

MIDDLETOWN TOWN COUNCIL

MEETING MINUTES

August 6, 2019

The Middletown Town Council met in the Public Meeting Room at 653 Locust Street, Middletown, Indiana at 7:00 P.M. Council Members Dick Schwalm, Gary Kendall, Dan Fountain and Jake Smith were present. Town Attorney Joel Harvey was also present.

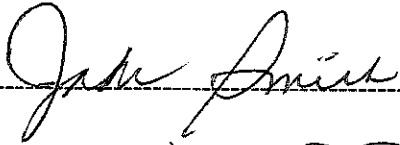
1. Marty Ballard came before the Council to announce that he has purchased the property at 152 South 5th Street. He plans to lease the portion of the property fronting on 5th Street to the Parks Department for use as overflow parking during events such as the Lion's Club Fair. He asked that an alley running north to south along the back side of his business property and intersecting the newly acquired property be vacated by the town from the south end of the Civic Center to its termination. Donita Chambless moved to allow the vacation and Dan Fountain seconded. Attorney Joel Harvey spoke to the process and will assist with a petition prior to a public hearing. The motion was passed unanimously.
2. Engineer Matt Spidel of Butler, Fairman and Seufert brought Contractor's Progress Estimate number one from Robert E. Crosby, Inc. He certifies that based on site observations and to the best of his knowledge the work has satisfactorily progressed in accordance with Contract Documents, and the Contractor is entitled to payment of \$117,725.19. We are holding back Retainage in the amount of \$13,080.58. Donita Chambless moved to approve the payment and Dan Fountain seconded. The motion carried unanimously. Mr. Spidel allowed that there was a mistake made by the Contractor making it necessary to redo some part of the project. The Contractor has asked for an additional \$15,000 payment for the redo. BFS has declined their request, but Mr. Spidel expects that the Contractor will dispute that decision.
3. A new flow meter for the flowing well was originally to be installed at the well head, but Mr. Spidel and Carl Spears, Utility Superintendent have decided it would better be placed in the lab area. The cost of 200 feet of flow meter cable would cost \$1,340.00. Dan Fountain moved to approve payment for the design change and Gary Kendall seconded. The motion carried unanimously.
4. Inland Waters Pollution Control, Inc, who is contracted to line the sewer tiles on South 10th Street has done a second video of the area in question and has discovered more deterioration than was present the first time. Some repair work will be necessary before the lining process at an additional cost of \$15,070.00. This being an unforeseen emergency situation, Donita Chambless moved to approve the expenditure. Gary Kendall seconded the motion and it was passed unanimously.
5. Matt Spidel announced that Baumgartner & Co. will be paving 8th and 10th Streets in September. He said that they should be here for a couple of weeks and that he would try to see to it that it would not interfere with "Fall Fun Fest."
6. Carl Spears reported that his department has installed 25 – 30 radio read meters in July. The Utility Office is notifying customers to make appointments for the upgrade and the department is installing on Monday and Wednesday mornings. It's working quite well.
7. Carl Spears has opted to use at least part of the \$74,298 remaining of the 2015 SRF Drinking Water loan to replace fire hydrants in the Town. He mentioned that the Radio Read reading devices are old and will need to be replaced with newer technology in the near future. Matt Spidel of BFS said that there might be a way for the Town to use part of the SRF loan to upgrade those readers.

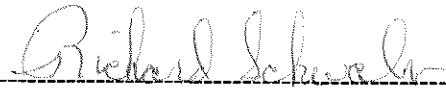
8. Steve Holmes presented the revised 2020 contract with the Henry County Humane Society specifying who is authorized to take animals to the shelter. Joel Harvey has spoken to the Humane Society's Executive Director who agreed with the minor edits. Dan Fountain moved to accept the agreement as revised and Donita seconded. The motion was carried unanimously. Jake Smith signed the agreement.
9. An Ordinance covering theft of utilities was brought up again. Dick Schwalm has recently returned from a conference sponsored by the Alliance of Indiana Rural Water, where the subject of Utility Theft was covered thoroughly by legal experts. He has distributed a power point program to all the Councilors and urges all to view it before we proceed. Donita Chambless volunteered to work with Dick in studying the material and coming up with some ideas for an Ordinance to bring to the full Council. Steve Holmes will forward a copy of the "Application for Utility Service" in use by Middletown to demonstrate what information is collected from our customers.
10. Steve Holmes brought up the issue of whether or not the Town pays employees their accrued sick time upon termination of employment. Through 2017 there was a provision in the Salary Ordinance wherein personal days, sick time and vacation were paid at the time an employee left the job. After 2017 there was no mention of any of the three types of accrued PTO. Indiana State Law does not require employers to offer these days as benefits. But unless the Salary Ordinance specifically states that vacation time is not paid, the employer must pay for accrued vacation. The subject was tabled for further study.
11. Carl Spears is looking into a solution to the problem of sewer access covers (hereinafter noted as SACS) being dislodged during excessive flow under South 8th Street. Newer SACS can be bolted down. He's investigating the easiest way to convert the older SACS to be bolted down.
12. The Town's Sewer Plant Operator, Ryan Haskell has, as requested, brought a training program for the Council for consideration. The program will cross-train all employees of the Utility Department to do the required routine daily lab work in the sewer plant. It is not an operations class; it will cover specimen collection and lab work only. The instructor, Nara Manor has spent nearly 30 years, not only doing and supervising sewer lab work; she has written the prevailing textbook on the subject. She is the Superintendent in the plant in Anderson. She will cover all necessary subjects in two 4-hour sessions, including a manual for a cost of \$1,812.00. Gary Kendall moved to contract with Nara Manor to conduct training classes for the Utility Department for a fee of \$1,812.00. Donita Chambless seconded the motion and it was carried unanimously.
13. Scott Emswiller, administrator of our computer system asked to renew the Town's domain which expires on August 18, 2019, for approximately \$436.00. Dan Fountain moved to renew and Gary Kendall seconded. The motion carried unanimously. Our server also needs 2 UPS units replaced for the cost of \$400.00. Dan Fountain moved to approve the expenditure and Gary Kendall seconded. The motion carried unanimously. He also addressed the fact that Windows 7 will no longer be supported by Microsoft after December 31, 2019. Middletown's server runs on Windows 7. We need to upgrade to Windows 10. If we do it the "right way," the cost could be around \$30,000.00. He will look into other less expensive options.

