

**TOWN OF
DARMSTADT, INDIANA**

SETTLED 1822

INCORPORATED 1973

**Minutes of
November 9th 2021**

These minutes are not intended to be a verbatim transcript.

TOWN COUNCIL

Paul Freeman, President
Aaron Kendall, Council Member
Ken Godeke, Council Member
Ray Engler, Council Member

CLERK-TREASURER

Mallory Lowe
P. O. Box 20
Darmstadt, In 47618

Board president, Paul Freeman, called the town meeting to order at 7:30pm. In attendance were President Paul Freeman, Clerk-Treasurer Mallory Lowe, Council members Aaron Kendall, Ken Godeke and Ray Engler. Also present was Attorney Jason Spindler and Interim Superintendent Aaron Enlow.

Kendall made a motion, seconded by Godeke to accept the minutes from last month. Motion passed 4-0 voice vote.
Kendall made a motion, seconded by Godeke to approve last month's financial report. Motion passed 4-0 voice vote.
Kendall made a motion, seconded by Godeke to approve the accounts payable claims. Motion passed 4-0 voice vote.

CLERK-TREASURER'S REPORT:

Mallory Lowe Town Clerk's office: I attended our AIM Roundtable meeting hosted by Boonville. Ray also attended. We spoke to the Boonville Mayor, they currently contract out a lot of their maintenance depts, treatment plants and are not pleased with everything. They still have to employ a Town Manager to run the contractors. Several other towns were there. Matt Greller, our AIM president spoke about the ARPA funds, Broadband and Community Crossings. There were a couple guest speakers, Wessler's Engineering was there along with OCRA. Lots of valuable information.

This week has been our Annual State Conference in Evansville at the Events Center. Many Town Council Members and Clerks were in attendance for training. Yesterday was State Board of Accounts State Called Meeting going over new requirements, Agent Brian Monahan with the FBI spoke about their new Initiative to crack down on Corruption in town councils especially on outside contracting Agent Monahan said they have been reviewing Indiana town council member's activity and they highly recommended having attorneys and engineers oversee contracting to stay within the laws so to keep council members from committing violations against the town taxpayers.

State SBOA Director Todd Caldwell spoke about the nepotism forms that still must be filled out annually by each council member along with new changes to tax abatement recording and capital assets.

Today, Michael Griffin, who is a 29 year veteran clerk of Highland, Indiana taught the class on Roberts Rules of Order and the importance of following procedures during meetings. They had a mock meeting they put on that was hilarious which mimicked what many towns deal with, which is upset residents, clueless council members and how to professionally deal with those situations. Michael does an excellent job and has mentored other towns for years.

Dan Hedden from Baker Tilly went over the ARPA Federal Grant fund requirements, all the documentation needed, the registration on the Federal SAM site and the importance of having all ordinances, plans and implementation plans in place and documented. Deadline for Council to have that completed is in April.

Baker Tilly said they are available to hire for our entire ARPA process and can write the plans, reports and submissions to the Federal government that will be required during the next 2 years. So we may need to take them up on that.

I've been working with Larry Tippin our CPA from State Board of Accounts on internal controls, Capital Assets and other new state requirements. He drove down from Indy last Monday and I met with him for most the day. We sat down at my office and went over all Darmstadt's Capital Assets, including roads, construction dates, property tax cards, infrastructure, depreciation calculations, etc. We also visited the shop and reviewed the building and equipment. We've compiled all the data now and calculations and have everything ready for the State Capital Assets requirements tracking that begins on our Annual Report due in January on Gateway. He is also doing the Capital Assets Depreciations for many other towns since this will now be required annually.

Larry Tippin will also take over the Internal Controls work. He understands what's going on with our current council and stated it's best to have an outside source for internal controls. We will start on the internal controls where previous council member Phil McElroy left off in March 2019, catch up and then begin monthly up to date controls. I had a phone meeting with Kristen Duetsch of our HR Company, we went over our town policies to update them for compliance, she is also working on the wording on our payroll ordinance which needs to be in line with our Employee Handbook. Kristen stated it is old and needs to be updated to include all new laws and to be in compliance with the State Board of Accounts. I want everything to be in compliance and in unison across the board. Council needs to get back on track, start performing their duties, stop putting us at risk and make decisions based on policies and laws.

