

**Town of
Darmstadt, Indiana**

SETTLED 1822

INCORPORATED 1973

**Minutes of
Sept 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 7:32pm. In attendance were President Paul Freeman, Clerk-Treasurer Mallory Lowe, council members Ken Godeke, Ray Engler and Jay Sollman. Also present was Attorney Jason Spindler and Cecil Poag as Maintenance Dept Liaison.

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

CLERK-TREASURER'S REPORT:

In the Town Clerk's office: Lowe stated she met with Robert Norris from the Indiana Dept of Local Government Finance and meets with him every year just like all the other taxing units in the County do. Lowe advised he goes over all our town finances, budget numbers and proposed property taxes for Darmstadt Residents for next year. Lowe noted we are levying taxes on General, CCD and Debt Services (Bond). Lowe stated that when she began this position many years ago Darmstadt was broke and the sewer department was in the red. The town had to take loans from the General Fund to cover the sewer. Lowe stated that is also why the town went through three different clerk-treasurers in one year. Lowe advised first thing she did shortly after taking office, was have the CCD Fund reinstated to bring the town above water from drowning. Darmstadt is now in a good position in all our funds. Robert Norris commends us every year on our organized budget and strong finances, most towns are not in the strong financial position that we are in.

Lowe advised she emailed everyone the budget financial reports, forms, levies and notices and submitted the Form3 to State on August 16th. Lowe completed the Form 1's, additional appropriation forms, encumbrances report, debt worksheet and Form 2's in the State's Gateway program. All these are listed on the submissions and review notice from the DLGF that were also emailed to council on August 15th. Darmstadt's Public Hearing is tonight, Sept 13th and our Adoption Hearing on Oct 11th.

Lowe stated she's been working with Glen, our insurance agent to get our damaged roof taken care of at the shop where the dead tree fell on it again and met with him August 16th at Town Hall to discuss a few things, receive the check for roof and go over Bliss-McKnight cancelling all our town insurance policies. Lowe stated that Glen let her know he was having a meeting that afternoon with another agency concerning the litigations, thefts and police report. Torian must gather these facts for the underwriters and Glen stated the insurance companies will be requesting more information from Torian as they make their determinations. Our town's insurance coverage which includes workman's comp and public officials' liability coverage runs out in 18 days. She said Torian stated that also means that any lawsuits that are filed against council members will not be covered by the town, council members will be personally financially responsible for their own defense.

Lowe stated she has been filling out lengthy detailed applications for 3 weeks. These applications ask quite a lot of questions on policies and procedures that we don't have in place. Many things that have been brought to our attention during this process, of trying to keep the town covered. Some are our areas we need compliance, procedures or policies put in place and then practiced and followed by Public Officials for their liability coverage.

Many applications ask:

Have the council members completed AIM training on how to conduct meetings? No
Are the employees and officials trained on State Municipal harassment policies annually? No
Have all the employees and public officials signed the Employee Handbook Acknowledgement form? No
Are background checks performed on all new hires? No

Is there a hiring procedure in place? No

Is the municipality in compliance with the federal mandated American with Disabilities act- ADA? No

Are officials trained in Municipal public meeting protocols? No

Are the Public Officials trained in Open Door Laws? No

Does the entity conduct prior employment checks on all new hires? No

Does the entity require terminations be reviewed by legal counsel and a Human Resources designee? No

These are items and council public official training need to be completed and in compliance.

In the Utility Department: Lowe stated that Maintenance Dept reported they have about a dozen people left on the sump pump inspection list that also refuse to comply to a town inspection. Letters will be going out as council requested, to notify them that the \$100 per month charge will be on their monthly bill until they comply.

In General Town Items: Our Annual Keystone Municipal Software Meeting is Thurs., Nov. 10 in Bloomington, IN Aaron, Mick and Cecil are attending the LTAP PASER road training on Sept 29th.

Lowe noted the upcoming AIM webinar trainings are:

-How to Save Money on Your Next Project: Hire the Best with Quality Based Selection, September 21

-Staying Safe with Internal Controls, September 27

-Fair Labor Standards Act and Your Employees, October 18

-Is Your Municipality Paying Its Employees Correctly? December 7

Presented by Kristen Deutsch, M.B.A., CCP, President, New Focus HR, LLC

Ken Godeke asked Ray Engler if he looked into getting town emails for all of the council members as discussed last month. Engler replied yes, we have spoken about it before and council wasn't interested but yes, council needs to start using official town emails and comply to the record retainage requirements. Engler advised that yes, he has completed all the IT work for the town free of charge but would like to step back from it afterwards so as not to be a conflict of interest.

Old Business

1. ARPA (American Rescue Plan) Covid Grants Funds Allocation- Schedule Special session with Debbie Bennett-Stearnsman

Jay Sollman noted that Debbie sent out some dates she is available to meet. Council discussed and chose Monday, October 3rd at 6:30pm to conduct a special meeting to compile an allocation list for the ARPA funds.

2. Tractor Issues – Replacement

Cecil Poag advised that the tractor broke down again today and leaked hydraulic fluid all down Martin Road. Lowe added that Aaron reported that the roundup tank hose also blew off today and sprayed him with quite a bit of roundup but he was ok.

3. Roof damage to Town Shop Building Update

Cecil advised that the roof is still being repaired by Midwest Roofing.

