

**New Carlisle Town Council**  
**124 E. Michigan Street, New Carlisle, Indiana**  
**General Meeting, February 11, 2015**

The Meeting opened with the Pledge of Allegiance.

President Higgins called the meeting to order with Vice President Vojtko, Council Member Gelow, Council Member Carter, Council Member Rypma and Deputy Clerk Jill Doll present. Also in attendance were Chuck Leone, Jared Huss, Tim Conley, Jeremy Campbell, Josh Schweizer, Tonya McKee, Call Dittmar, Jason Gerhardt, Mary Ann Swope, Kim Huston, Jason Quirk, Chris Antonucci, Ron Gillian, Davey Doll, Oleta Kaminski, Tyler Kaminski, Todd Kaminski, Mark & Theresa Watkins, Nick Zarate, Tim Kaminski, Warner Moser, Derek Czarnicki and Pete Agostino. Susan Moffitt arrived at 5:24 to the meeting.

**Opening of Fire Apparatus bids**

The Council received two bids and they were opened by President Higgins.

The pricing is as follows including 100% prepay option, sale prices:

Global Emergency Products bids is \$599,700.00

Fire Service Inc. bid is \$580,359.00

The bids were given to Attorney Leone for review and then we will get back to you. President Higgins than thanked them for their bids and time.

**Minutes**

President Higgins ask for a motion to accept minutes from the general meeting of January 27, 2015 and the Executive Session of February 5, 2015. At that time Vice President Vojtko ask for a correction to the minutes for the general meeting. On page 3 of the minutes he advised that he had misspoken. In the paragraph he had stated that he had called County Engineer Jessica Clark three times without response, to be corrected to "had talked to her one time and had tried to contact her two more times with no response". President Higgins advised the minutes stand as corrected and she needed a motion to accept.

Vice President Vojtko made a motion to accept minutes from 1-27-2015 General Meeting as amended with Council Member Gelow seconding. The motion passed unanimously.

Vice President Vojtko then motioned to have the minutes from the 2-5-2015 Executive Session accepted as written. The motion was seconded by Council Member Rypma and passed 5-0.

**Visitors Comments**

President Higgins ask that if anyone wanted to make any comments that they are to make them now as this is the time to make them and that no comments will be allowed after the visitors comments time. If you are going to come forward, come forward now she advised one last time.

- Kim Huston- was unable to attend the last meeting in regards to the landlord utility ordinance that was tabled. She advised that she feels that her bottom line feeling, along with everyone else, is that the Town should take care of the utility bills, that it should not be the landlord's responsibility. Feels landlords have been singled out. Feels that you are never going the have it completely where everyone pays their bills. Finally her bottom line is that the utilities are a Town entity and that the landlord-residential relationship is landlord responsibility and that everybody should take care of their own.
- Theresa & Mark Watkins- she advised that she understands that the deposits are exorbitant and that they haven't had any problems with any of their renters. She then wanted to know about how much money we have in the coffers for just the deposits for rentals- President Higgins then advised her that we are not answering any questions tonight and that we have had several meeting to answer questions on this issue. Mark advised that he doesn't like paying his own bills let alone anyone else's. He also feels that it should be a choice if you want renters to put it in their names or keep it in the landlords, this is his feelings. Council Member Rypma ask Mark who is the home owner and Mark advised that he was the property owner. Council Member Rypma then stated that he is a resident of this Town, he owns his home, if he doesn't pay the bill and up and leaves, who is responsible for the bill, Mark advises that he is. Council Member Rypma then stated that "you are the home owners and what makes you any different him". Mark then advised that he feels that the person using the utilities is the responsible person. Council Rypma then ask Mark who's choice it is who they rent to? Mark advised that it is his, Council Member Rypma then stated that Mark has a choice who he rents to and that the Town does not. Theresa then ask if this was legal, and President Higgins advised that it is legal and that we have our Legal Council right here to advise us. She also advised that

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this is something that is happening all over the State of Indiana, it is a common problem. Mark then ask about deposits.

President Higgins then advised that we are not answering any more questions. She then said that we had had three work sessions to cover all of this and that that.

### **Employee Reports**

#### **Attorney Chuck Leone**

Advised that he was working, with Andrea, on updating public record questions and some research on claims in general.

#### **Engineer Jared Huss**

As you know we have gotten in the proposals for the 2015 Sidewalk and Repaving Improvement Projects.