In the Utility Department: There was a terrible house fire at the Boutwell's last month. They ended up using over 20k gallons of water for the fire. I made an adjustment to their sewer bill from \$599 down to their average usage of \$92. Kendall asked Lowe why wouldn't they request that from the water company. Lowe replied water company is a separate utility, they were requesting deduction from the sewer bill since water didn't enter sewer system.

In General Town Items: The State Conference Banquet is tonight and closing session is tomorrow. I met many people and made great connections like usual at the annual conference. I had lunch today with Newburgh's Attorney and Clerk-Treasurer, along with Boonville, Chandler and Dale, Indiana officials.

Old Business

1. Update on CCMG Repaving Grant Project

Aaron Enlow noted that work has been completed. Mallory Lowe advised that she is still closing out the paperwork and is just waiting for the check to clear for Metzgers and that will be the last piece of documentation we need to copy and send with our closeout forms to INDOT for the CCMG Closing Process.

2. Jason Ashworth from the Vanderburgh County Sheriff's Office

Jason stood up to make a statement. He said he has been with the Sheriff's department for 29 years, 14 years in the detective office. He started in the jail in 1993, oversaw the undercover unit for 5 years. Ashworth stated he spoke with a resident on Boonville-New Harmony about his weed ordinance and neighbor's concerns. Ashworth continued to speak about his history on the Sheriff's department and his experience.

New Business

1. ADA Compliance – Assign a Council Member ADA Coordinator

Lowe advised that after no response or action from council over the last year, we lost our ADA compliance with the state. Lowe stated our previous council member Phil McElroy was our assigned coordinator, kept up with the required reports to submit in the past, and that now, without compliance with ADA, we will not be eligible to receive CCMG Road repaving grants until we are back in good standing.

Paul Freeman stated that he will be the ADA coordinator and will contact Mr. Will Gay at the State office to get us back into compliance by the November 29th deadline. No vote was taken, Council had no objections.

2. Possible Contracting out Darmstadt's Maintenance Dept/Superintendent Position

Paul Freeman read aloud his RFP again for contracting out the Town's Maintenance Department. Ray Engler stated that the RFP looked like an outline and not an actual complete RFP. Much discussion and disagreements arose between town residents and the residents on the council.

Paul Freeman stated that he decided to bring on Tom Small and Harold Grossman, to contribute in the RFP process to replace our town's maintenance personnel.

Freeman noted that Jason Spindler would need to add his legal jargon to the RFP before publishing and that it will need to be published twice. Spindler will get the legal jargon written and completed before publishing.

Ken made a motion to publish the RFP in the newspaper for bids, Kendall seconded the motion to publish after Jason's legal editing. Motion passed by 3-1 voice vote.

3. Wastewater/Sewer Rate Study

Freeman noted that he was approached by a town resident asking about the validity of our town rates. Kendall made a motion, seconded by Godeke to research into having a rate study conducted. Motion passed by 4-0 voice vote.

4. Broadband Availability

Ray Engler stated that we have met with an engineering firm to see if we can correct the dead areas in town that are not receiving broadband. Paul Freeman asked if anyone in this room does not have internet availability in their area. Paul asked Mallory if she could post a question on the town facebook page who does not have broadband access. Mallory Lowe stated to residents that this one of the topics that council is considering spending our town's \$300k Federal ARPA money on.

Superintendent Report

Aaron Enlow advised they had 15 service calls and 28 locates since our last meeting. Aaron noted they have been trimming the trees around the road signs in town in preparation for the new regulation signs that are on order. The new signs will meet Indiana regulatory standards. Aaron also stated that they have assisted in traffic control on BNH where there were some infrared road repairs completed in front of Eric Gries's home. Eric personally paid his own money to have Boonville-New Harmony Road leveled and smoothed out in front of his property where there had been a dip from previous contractor's work.

Aaron Enlow advised that they investigated the water that was running across Martin Road towards Inglefield. He had EWSU come out and test it. They discovered there was an old clay pipe that runs up that alley and the sewer pump station was down. It has an overflow built into it that runs into that old clay tile. Aaron advised that they have made the repairs to that issue and it has been fixed. Carol Schlumpf thanked him for checking that out.

