

**TOWN OF
DARMSTADT, INDIANA**

SETTLED 1822

INCORPORATED 1973

**Minutes of
July 13th 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, Assistant Superintendent Aaron Enlow and Maintenance Tech Mick Moreland.

Engler made a motion, seconded by Freeman to accept the minutes with Engler's proposed changes. Kendall and Godeke voted nay to accept proposed changes. Lowe voted aye to accept minutes with council member requested changes. Minutes passed by 3-2 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:

I've been working on our 2022 budget and submitted our pre-budget report to State in their Gateway program by the June 30th deadline. I'll be meeting with the Dept of Local Government Finance on August 20th for our budget workshop. I made the corrections on our Community Crossings Grant and re-submitted it to INDOT on June 10th for our grant money to repave roads. Shawn Benner said it was now good to go and sent it up to State for approval. The HATFIELD BROTHERS ESTATES Minor plat and sidewalk waiver, for Jeff Hatfield's property, off Darmstadt Road and Fleener Court, was heard at the Subdivision Review on 6/28/2021 with the Vanderburgh County Area Plan Commission. MIN-2021-012 WAV-2021-009. Jeff and Aaron both approved the request for expanded private gravel drive and that sewer is available for both lots at end of Fleener court.

I made our first municipal bond payment to the Bank of Oklahoma for \$75,000 for the Old State Road Apartment Lawsuit land purchase. We will make another payment in December and continue these payments twice a year for the next 20 years. (\$1,980,000)

Tomorrow morning at 8am is our State Board of Accounts monthly webinar to go over our capital assets, including depreciation and how to account for it. I still need someone to review and sign off on our monthly bank statements for the internal controls.

The Special investigator for the State Board of Accounts continues to request records for his investigation as well as the Detective with the Vanderburgh Co Sheriff's department.

The Federal Government announced they are continuing to change the regulations for the American Funds Rescue Act and it will now be required to submit request reports like a grant project along with plans in writing for the revenues. The regulations continue to change, holding towns liable for minor actions that some towns are now beginning to decline the allocation awards.

In the Utility Department: We had two invoices that needed corrections after Jeff was on leave. One was a new Vectren service at 1212 Hoing that was in dispute and had a late fee of \$39. Aaron worked with Vectren and got them to remove the late charge off our account. The other was a charge from Raben Tire when Jeff purchased new tires and paid \$44.79 of sales tax on the town credit card. Any late fees or sales tax on our town records is charged to me personally by the State Board of Accounts, even if it was someone else making the error and purchase.

So Aaron got with Raben Tire to credit back the entire amount on the credit card and have them re-ring the charges back up, without tax, on the same credit card statement period so that it's now all correct.

We did not receive our June bills from Evansville sewer. I had to contact them again yesterday to find out what was going on. Misty Reed at Evansville is looking into it and will get back with us. As far as I know, there were no issues with the mag meters but not receiving June bills for either of the mag meters is concerning.

In General Town Items: I met Kyle and the Potters at Bosse Title on June 30th to close on the bank building. I've signed the paperwork during closing and the building is now officially sold. Utilities are being switched to new owner Kate Potter and I also notified our insurance company of the changes to our coverage.

I want to thank Jean Bittner and her son for volunteering their time and chairs for the town meeting that was called last minute on July 1st. As Aaron, Mick and I hustled to get the shop setup and prepared. I stayed late Wednesday night leaf blowing out the shop and met Jean Bittner, her son and Tricia Feller here who all helped unload chairs. Mick and Aaron got all of it set up for us the next day. And I especially want to thank all the town residents who stayed after the meeting that night and helped us take down all the chairs, helped the Bittner's load theirs into their truck, move all the tables and set everything back. Thanks to the great residents we have in town that helped.

Old Business

1. Vacate Request for Railroad Street

Bret Sermersheim from Morley explained the vacate request on Railroad Street and answered questions from residents. Kendall made a motion, seconded by Godeke to accept vacate request, motion passed 3 ayes, Engler abstained.

2. Update on 2021 Community Crossings Matching Grant

Lowe advised that the grant was corrected and submitted on June 10th. Lowe stated that we just received an email from Shawn Benner today that they received it and purchase order has been sent.

3. Update on Bank Building

Lowe advised that she met the realtor, Kyle Bernhardt and the buyers, Matt & Kate Potter at Bosse Title on June 30th and closed on the building. The bank building is now sold.