He's gotten the 1<sup>st</sup> draft of a letter to INDOT done regarding some of the items that we discussed, especially wanting to preserve the work we've done in just the past years, with the Downtown Streetscape and wanting to preserve that and protect that as they come through to do the project. Talked about the limits or extents of the paving, especially at the public road approaches, making sure those are addressed properly, and then some additional related items down at the viaduct as they remove the concrete to replace that, to discuss the lack or substandard drainage concerns there, at least alleviate the closures issues so precisely talk about those and get that submitted on behalf of the Town. What we would like to do is get the draft done so the Council can review it so you can send it the Deputy Director at the LaPorte District.

President Higgins then ask Jared about the grates down at Home Café look as through they are rusting or peeling. Jared advised that that will continue to happen that is part of the process, they are iron and that is going to happen. Part of the benefits that we got on the purchase is that some of them were damaged so part of the agreement was that we got 18 gal of ADA compliant coating, that's got the sand grit to it, that allows it to be reapplied every year. So then yearly the grates, after the winter is over, will have to be sanded down and the ADA coating will then have to be reapplied. Hopefully that will be maintained every year.

Town Manager Tim Conley

Continuing to work with the Supervisors to develop some capitol project listings, in the process of prioritizing those and will then feed those to Eric Walsh at Umbaugh, that will be part of our utilities planning and budgeting plan moving forward.

We have four properties on West Ben Street that on January 5, 2015 we requested them to start a water drip, I'm asking the Council for approval to adjust those four property bills. The aggregate amount was \$452.86 and that was done on John Mrozinski's recommendation because of the continuing issues that we have had down there, regardless of good winter or bad and we believe it was the prudent thing to do. All four of those people are participating. Council Member Carter made a motion to adjust the drip water bill for 214, 217, 221 & 230 W. Ben St. in the amount of \$452.86. The motion was seconded by Vice President Vojtko and then the motion passed 4 -1.

Continuing to work on getting quotes for pickup trucks, hopefully will have some more solid information before next meeting in two weeks.

Also working with what is now Surf-Air Wireless, formally CSI net, who is our internet provider, they changed ownership so I had them in two weeks ago to revise our agreement, so that all the names are correct for one-they provide us service in return for some equipment in the water tower.

President Higgins ask Tim what is the problem with the pickup truck bid? She not sure about doing bids but feels that if you call some place and tell them you are interest in a couple of pickup trucks, that they should be able to get a quote for us. The problem is, advised Tim, is that you want to get as close of a price as possible. So we can get the some models with the same options, that's where I am with that. He advised he has three about ready at this point. President Higgins ask if he is working with dealers that we have had good relations with? He advised that it had been so long since we had purchased that I couldn't tell you yes or no to that, but we are trying to work with Indiana dealers. Council Member Carter ask if there was any way that we can set them up like the Police Dept. in a lease type situation. Tim advised that there was a possibility for that, I don't know how common that is with heavy duty work trucks. It would be nice to get on a rotation similar to the Police Dept.

President Higgins then ask Council Member Gelow about a front end loader at the water plant. Council Member Gelow advised that there is leaking in the seals and that it was one that was purchased by the county back in 1985-86 and they gave it to the Water Plant and at that time they also got a pickup truck that they use for their plow truck. What we need to do is look into finding a front end loader that is reconditioned, and that it doesn't need to be a new one. President Higgins then ask if we have a front end loader up here at the garage and Council Member Gelow advised that it is just a tractor with a bucket on the front. The water plant needs something bigger so it doesn't take so much time to load these farm trucks that take the lime away. President Higgins ask Tim if he was aware of the need and he advised that he was and the need is on the Capitol list that he is developing with the supervisors.

Council Member Carter then ask Tim about the design proposals. President advised that it was on the agenda.