Fire Dept Report

Deputy Sheriff Report

Board member comments

Ken Godeke mentioned that he heard that residents are saying he is not answering his phone. Cecil Poag replied that he has tried to call him a few times. Ken gave everyone his phone number and asked people to leave a message or text. He is not answering his phone due to an app he downloaded.

Attorney comments

Jason Spindler noted that we received a public records request from an attorney that he forwarded to Mallory and she handled it. Spindler thanked Mallory for handling the records request.

Jason stated that the council asked Jason to proceed with a lawsuit on the TV Parts Now company issue and the damage they have caused to town roads. Ray made a motion, seconded by Kendall to recoup the money needed to make road repairs from the damage caused. Motion passed by 4-0 voice vote.

Resident comments

Carol Schlumpf stated that the council should attend Roundtable meetings to brainstorm with other towns. Carol asked Paul Freeman how many other towns contract. Paul noted there were about 5 that he knew of. Carol asked what towns those were. Paul said he didn't know, to ask Mallory. Mallory Lowe stated those towns contract out their water and wastewater utility plants since they have to have plant operators with proper training and CEU credits so they hire companies to run their plants.

Jim Dix asked why the council wants to contract out the town's maintenance department. Paul Freeman replied that its on top of the RFP about HR.

Kate Potter stated that the RFP compared to what the guys do is not comparing apples to apples.

Man in middle said council will always be responsible no matter what happens with contracting or not contracting. He stated that the council needs to get on the same page.

Jay Sollman suggested let's let them ask the question and get the RFP out, deal with what happens afterwards and see what comes back.

Tom Small stated he's done contracting for over 40 years at work. Small stated that he investigated I&I years ago, looking into sump pumps and stated that the sewer system costs money. Small stated again that he's been through contracting out jobs a gazillion times at work and that the town resident's reservations are well appreciated.

Eric Gries stated we don't have to rush this, lets make sure all the board members and residents are comfortable with the RFP before we get falsified numbers back.

Ken Godeke replied that he's lived in Darmstadt many years, that he does a lot of kicking the can down the road and that he thinks he really needs to get some answers.

Eric asked if the town was required to take the lowest bid, Paul replied no we are not.

Ken stated he still wanted the floor and said he wants to get this behind us.

Mrs. Bittner stated she agreed about the walk through and talking to contractors.

Russ Bittner stated that he doesn't want some big company coming in and taking our local town jobs away.

Lady stated that there is a lack of confidence in the council and are just trying to push this contract through.

Carol mentioned that this is a small town and she's feels more comfortable having our own town guys in our backyards and not strangers from a contracting company in our backyard that we don't know. The crimes and theft are coming to our area.

Jim Dix stated that he spoke to Boonville quite a bit over their contracting and that contractors are not always available and that the contractor has to subcontract.

Jim Dix mentioned that he doesn't believe Tom Small should be working on the RFP that he has a bad reputation at Mead Johnson and has no business writing our RFP for Darmstadt.

Tom Small stated he tried to set up a meeting with Ray but Ray cancelled, Ray corrected him saying that was a lie.

Tom Small said he never lies. Tom Small stated he is never coming back and he walked out the Town Hall door.

Carol Schlumpf said Mr. Jeffries asked Aaron Kendall to look at his property and asked Aaron Kendall if he ever got back with Mr. Jeffries.

Deputy Ashworth asked what we would like on the Sheriff Department's report for the Darmstadt area. Lowe replied that we used to receive reports every month when Eric Williams was Sheriff. Lowe stated Eric stayed in touch, had deputies attend the meeting to give us updates and let us know of accidents and break ins in town. Some Residents stated that they also want to know when there are break ins in town.

Carol Schlumpf stated there is a semi that continues to drive around the Inglefield and Martin Road area and if the council can start enforcing a weight limit.

Bonnie Small stated that there was police horse riding training going on at the 4H center. She stated that she gave them all gifts. Bonnie spoke about how the previous council and attorney Jason Spindler all came together during the apartment complex lawsuit to fight that legal battle.

Bonnie stated that Eric Gries and Carol Schlumpf also came together to help our town. Bonnie read a statement aloud.

The meeting adjourned 9:29pm

Attest:
Mallory Lowe
Clerk-Treasurer

