time PARTA gets an appointment from an appointing authority, that it's done legally and ethically. The only question would be is when they resolve this issue, it may be that Ms. West would have to leave the Board if there is a conflict of interest issue that was not known to anybody previously. If they resolve it that there is no conflict of interest, he hopes that she would stay on the Board because she contributed a lot in the brief time she's been on the Board but that's why she's not here tonight. Hopefully they will get this resolved by the next Board meeting, but her attorney is looking into it, and the prosecutor's office, who represents PCBDD, is looking into it. He doesn't know if the City of Ravenna Law Director has been contacted yet, but he thinks someone is going to contact him about it for the City's point of view. As a recipient of an appointee, PARTA doesn't have any control over who gets appointed to its Board. Different entities advertise that they want to make appointments to boards, whether it's county or different cities or whoever, they get applications for it, the appointing authorities make the appointments, and the different entities get whoever they send. Fortunately, PARTA has been given quality people. Until that issue gets resolved, Ms. West will be taking a hiatus from sitting

on PARTA's Board or being involved in things. Even though PARTA's not involved in it, as an abundance of caution, since everybody else is lawyering up on this thing, he is requesting that any communications with her be limited so people aren't called to be witnesses or somehow get sucked into this more than they need to be. PARTA is the innocent bystander and collateral damage at this point.

Mr. Lissan asked what the point of contention was.

Mr. Nome said it's something that apparently applies only to developmental disability employees. He looked at what they have cited and it's not clear to him if it is or it isn't. For one thing, he said his opinion doesn't mean much on that. For another thing, he said he doesn't have an opinion on that because it's something that he thinks would have to be looked at on a specific basis and not just in general. For purposes of the Board, if something is going out to all Board members, such as a Board packet or something general, and if Ms. West is still a member of the Board in good standing, she could receive those. As far as getting into personal discussions with her, any side meetings, anything that doesn't involve the whole Board or getting together as a committee where things are being done in open session, that would probably not be the best idea so he asked if that could be avoided. He asked if there were any other questions.

Hearing none, Mr. Bissler thanked Mr. Nome and asked Ms. Amrhein if she had anything else.

Ms. Amrhein noted that there will be an open house from 4-6 p.m. on Tuesday, January 29, to say farewell to Joe Yensel, Director of IT and Parking Operations. Mr. Yensel and his wife are starting a new venture. They are owners of The Cole Center and they support families and kids in working through developmental disability issues with school systems. Mr. Yensel has spent nearly 15 years with PARTA. She asked Board members to come out on Tuesday if possible, to wish him well.

Mr. Bissler asked if there were any other questions for Ms. Amrhein. Hearing none, he moved on to the committee reports.

ADMINISTRATION COMMITTEE REPORT

Mr. Bissler said the Administration Committee met just before the Board meeting. He asked Chairman Jeremy Moldvay to provide a quick recap.

Mr. Moldvay said the Administration Committee met and discussed the resolutions that will be discussed in detail shortly. The committee recommended approval of the resolutions by the Board.

Mr. Bissler asked if there were any questions for Mr. Moldvay. Hearing nothing further, he said no other committees met.

FINANCE COMMITTEE REPORT

This committee did not meet.

OPERATIONS COMMITTEE REPORT

This committee did not meet.

PERSONNEL COMMITTEE REPORT

This committee did not meet.

OLD BUSINESS

Moving on, Mr. Bissler said there is no old business.

NEW BUSINESS

Resolutions

Mr. Bissler moved on to the resolutions and said since the first resolution deals with public depositories and Mr. Bellino and himself both have an affiliation with banks that are on the list, they will step out and Temporary Presiding Officer, Mr. David Gynn, will handle the first resolution.

Mr. Gynn said the first resolution is #2019-01-01.

#2019-01-01: A RESOLUTION BY THE PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY (PARTA) BOARD OF TRUSTEES DESIGNATING THE PUBLIC DEPOSITORIES FOR THE PUBLIC FUNDS OF PARTA FOR THE PERIOD BEGINNING JANUARY 22, 2019 AND ENDING JANUARY 21, 2024.

Mr. Gynn entertained a motion to adopt the resolution.

Motion: Frank Vitale

Second: Karen Wise

Mr. Gynn asked if there was any discussion.

Mr. Vitale asked if a bank would be picked from that list and when.

Ms. Amrhein said no, the resolution lists all the financial institutions that completed the application and certified that they could collateralize PARTA's funds. This just determines who PARTA may do business with. It does not determine that PARTA will. PARTA can use them as public depositories for its funds over the next five (5) years.

Mr. Nome said the Board is approving the list of potentials, not selecting.

