

**Town of  
Darmstadt, Indiana**

SETTLED 1822

INCORPORATED 1973

Minutes of  
Dec 13th 2022

These minutes are not intended to be a verbatim transcript.

**TOWN COUNCIL**

Paul Freeman, President  
Ken Godeke, Council Member  
Ray Engler, Council Member  
Jay Sollman, Council Member

**CLERK-TREASURER**

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

Board president, Paul Freeman, called the town meeting to order at 7:33pm. In attendance were President Paul Freeman, Clerk-Treasurer Mallory Lowe, Ray Engler and Jay Sollman. Council Member Ken Godeke was absent. Maintenance Dept Liasion Cecil Poag was present. Attorney Jason Spindler arrived later in the meeting.

Sollman made a motion, seconded by Engler to accept the minutes from last month. Motion passed 3-0 voice vote. Sollman made a motion, seconded by Engler to accept last month's financial report. Motion passed 3-0 voice vote.

Engler questioned a bill the town received from Kahn, Dees, Donovan & Kahn concerning FMLA issues and an investigation and asked what that was all about. Paul Freeman stated that FMLA was two years ago and he didn't know. Jay Sollman inquired what was stated on the bill if it was just stated FMLA. Lowe replied that's what was on that particular invoice and handed the KDDK bill to Jay Sollman for review. Sollman reviewed the following bill.

The \$612 claim from Kahn, Dees, Donovan & Kahn dated 11/12/22 listed charges to the town:

10/25/22 Telephone call with P. Freeman regarding employee issues	0.50 hrs @ \$360/hr	\$180
10/28/22 Analyze FMLA issues regarding employee's return to work	0.50 hrs @ \$360/hr	\$180
11/4/22 Telephone call with K. Deutsch regarding investigation	0.20 hrs @ \$360/hr	\$ 72
11/7/22 Telephone call with K. Deutsch regarding investigation	0.30 hrs @ \$360/hr	\$108
11/8/22 Prepare email correspondence to P. Freeman regarding investigation logistics	0.20 hrs @ \$360/hr	\$ 72

Sollman made a motion, seconded by Engler to accept all the other accounts payable claims sans the KDDK claim which was not approved by council. Motion passed 3-0 voice vote.

**CLERK-TREASURER'S REPORT:**

**In the Town Clerk's office:** Lowe stated we received our 1782 Notice from the state that they accepted and approved all the budget numbers and tax rates I submitted for 2023.

We still haven't received our December property tax settlement from Vanderburgh county. Lowe advised she's waiting on that so she can pay our 2<sup>nd</sup> bond payment of the year, of \$76,000 for the Old State Land which is due this month to BOK Financial.

The State released the Opioid settlement money for all the municipalities. We are required to set up two more accounting funds for our portion along with new required state fund numbers. We received a total of \$5,878.63 divided into, \$4115.04 Abatement Portion (restricted), \$1763.59 Unrestricted Portion

Lowe advised, this year so far, in tax revenues, we've received in \$565,367 and town expenditures were \$244,132. We received a request from Ron London and Brenda Hill at Area Plan for plat approval to waive the sidewalk requirement for the Stone Ridge property. Lowe emailed all the council on Tues Nov 29<sup>th</sup> for approval indicating a response was required. Lowe stated several days went by with no response at all from any of the council members. Lowe stated that APC contacted her again on Tues Dec 6<sup>th</sup> for approval, Lowe contacted Ron London, Brenda Hill and Kris Mayberry and approved the sidewalk waiver for that property. APC replied that the Clerk's response was accepted and approved by APC for the Stone Ridge property.

Lowe stated she received a call from Mark Barstow today from Bitco Insurance that he will begin our insurance audit for 2022. Barstow sent Lowe a list of payroll documentation and reports that he will need to complete his audit. Lowe advised she will get that project completed.

**In the Utility Department:** In the sewer department Lowe advised she sent out 25 overdue notices last month and there will be just as many this month.

Lowe advised that she brought in \$652,622 for the sewer department this year so far. Lowe stated she will start work preparing this month's sewer billing starting next week.

**In General Town Items:** Lowe stated she will also begin on our end of year processes and deadlines over the next few weeks to try to get a head start the best she can on all the upcoming deadlines. The 100R report concerning the town council is due next month to the State. That report is uploaded into the State's Gateway program. The Annual Report to the state, is my largest project each year next to budget and setting property taxes. That deadline is within about 60 days, as it takes several weeks to complete. Lowe noted that December and January are her busiest months at work. Lowe will also work on our W2's and get those out to everyone as soon as she can.

Jay Sollman made a motion, seconded by Engler to approve the sidewalk waiver for the Stone Ridge property. Motion passed by a 3-0 voice vote.

### Old Business

#### **1. ARPA (American Rescue Plan) Covid Grants Funds Allocation- Debbie Bennett-Stearsman**

Paul Freeman rescheduled until Debbie Bennett-Stearsman is available.