4. Update on Sump Pump Inspections

Aaron Enlow stated that inspections started back in July 2020. There's been 13 violations identified, 2 have been corrected. A few residents present at meeting asked about having their inspections done, what is being done to correct violations and who is following up on the violations. Freeman explained that we currently have a problem with some sump pumps illegally connected to our town sewer system.

New Business

1. Variance Request 149 W BNH (County VAR-2021-047)

Lowe stated there is a variance request for 149 W BNH to install 2 driveways for the parcels. Lowe noted that since we had previously denied it since our sewer main had been exposed from the excavating, since then it had been corrected that we needed to bring it to vote again and record it. Kendall made a motion, seconded by Engler to approve the Variance Request VAR-2021-047, motion passed by 4-0 voice vote.

2. Darmstadt position on Fire Territory Board

Freeman stated that our previous fire board attendee representing Darmstadt was Steve Kahre. Kahre is no longer a resident of Darmstadt and the position needs to be replaced with a resident. Harold Grossman volunteered to serve on the fire territory board. Freeman stated he would like to talk to him after the meeting.

3. Darmstadt position on Solid Waste Board

Freeman explained that the position has been empty since beginning of the year when Godeke stepped down and it needed to be filled. Eric Gries volunteered to serve on the Solid Waste Board.

Superintendent Report

Aaron Enlow noted that they have inspected and repaired several pump stations. Enlow advised that the tree in the triangle of Tibarand and BNH fell across the road, that they cleared out of the way. There is a new home being built on Darmstadt Road by Matt Helm. Enlow stated that Mick has been keeping the roads mowed.

Fire Dept Report

Brandon Zimmer noted there were 4 medical runs in Darmstadt. Response time was just over 5 minutes.

Deputy Sheriff Report

No Sheriff Report

Board member comments

Ray asked where Jeff was. Freeman stated that he is on an unpaid leave of absence. Freeman stated if we have a 3 day no call no show that he would be terminated.

Attorney comments

Jason Spindler stated there has been some progress on the TV parts property on Inglefield and a Use and Development commitment has been drafted by Derek Stahl. Spindler advised that the TV parts Company will be expected to pay for the road damage and using the loading dock for box trucks only.

Resident comments

Carol Schlumpf asked when the sewer violations will be corrected and asked when the checks and balances would be put in effect.

Residents asked how long Jeff can be on unpaid leave. Jason Spindler stated he would investigate that. Residents asked if the other workers can also leave since they are working in a hostile work environment. Freeman stated same, equal for all.

Russ Bittner asked why Jeff still has the town phone if he's been off for a month and not answering it.

Residents asked that Jeff's town cell number be forwarded to the employees that are currently working.

Eric Gries asked why 3 of the council members still think its ok to keep Jeff when he has falsified time cards, kept beer in town fridge, stole items from the shop, slept on the job and many other things. Eric Gries noted that the council members are supposed to represent the tax payers.

Mr. Dix advised that Jeff was in the building last Saturday.

Michael Moers said it's excuse after excuse with the council members. Kendall replied that this was an eye opening experience.

Jean Bittner asked how it can be a hostile work environment when he hasn't even reported to work. Jason Spindler read aloud the section in the Employee Handbook concerning personal unpaid leave.

There were several residents speaking out with council and employees responding and arguing.

A resident requested a timeline for the council to make regulations on these items and have an action plan. Engler added that several rules in the handbook were broken and not enforced.

Aaron Kendall made a motion, seconded by Freeman that all forms of communication from Maintenance must be sent to all Council and Clerk-Treasurer by the employee. Motion passed by 4-0 voice vote.

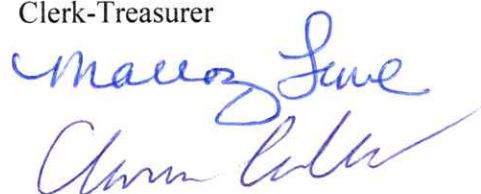
Jason Spindler advised that all communications via email be bcc to all council members and Clerk-Treasurer.

Eric Gries continued to ask why council thinks Jeff should keep his job.

The meeting adjourned 9:38pm

Attest:

Mallory Lowe
Clerk-Treasurer

The image shows two handwritten signatures in blue ink. The first signature is 'Mallory Lowe' and the second is 'Aaron Kendall'. Both signatures are written in a cursive style.