Mr. Gynn asked if PARTA had the authority to use any of these public depositories.

Ms. Amrhein said yes, because they've certified that they can collateralize PARTA's funds in accordance with government regulations, which is a higher standard of collateralization.

Mr. Vitale asked who PARTA used now.

Ms. Amrhein said Huntington.

Mr. Nome said five (5) years ago there was a similar resolution. This is not new. This comes up every so often where financial institutions are notified. If they're interested, they fill out an application and then those who have applied go on a list of potentials that the Board can vote on. Once the Board has approved this list and says these are acceptable public depositories for PARTA to do business with, then, as far as picking and choosing specifics, that falls to Ms. Amrhein as General Manager rather than the Board.

Mr. Vitale asked if PARTA used more than one (1) bank.

Ms. Amrhein said Huntington is used primarily and then some funds are on deposit through the State Treasury Asset Reserve (STAR) of Ohio. For the purposes of this, *PARTA* will continue to bank with Huntington unless the decision is made to go out for an RFP and get competitive rates.

Mr. Nome said this resolution came before the Administration Committee and as Mr. Moldvay indicated, they are recommending approval by the Board.

Mr. Gynn asked if there were any other questions. Hearing none, he asked for a roll call.

| Roll Call: | <u>Yes</u> | <u>No</u> | | <u>Yes</u> | <u>No</u> |
|-------------------------|-------------------|------------------|-----------------------|-------------------|------------------|
| Jeff Childers | <u>X</u> | ___ | Pete Kenworthy | <u>X</u> | ___ |
| Marge Bjerregaard | <u>X</u> | ___ | Timothy Lassar | <u>X</u> | ___ |
| Frank Vitale | <u>X</u> | ___ | Christina West | EXCUSED | |
| Jeremy Moldvay | <u>X</u> | ___ | David Gynn | <u>X</u> | ___ |
| Karen Wise | <u>X</u> | ___ | Virginia Harris | <u>X</u> | ___ |
| Richard Brockett | EXCUSED | | Brian Gray | EXCUSED | |

Mr. Bissler and Mr. Bellino were asked to return to the meeting.

The meeting was turned back over to Mr. Bissler, who said the next resolution is #2019-01-02.

#2019-01-02: A RESOLUTION BY THE PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY (*PARTA*) BOARD OF TRUSTEES AUTHORIZING THE GENERAL MANAGER, OR HER DESIGNEE, TO PROCEED WITH THE PROPOSAL OF AQUILA ARCHITECTURAL GROUP LLC FOR ARCHITECTURAL DESIGN AND ENGINEERING SERVICES FOR THE BUS WASH FACILITY CNG CONVERSION AND NEW VEHICLE STORAGE FACILITY.

Mr. Bissler entertained a motion.

Motion: Marge Bjerregaard Second: Timothy Lassar

Mr. Bissler asked if there was any additional discussion.

Mr. Vitale asked if this was for designing the new bus garage and the bus wash and if Aquila has been used before.

Ms. Amrhein said it's the design phase for the new storage facility where buses will be stored inside and under cover. The upgrades for the bus wash have already been designed. Aquila has been used before. They designed the bus wash originally.

Mr. Vitale asked if competitive bids were received.

Ms. Amrhein said competitive bids were received when Aquila was initially selected for the design of the bus wash. There was a provision to extend the contract, which was executed for the consistency of using the builder that designed it. Aquila is best able to unearth the plans to determine what needs to be done to upgrade that facility.

Mr. Bissler asked if there were any other questions or comments. Hearing none, a roll call vote was taken.

| Roll Call: | <u>Yes</u> | <u>No</u> | | <u>Yes</u> | <u>No</u> |
|-------------------|-------------------|------------------|------------------|-----------------------|------------------|
| Frank Vitale | <u>X</u> | ___ | Richard Brockett | <u>EXCUSED</u> | |
| David Gynn | <u>X</u> | ___ | Brian Gray | <u>EXCUSED</u> | |
| Virginia Harris | <u>X</u> | ___ | Jeremy Moldvay | <u>X</u> | ___ |
| Marge Bjerregaard | <u>X</u> | ___ | Dominic Bellino | <u>X</u> | ___ |
| Pete Kenworthy | <u>X</u> | ___ | Jeff Childers | <u>X</u> | ___ |
| Karen Wise | <u>X</u> | ___ | Christina West | <u>EXCUSED</u> | |
| Timothy Lassan | <u>X</u> | ___ | Rick Bissler | <u>X</u> | ___ |

Mr. Bissler said the next resolution is #2019-01-03. He entertained a motion.