### New Business

#### **1. Permit Reform**

Jay Sollman brought up the fact that we have a few ordinances that state a permit from the town is required but an official permit has not been drawn up. Sollman listed the 3 ordinances that were lacking permits, 2007-2 Driveway Culverts, 2014-1 Driveway Permits and 1995-1 Oversized loads. Council discussed. Sollman made a motion, seconded by Engler to remove the permit requirement for oversized loads in ordinance 1995-1.

Motion passed by 3-0 voice vote. Cecil Poag stated he will get with maintenance to write up the permits needed for the Driveway Culverts and for Driveway Permits.

#### **2. IDEM Inspection Compliance 30-day response deadline**

Poag stated that IDEM notified Darmstadt that they needed to inspect 10% of septic tank every year. Poag stated that we actually inspect more than that every year, this year we inspected 14% of the septic tanks. We have inspected all the sewer pump stations this year. Poag also responded that we have been asked to flush out the valves once a year which will have to be contracted out to complete. Poag noted that they asked that we have even more detailed documentation on all our maintenance. Poag also advised that any sewer pump spill would need to be reported. Freeman suggested that we have a tank on the truck so that the maintenance dept can pump stations when needed to be able to work on them.

#### **3. Salary Ordinance for 2023**

Freeman advised that by court settlement the 2 maintenance men will receive 5% raise. Poag stated that the cost-of-living adjustment by federal social security is 8.7% for 2023. Poag noted that our clerk is well below the average pay of other clerks and is not compensated for all the additional work.

Eric Gries advised that he would not touch her job with a 10-foot pole. Gries would like to see at least an 8.7% cost of living increase. Harold Grossman noted that he just attended elected officials training in Indianapolis. Grossman advised that he learned about this and also knows that the ordinance needs to be passed tonight. Poag read aloud the state averages for town clerks and noted that we are well below the average especially compared to all the benefits that other clerks are receiving, which is in addition to their salaries. Lowe advised that Bonnie Wagner, the Clerk-Treasurer of Haubstadt, who has been their clerk-treasurer for over 27 years, receives health, dental, life, wellness plan and retirement plus she has deputy clerks who work for her. Angie Moers stated that she thinks we should give Mallory a bonus a couple times a year. Council discussed.

Freeman made a motion, seconded by Engler to stay with the 5% across the board for clerk and maintenance and give the clerk the same health insurance stipend that the maintenance employees currently receive of \$8000 annually. Motion passed by 3-0 voice vote. Freeman made a motion to suspend the rules for a second reading, seconded by Sollman. Motion passed by 3-0 voice vote.

#### **4. Sewer Ordinance Clarification of Municipal Responsibilities**

Freeman stated we would wait until Jason Spindler can be present to review this.

### **Maintenance Dept Report**

Cecil Poag advised that we have had 26 locates and 20 service calls since the last meeting.

We have removed the concrete pillars at the intersection of Saint Joseph rd. and Boonville New Harmony.

Replaced 3 of the LEDs on the stop signs at the same intersection that were bad.

Installed the motion control light in the bathroom.

Inspected 12 septic tanks and had 6 pumped. That brings our tanks pumped up to 61 or 11% this year.

Cecil state that the guys have installed LED lights upstairs that Mick donated to make it easier to organize the records room in the near future. We have been working closely with IDEM and we are moving forward with their request of having more detailed Maintenance files on hand. Something that has never been done before but we are going to make it happen.

Cecil noted that the fiber optic company has hit our main sewer lines three times after they were located. Freeman noted that we need to be tracking our hours and bill the company hitting our lines. There was some discussion about the fiber optic company and how they are hitting quite a lot of lines. Brandon Zimmer advised that they have had several runs out where the fiber company has hit gas lines.

### **Fire Dept Report**

Brandon Zimmer noted they did 136 runs last month and 4 in Darmstadt. Woodcreek lane had a trailer catch on fire.

Zimmer noted they have a new Medicare grant program to help elderly and anyone in need of help with medical or daily medicine checks and well checks free of charge.

### **Sheriff Report**

Sheriff Elect Noah Robinson stated there was a break in at the 4h center. There were no suspects but they are still working on it. Robinson advised that they will be rolling out their neighborhood base model. Robinson stated there was a porch pirate incident where an iPod in a package was stolen from a front porch.

Carol Schlumpf asked if we could have a town marshal or a deputy to work Darmstadt. Lowe noted that we used to have a contract with the Sheriff department for a set of exclusive hours to dedicate in Darmstadt town limits. Robinson advised that if Darmstadt would like the Sheriff department to work more hours above and beyond the regular service, he would be more than happy to discuss that with the town.

### **Attorney comments**

No further comments

### **Board Member comments**

No further comments

### **Resident comments**

Carol Schlumpf asked council if they could give more of a report of what they accomplish or have worked on in between each meeting to keep the residents up to date as to what the council members are working on in between the public meetings.

Angie Moers stated that she appreciated the council members taking her phone calls recently. Cecil Poag mentioned that the lights installed upstairs were nice and were donated by maintenance technician Mick Moreland.

Jim Dix asked if council was going to fill the superintendent's vacancy. Sollman added that not until after next election as per the mediation settlement.

The meeting adjourned 9:30pm

Attest:

Mallory Lowe

Clerk-Treasurer