### **Old Business**

- Sidewalk Café – President Higgins advised that Council Member Rypma had ask for this to be on the agenda and ask if Vice President Vojtko had had a chance to talk to him about the zoning. He advised yes, he and Tim had talked to him, and then President Higgins ask if he was comfortable with tabling it until they get more information. Council Member Rypma advised that he was comfortable with tabling because he understands that there was more information coming about zoning. He stated that he and Tim had talked and that the issue wasn't really about an ordinance or zoning, but the application or permit and the date they are requiring to have the fences taken down. Tim then advised that he had gotten an e-mail just before the meeting from Area Plan with a recommendation on how to handle this and would like to read through it and understand it. Tim thinks we could probably handle it internally by revising our permit formally and by not having to go through any kind changing in zoning to the zoning ordinance adopted in 2010. Vice President Vojtko then made a motion to table the Sidewalk Café discussion until the next meeting with Council Member Carter seconding it. The motion passed unanimously.
- Sidewalk Project- Tim advised that this issue was tabled at last meeting, two proposals from Lawson Fisher-one for design scope for the sidewalk improvements and one for the pavement restoration that we discussed in work sessions leading up to now and this

is for this calendar year and it was tabled because we needed some more input as to funding for the construction side of it. Sue provided that to us with some options on how we can fund the overage on the sidewalk portion as well as how we can fund all the roadwork mainly through the General Obligation Bond.

President Higgins then turned attention to the paragraph with the \$23,000.00 that is deleted and I will read that-“the email forwarded from the Town Manager states that administration and inspection costs and fees are not included in the above estimate. If the Town Manager’s recommendation to have the project designer on site to work with the contractor for the entire project is accepted by the Council, funding for the additional costs would need to be decided when those costs are determined”. In discussion with Tim prior to the meeting, we are deleting that. We have an engineer as the Town Manager and we don’t need to have Jared here every day of the week, but he will be on call as needed and we will be reasonable about that, but we are not going to pay a whole other engineer. Tim advised the intent was not to have a consultant here every day all the time and that he would be doing as much of that himself as he can. It is common to have the designer here off & on during the project. Jared added that he was fine with that and he could add that expertise when ever needed.

Vice President Vojtko then moved to accept the 2015 Sidewalk Project as presented with deletion. Council Member Cater ask if there was some question about the funding for the overage, Vice President Vojtko advised that we have several options. With the arrival of Clerk Treasurer Susan Moffitt and after some discussion it was decided that nothing needed to be done at this time, but could deal with that when the time comes. At that time then Council Member Carter seconded the motion and the motion passed. Vice President Vojtko made a motion to accept 2015 Resurfacing Project for \$68, 851.07 with Council Member Rypma seconding it. At that time Tim advised that they are asking approval on is just the design proportion. The number that was stated was a bond balance that was designated for public safety. The pavement restoration design is stated at \$18,100.00. Tim advised that there was a question at the last meeting we had design proposals pending approval and the question was what are the construction budgets-what Sue has prepared for us are some options on how we can fund the projects portion. What we are asking for are the design proposals from Lawson- Fisher. Vice President Vojtko then ask to resend his motion and make a new motion to approve the 2015 Resurfacing Project with the engineering costs of \$18,100.00. Council Member Gelow seconded and the motion passed 5-0.

- AEP Contract-Tim advised that he has been talking to IMMUDA for the last couple of weeks, they represent municipalities that own their own electric, we are a member of that group, they have been working with AEP for over a year to have one thing in our agreement changed and that is the duration of time after we put them on notice that if we do not want to be served by AEP anymore. The existing contract says that after you put in that notice, you will still be their customer for seven years until your service terminates. What IMMUDA has worked with the council to do is change that agreement to say four years after notice until termination. The intent is to give IMMUDA, as a bargaining group, more leverage with AEP in the future. That is the only thing that has changed, so with numerous calls and e-mails to make sure there are no other changes in this agreements and I've been reassured of that. So going forward to be in line with the other IMMUDA members I believe it's in our interest as a Town to follow suit and accept the revised agreement with AEP that changes the duration after termination. Chuck Leone advised that he had not seen the agreement but believes that the shorter notice requirement would be to our benefit in that kind of a situation. After continued discussion that all were in favor, Tim added that if agreed upon the agreement would go into effect on March 1, 2015. Vice President Votjko then made a motion to accept the revised contract with AEP. Council Member Gelow seconded and the motion passed 5-0.
- Revised Public Record Policy for the Town- Chuck advised that Andrea has been working with Chief Roseboom. Chuck then advised that the Indiana Public Record Laws are detailed in the fact that there time factors in response time to requests and wither or not if the record exists and then giving a response to why or why not available. There are some records available all the time, example ordinances, minutes, etc. What this policy is resigned to do is to let the Police Dept. release information that is in a certain format that is clearly identifiable and clearly disclosable. I think we need to make sure the forms reflect that and that the forms should not contain birth dates, social security numbers and things like that. I think that if it is something that is a routine request than we can decide if we are to release , but if it is something unusal, than it should be run by the attorney's office to decide if releasable. President Higgins advised that the council wanted to have Sue to be able to make those decisions so that it didn't hold things up with going down to the Attorney's and that is why we are requesting the change. President Higgins then read what people at allowed to request: "Town of New Carlisle Public Records Request Policy- All requests must be submitted on a form approved by the Town Council. The Town Clerk shall maintain a supply of approved forms and make

