

New Carlisle Town Council
124 E. Michigan Street, New Carlisle, Indiana
General Meeting, September 15, 2009

President Higgins called the meeting to order with Vice President Groves, Council Member Mell, Council Member Colpitts, Council Member Gelow and Clerk-Treasurer Sue Moffitt present. Also in attendance were Roger Nawrot, Bill Herrbach, Bob Middlebrook, Mary Ann Swope, Larry Cooper, Jim Ford, Jason Quirk, Larry Hooten, Willett Hooten, Chris Moffitt, Amy Moffitt, Tom Baker, Ken Davis, Jill Doll and John Clark.

Minutes

Council Member Gelow moved to accept the minutes of the August 25, 2009 General Meeting as written. Motion seconded by Council Member Mell and passed unanimously.

Employee Reports

Bill Herrbach

- Prepared a draft golf cart ordinance for Council review.

President Higgins reports that this was an excellent committee with much input and compromise.

Larry Cooper, who served on the committee, expressed two areas of concern:

-Time of operation is questionable because sunset varies so much. Bill Herrbach explained that the most dangerous time to be on the road is dusk.

-Place of operation because it is so limiting of where golf carts can be driven.

Discussion followed regarding golf cart usage along Michigan Street. Pat will check with INDOT about usage of the path along the right-of-way on the south side of Michigan Street going to One Stop.

Roger Nawrot

- Addressed an email received from Mr. Cooreman by the Town Council, Bill Herrbach and the Clerk-Treasurer.

Specifically:

- Item 3. Mr. Nawrot has a personal vendetta against Mr. Cooreman's company.

Roger: His company, Abonmarche Consultants was in litigation for prior work done with Mr. Cooreman. This litigation was for work done prior to his employment with Abonmarche. To his knowledge he does not believe he spent one hour charged to any of Mr. Cooreman's projects while working for Abonmarche in the five years he has been working for the Town Council. He did previously in the year he was with Selge, under Selge Construction who had a contract with Mr. Cooreman, do some field engineering for one of Mr. Cooreman's projects. He never was in project management responsibility concerning one of his projects.

Roger feels that he needed to make this statement because of the very descriptive adjectives used by Mr. Cooreman about his attitude and professional integrity.

- Item 2. Why was Mr. Cooreman required to post the \$28,000 surety for the cul-de-sac head in Wintergreen Meadows?

Roger: That cul-de-sac head was put in surety in case there would be no other development done on that parcel of land and the town would have to go in and build it. It is shown as a temporary easement on the final plat and is only indicated as temporary but as time goes on, as we have seen, things change.

- Mr. Cooreman did not like the drainage plan not being approved by Roger for the Farms at Wintergreen Meadows.

Roger, as well as the attorney, feels that any drainage plan is subordinate to the layout, and the layout is what the Town does not agree with.

- Mr. Cooreman does not like how Roger wrote the letter which stated any sewer and swale needs to be put on the lot line.

Roger: Did a comparison this afternoon on where the storm sewer and swale were built in Wintergreen Meadows and they were not built according to the plans that were submitted and approved by Roger, Pat and the Town Council prior to starting construction.

The south end of the pipe is 90' east of where it should be and the swale does not match the alignment in the Danch Harner plans.

- Mr. Cooreman says the Roger is biased and asks that he be removed from his reviews.

Roger: For the members of the Town Council who were not here when Roger initially became our engineer, there was an agreement that Abonmarche would do no more private work in the town for other parties. After that, one of their major clients, Weiss Homes, came to them with a project. Roger immediately disclosed to the Council that Abonmarche would be working on this project and the Town hired Bob Palm to review the Abonmarche plans for this development. Roger had no involvement in this development whatsoever. He does not believe that he had any time charged to this project at all.

In summary, if this were Weiss Homes he would be doing the same thing and he finds this correspondence appalling.

President Higgins: Roger's integrity was never in question and all five Council Members support him 100%. He and Abonmarche have done an outstanding job. It is unfortunate that Roger must defend himself to this degree. She asks that every word be included in the minutes for Roger's protection. At no time should the Council's loyalty to Roger or to Abonmarche be questioned. Both Roger and Abonmarche have supported and done right by this Town every time we have asked. This must be put behind us and we should move on.

Two meetings ago we voted on the proposal for this property and as far as she is concerned we are done with it. The Town has spent hours and much money dealing with this and trying to do right. It is unfortunate that this has occurred but it is behind us now.