4. Dead trees removed behind shop bldg per Insurance

Cecil Poag advised there were 10 trees dropped by a tree company and then Eric Gries volunteered his time, tractors and equipment to remove all 10 trees from the town property and dispose of for the town.

5. Rip Rap on Martin Road

Cecil Poag stated that we are waiting on the backhoe to be back from repairs. The torque converter was one of the problems and Boyd Cat is supposed to be repairing it.

New Business

1. Town Insurance Cancellation Update

Lowe noted that her and Torian are still working on finding a replacement for our town insurance which will be cancelled October 1st. Lowe advised we received notice from Bliss-McKnight, who we have been covered by for many years, that they will be dropping our municipal insurance coverage and our last day of coverage will be October 1st. Lowe stated she informed council of the cancellation and the reasons as to why they are cancelling us have not been rectified which is causing problems in finding a new company that will agree to cover the Public Officials and provide us Public Officials Liability coverage. Lowe stated Torian has had many companies turn us down but will continue to work to find us a provider and that Lowe continues to fill out insurance applications with Torian for these possible companies.

2. 2023 Public Budget Hearing

Lowe advised that tonight is the public budget hearing and asked if any of the council or residents had questions about our budget for 2023. There were no questions or comments, budget to proceed to adoption next month.

3. Maintenance Dept LTAP PASER Pavement Management Training Sept 29th

Jay Sollman stated he asked Mallory to add this to agenda so town is aware guys will be gone for training that day.

4. Town Email Update

Ray Engler advised that he, the clerk and the shop has had official town emails for a while now and he has now updated them to Microsoft exchange level 2. Engler has also added 3 more emails for the rest of the council who are interested in complying with official town emails which will have retention for litigations and state laws.

Engler asked council if they would like the retention schedule to be 3, 5 or 10 years for deleted emails. Jason Spindler recommended 10-year retainage. Ray Engler will pass on all the administration for the programs over to Mallory Lowe and then he will step back.

Maintenance Dept Report

Cecil Poag advised that he has researched what is needed to add a 5th council member. Jason Spindler stated that yes, the first step would be for the council to make a motion for Jason Spindler to write up a resolution for the council to vote on at next month's meeting. Jason will ask the Indiana Election board if the question to add a 5th council member can be put on any election ballot. Freeman made a motion seconded by Sollman to draft a 5th at large council position for the town. Poag noted they had 69 locates this month, 22 service calls, had to trim trees for the school bus drivers. Poag advised that there is one pump that has had several issues with wipes being continually flushed. Poag advised that Lowe will send letters to the residents on that pump about not flushing wipes or anything that can damage the pump.

Cecil Poag asked if we can still have a burn pile at the Old State Road property. Freeman advised that we are leasing it to Mike Gries and would need to contact him about it.

Poag noted that the guys are compiling a culvert list of culverts that run under the roads in town. Poag stated that Aaron is also making a list of ditches that need work in town all to get ready for future paving and

Fire Dept Report

Sheriff Report

Noah Robinson advised there were 6 business checks, crash at Boonville-New Harmony at Jordan Lane, harassment report, custody dispute and handgun discharge.

Attorney comments

No further comments

Board Member comments

Ray Engler advised that Eric Gries has submitted a plumbing bill for damages that had sewage backing up along his property and into his backyard along his water line. Engler explained the situation, that the town maintenance had been called and came out twice but it looked as if it was a water line leaking. Eric Gries then called a plumber to repair the broken water line, but after further inspection, it turned out to be sewage backflow from a faulty sewer pump a couple doors down. Engler added the bill that was received from the plumbing company after bringing out equipment to make repairs but upon further inspection, even though it was along a water line, it turned out to be a damaged town sewer pump backing sewage up into Gries' property from a multi-house shared sewer pump.

Freeman advised that he does not think a plumber's bill for damages caused by a town sewer pump should be reimbursed to a homeowner. Spindler advised that he has been on both sides of this situation with the homeowner and with the utility. Godeke, Freeman and Sollman advised that they do not think residents should be reimbursed when a faulty town sewer pump causes damages to a homeowner's property.

Jay Sollman spoke again about Darmstadt to have partisan election instead of the open non-partisan elections the town has had in the past. Jason Spindler will investigate what is involved for partisan.

Lowe replied that our elections have been open in the past and she stated that whatever we do, we must follow all the election rules and regulations to just make sure we are following all the Election Laws.

Lowe recommended contacting the County and State Election board to make sure all rules are followed, Spindler agreed.

Minutes changed per Sollman's request to a statement Jason Spindler authored for him: *"Jay Sollman sought clarification on candidates being able to affiliate with a political party. Historically candidates have ran without any political party affiliation. Jason Spindler will research"*. Jay Sollman agreed at Oct 2022 meeting to use this as his Sept statement.

Resident comments

No residents' comments allowed at this time.

The meeting adjourned 9:03pm

Attest:

Mallory Lowe

Clerk-Treasurer

A handwritten signature in blue ink that reads "Mallory Lowe". The signature is written in a cursive style with a large initial 'M' and a long, sweeping tail.A handwritten signature in blue ink that reads "Ann Adams". The signature is written in a cursive style with a large initial 'A' and a long, sweeping tail.