them available to any person. The person making a public records request must identify with reasonable particularity the record being requested. Upon receipt of a public request, the Town Clerk shall forward the public records request to legal counsel for the Town of New Carlisle. Legal counsel shall notify the person making the request for public records whether such records may be disclosed within twenty-four (24) hours of the making of the request in person, or within seven (7) days of the making of the request by mail." President Higgins added that this is the new part: "However, if the Town Clerk can reasonably fill the request within twenty-four (24) hours by copying a contract, ordinance, or meeting minutes, the Town Clerk may elect to check the "discretionary disclosure" option, sign the access to public records request form and provide the requested document directly without sending it to the attorney for review. The Town of New Carlisle shall provide or make available for inspection all public records, not excepted from disclosure under I.C. 5-14-3-4, within a reasonable time. The Town Clerk may assess a copy fee, approved by the Town Council, for each document it copies. The Town Clerk may also assess a certification fee, approved by the Town Council. This policy is made in accordance with Indiana Code 5-14-3." President Higgins then stated that this accomplishes what they had requested to have done. She then ask Sue if we had these fees set. Sue advised that the copy fee is set by State Law at \$.10 per copy and that we don't have any certification fees set. Council Member Rypma advised that he would like to see the form state that it is \$.10 per page and not per report. Council Member Gelow then made a motion to accept the new policy request form with the change to \$.10 per page added. Council Member Carter seconded and the motion passed 5-0.

- Public Request Policy Form for Police Dept.- President Higgins advised that this form is quite a bit more lengthy. Chuck then advised that the form does not provide any identifiable information and that again it is a lot like the form that the council just approved but this a little bit more detail because the type of information in those records are statutorily described. This policy clearly allows for only the records that are releasable. Again anything that is complicated should come to the attorneys for review. Council Member Gelow ask if these forms can be posted on our web site? Chuck did advised that would be fine to do that. President Higgins then ask Sue if the Police records are accessible through her Office and Sue replied that they are only available through the Police Dept. Again Council Member Rypma ask that the request form state that the fee is \$.10 per page. Council Member Rypma then made a motion to accept the new public record request policy for the Police Dept. with the \$.10 per page change.



The motion was then seconded by Vice President Vojtko and the motion passed 5-0.

**Ordinance, Resolutions, Etc.**

Ordinance#1305- Vice President Vojtko ask if the Council could please table the ordinance just until the next meeting so he can go over one more thing that he talked to Sue about before the meeting. He would like to talk to the Attorney first and he just isn't ready to get rid of this yet. After futher discussion a motion was made by Vice President Vojtko to table the ordinance until the next meeting. Council Member Carter seconded the motion and a voice vote was then taken. President Higgins, Vice President Vojtko and Council Member Carter voted yeah with Council Members Gelow and Rypma voting no. The motion then passed 3-2.

**Council Reports**

Council Member Carter

Next meeting would like to make a presentation to Bob Middlebrook celebrating his 40<sup>th</sup> year on the Fire Dept. President Higgins then added that there will be a little reception afterwards to thank him for his service to our Community.

Council Member Gelow

Would like to thank the utility crew, street crew, water and sewage for all doing a great job and keeping all flowing good.

Council Member Rypma

Also thought the Street Dept. did an excellent job with the streets last week. President Higgins then added that several of the crew spent the night in the garage so to be ready for helping with the emergency crews if the need arises. She advised that we are very fortunate to have such dedicated employees. Every employee of this Town is quite valuable to us and we do appreciate them.

**Clerk-Treasurer Report**

Clerk-Treasurer Susan Moffitt advised that she is getting the Annual Report done.

**Pay the Bills**

Council Member Gelow made a motion to pay the bills, followed by a second by Council Member Carter. The motion passed 5-0.

**Adjournment**

Vice President Vojtko motioned to adjourn. Council Member Carter seconded and the motion passed 5-0. The meeting adjourned at 5:48p.m.

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Council President

Attest:

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Jill A. Doll, Deputy Clerk