Motion: David Gynn

Second: Marge Bjerregaard

Mr. Bissler said because this is employee contract based, if there are specific questions, the Board will need to go into executive session. At the last meeting, the Board did vote on the contract. There were some tweaks done to the contract to get a signature and this ratifies those tweaks. Again, it's not that it's going to change the contract, but the Board has a right to know what it is. In order to know what it is, the Board would have to go into executive session.

Mr. Childers said there is already a motion on the floor to approve the resolution. He recommended that the motion be withdrawn so the Board can go into executive session.

Mr. Bissler asked for withdrawal of the motion.

Mr. Gynn withdrew the motion.

EXECUTIVE SESSION

Mr. Bissler then entertained a motion to go into Executive Session at 7:27 p.m. for the purpose of preparing for, conducting, or reviewing a collective bargaining strategy.

Motion: David Gynn

Second: Jeremy Moldvay

| Roll Call: | <u>Yes</u> | <u>No</u> | | <u>Yes</u> | <u>No</u> |
|-------------------|-----------------------|------------------|-------------------|-----------------------|------------------|
| Dominic Bellino | <u>X</u> | ___ | Brian Gray | <u>EXCUSED</u> | |
| Virginia Harris | <u>X</u> | ___ | David Gynn | <u>X</u> | ___ |
| Christina West | <u>EXCUSED</u> | | Richard Brockett | <u>EXCUSED</u> | |
| Karen Wise | <u>X</u> | ___ | Jeff Childers | <u>X</u> | ___ |
| Pete Kenworthy | <u>X</u> | ___ | Frank Vitale | <u>X</u> | ___ |
| Jeremy Moldvay | <u>X</u> | ___ | Marge Bjerregaard | <u>X</u> | ___ |
| Timothy Lassan | <u>X</u> | ___ | Rick Bissler | <u>X</u> | ___ |

A vote was then taken to return to Public Session at 7:45 p.m.

Motion: Pete Kenworthy

Second: Marge Bjerregaard

| Roll Call: | <u>Yes</u> | <u>No</u> | | <u>Yes</u> | <u>No</u> |
|-----------------|------------|-----------|-------------------|----------------|-----------|
| Jeff Childers | <u>X</u> | ___ | Richard Brockett | EXCUSED | |
| Frank Vitale | <u>X</u> | ___ | Brian Gray | EXCUSED | |
| Karen Wise | <u>X</u> | ___ | Dominic Bellino | <u>X</u> | ___ |
| Timothy Lassar | <u>X</u> | ___ | David Gynn | <u>X</u> | ___ |
| Jeremy Moldvay | <u>X</u> | ___ | Marge Bjerregaard | <u>X</u> | ___ |
| Virginia Harris | <u>X</u> | ___ | Christina West | EXCUSED | |
| Pete Kenworthy | <u>X</u> | ___ | Rick Bissler | <u>X</u> | ___ |

#2019-01-03: A RESOLUTION BY THE PORTAGE AREA REGIONAL TRANSPORTATION AUTHORITY (PARTA) BOARD OF TRUSTEES TO ACCEPT AND RATIFY A SUCCESSOR COLLECTIVE BARGAINING AGREEMENT BETWEEN PARTA AND OAPSE/AFSCME LOCAL 4/AFL-CIO (UNION).

Mr. Bissler entertained a motion to approve the resolution.

Motion: David Gynn

Second: Pete Kenworthy

Mr. Bissler asked if there was any discussion. Hearing none, he moved on to the roll call.

| Roll Call: | <u>Yes</u> | <u>No</u> | | <u>Yes</u> | <u>No</u> |
|-----------------|------------|-----------|-------------------|----------------|-----------|
| Karen Wise | <u>X</u> | ___ | Marge Bjerregaard | <u>X</u> | ___ |
| Virginia Harris | <u>X</u> | ___ | Brian Gray | EXCUSED | |
| Jeremy Moldvay | <u>X</u> | ___ | Richard Brockett | EXCUSED | |
| David Gynn | <u>X</u> | ___ | Pete Kenworthy | <u>X</u> | ___ |
| Frank Vitale | <u>X</u> | ___ | Jeff Childers | <u>X</u> | ___ |
| Dominic Bellino | <u>X</u> | ___ | Christina West | EXCUSED | |
| Timothy Lassar | <u>X</u> | ___ | Rick Bissler | <u>X</u> | ___ |

ADJOURNMENT

Mr. Bissler concluded by entertaining a motion to adjourn.

Ms. Marge Bjerregaard made a motion to adjourn the meeting. Ms. Karen Wise seconded the motion. **Motion to adjourn passed unanimously.**

The meeting adjourned at 7:47 p.m.

Respectfully submitted,

Marcia Fletcher
Executive Assistant