Bill Herrbach: Supports Roger from the aspect that any developer that comes to the Town has all plans reviewed for legal sufficiency as well as their compliance with zoning and building codes. This has been done for every developer that has come to Town. He has worked with Roger for many years and has never known him to treat one developer different from any other developer other than to make sure they were compliant with current zoning and building laws. He wants to support Roger. He felt there was no validity to Mr. Cooreman's statement therefore it really didn't deserve any comment but he does understand where Roger is coming from in addressing it. The accusation is that Roger is biased and he is, but only for the Town to ensure that the compliance with ordinances is made by developers and that is where we want him to be biased.

Council Member Colpitts: Stresses in reading Item #3, Section D of the letter it references vaguely a lawsuit. He suggests that, from this point forward, we have made our decision and had our say and all further correspondence should be referred to the attorney.

Bill Herrbach: The Board has made its decision and this is somewhat sour grapes after the fact so he feels that we should just let it drop.

President Higgins: If he chooses to come and make comments and litigation is referenced it should be between our attorney and his attorney.

Council Member Mell: If he chooses to attend a meeting and speak again he should wait until public comment and be limited in the amount of time to speak as all others who attend a meeting to address the Council are.

- Final plat for the Forest at Wintergreen has been submitted and Pat has it. Surety must be posted by Cooreman

Pat Cummings

- Expressed his support of Roger as he has worked with Roger for fifteen years. Roger won't just tell you what you want to hear.
- Presented the Interlocal Agreement with St. Joseph County for engineering on the Stimulus Sign Project.

Vice President Groves moved to approve the Interlocal Agreement for professional services in an amount not to exceed \$4,000. Motion seconded by Council Member Mell and passed unanimously.

- Presented site construction plans for Council signatures. Plans have been reviewed by both Pat and Roger with requested changes being made.

Council Member Colpitts moved to approve the site construction plans. Motion seconded by Council Member Mell and passed unanimously.

Jason Quirk

- Introduced Nick Cody as the new Electric Department employee.

Bob Middlebrook

- Inquired on the status of the landlord registration ordinance.

New Business:

- The Council set Trick or Treat in Town this year for October 31st from 5-7 PM.

- Charge-Off of Delinquent Accounts

A list of delinquent accounts was presented with both accounts to be charged off as bad debts as well as accounts to be charged off and sent to collections.

Vice President Groves moved to charge off bad debts due to bankruptcy or death and remove from the books and send to collections all other delinquent accounts presented. Motion seconded by Council Member Colpitts and passed unanimously.

Discussion on changing the utility deposit rates followed. Council Member Mell asked Sue to research utility deposit rates and get the percentage of delinquent accounts presented that were for renters.

Ordinances and Resolutions

Ordinance #1217 – An ordinance of compensation of town employees.

Council Member Colpitts moved to waive the rules and read only once and adopt Ordinance #1217. Motion seconded by Council Member Gelow and passed unanimously.

President Higgins read Ordinance #1217 in its entirety.

Council Member Gelow moved to adopt Ordinance #1217. Motion seconded by Vice President Groves and passed unanimously.

Council Reports

Council Member Colpitts

- Appreciates Roger's integrity and professionalism

Public Comment

Larry Hooten:

Suggested accepting credit and debit cards.

Mary Ann Swope:

Appreciates Mr. Nawrot work.

Chris Moffitt:

In attendance to discuss the high utility bills in Town. President Higgins reminded everyone that the service received from our Electric Department is excellent. Response and repair time for outages is very good and this is a service that does cost. She assured those in attendance that this is something that we have been discussing and looking into very carefully.

Sue explained that when customers receive a high utility bill they are encouraged to call the Clerk's Office. We then look at the usage history for the last year for that customer. If the usage is out of line then a work order is written to have the meter reread. If the meter is old, it is usually replaced. However, when a meter gets older it tends to slow down and not record usages as accurately. When meters are replaced in most instances usages go up,

There has been no rate increase in Town since November of 2007. However, the fuel adjustment charge, billed per KWH by AEP, does fluctuate each month. This charge is determined by AEP per our contract and emailed just prior to bill calculation each month. Willett Hooten asked of the fuel adjustment charge could be printed in the New Carlisle News each month so that customers will know what that cost is.

Discussion on utility costs continued. Pat was asked to put together information on utilities and rates to be published in the next New Carlisle News.

Bills to be Paid

Council Member Mell moved to pay all bills as presented. Motion seconded by Vice President Groves and passed unanimously.

Adjournment

Council Member Mell moved to adjourn the meeting. Motion was seconded by Vice President Groves and the meet was adjourned at 8:25 p.m.

Carolyn Higgins, Council President

Attest:

Susan I. Moffitt, Clerk-Treasurer