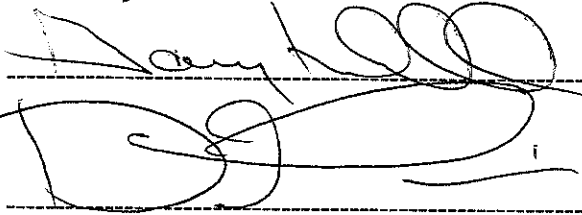
14. Dan Fountain asked if he could volunteer to help Chief Kirby with "Code Enforcement." Attorney, Joel Harvey, said he didn't see a problem with this, but that there was one more thing to check. Chief Amanda Kirby objected to the proposal based upon the fact that Mr. Fountain is not an employee of her department and is not sworn in to conduct law enforcement activities. The attorney will look at the statutes.
15. Chief Kirby has started tagging abandoned cars in town. Her department has tagged about 20 cars and her phone is ringing off the hook. She explained the justification under statute for these actions. If the vehicle is still there after 20 days it is declared abandoned. 24 hours later the Town can impound the vehicle. After 30 days more, if the vehicle hasn't been claimed, the Town may dispose of the vehicle.
16. Chief Kirby requested that Shannon Kirk be made Supervisor of the Dispatch Unit. Since the departure of Brenda Real, Shannon has been doing the scheduling and training of new hires plus she has been picking up most of the uncovered shifts. She has created a new manual for the trainees which will take them step by step through all their necessary procedures. She has assumed responsibilities without even being asked. Dick Schwalm moved to approve Shannon's becoming the Supervisor in the Dispatch Unit with attendant pay rise to \$15.75 per hour. Gary Kendall seconded and the motion passed unanimously.
17. Chief Kirby also asked to give Captain Matt Thompson a \$1.00 per hour increase in pay effective January 1, 2020. Captain Thompson has picked up a great deal of responsibility in the Police Department which has allowed the Chief to attend to administrative tasks. The title of "Captain" is new to the department and would need to be included in the 2020 Salary Ordinance. The proposal was tabled until job descriptions and changes to the Salary Ordinance can be taken care of.
18. There was a clarification as to what insurance coverage the town covers for employees on FMLA leave. Donita Chambless moved that the coverage remain exactly as it was before the leave, including coverage of the employee's family. Dan Fountain seconded and the motion was carried unanimously.
19. Carl Spears reported that the transmission in the Utility Department's bucket truck is being repaired. The transmission rebuild will cost \$4,000.00 with a 12 month warranty. He has arranged for back-up from other agencies while the truck is out of commission.
20. Utility employee, Ryan Surguy is going back to college, but would like to stay part time working week-ends. The Council approved by consensus.
21. Mr. Spears reported that the automatic dialer for emergencies in the Water Plant needs to be replaced. He asked Matt Spidel if the SRF loan funds could be used to pay for its replacement. Mr. Spidel said that it is an eligible item.
22. The old radio readers for Water and Electric meters need to be upgraded. Parts are no longer available. The upgrade is to a laptop which will read 52 meters per second. That upgrade will cost \$8,500.00. The next upgrade is a reader on the water tower which will send all readings to the Utility Office with the push of a single button. The cost is not immediately available. Gary Kendall cited Anderson as a local city using this method of reading meters. Matt Spidel will see if funds are available from the SRF loan.

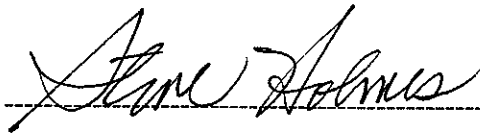
23. Patty Schwalm reported that she has composed a new rental agreement for the Civic Center. She is going to accompany Rusty Connor to the Henry County Community Foundation's Fall Grant Workshop. She is going to write a grant for an industrial sump pump to put in the elevator pit at the Civic Center. She asked for approval to appoint Bob Haskett as the 7th member of the Civic Center's Board of Directors. The Council approved.

There being nothing further to come before the Council, the meeting was adjourned.









Clerk Treasurer