

MINUTES OF THE MIDDLETOWN TOWN COUNCIL

September 17, 2019

The Middletown Town Council met in the Public Meeting Room at 653 Locust Street, Middletown, Indiana at 7:00 p.m. Present were Council Members Dick Schwalm, Jake Smith, Gary Kendall, Donita Chambless and Dan Fountain. Also present for joint session were the members of the Middletown Redevelopment Commission; Martha Minnick, Kent Fletcher, Bonnie Garrett and Drew Cooper. Joel Harvey, attorney for both entities was also present.

1. Carl Spears reported that the lining of the sewer on 10th Street is complete and we are ready for paving.
2. Ryan Paschal reported on Waste Water Lab Training for all utility personnel. The procedure manuals are being completed and the two half-days of training will be scheduled after that.
3. Steve Thompson announced that the Fall Fun Fest was very successful. He thanked the Town for all resources provided. The concert went “splendidly” on Saturday night. The weather was outstanding. The 5K run organized by Tricia Thompson was successful with over 100 runners. It earned \$1,700.00 which will be donated to the Middletown Fire Department. Jake Smith expressed the gratitude of the Town for all the work done to present the festival.
4. Steve Thompson gave a brief update on Sub-Committee progress for the Reorganization of Middletown and Fall Creek Township. The Reorganization Committee meets in the Middletown Municipal Building Training Room on the second Tuesday of each month at 6:00 p.m.
5. Dan Fountain reported on Asset Inventory Labels. He found a company who will print 250 1 ½” X 2 ½” numbered labels for \$49.95. Amanda Kirby will create a policy for what should be tagged and what should not. Donita Chambless moved to make the purchase and Gary Kendall seconded. The motion was carried unanimously.
6. Jake Smith reported on the Stellar Grant for the County from which Middletown may profit. Henry County is one of the 4 finalists for the \$22,000,000.00 grant. Middletown was asked to submit a local project to be included in the grant. One of the ideas that surfaced was an installation of sidewalks on SR 236 between 8th Street and the Get ‘n Go station. Then it was decided that if it could be extended to Dollar General, perhaps some of the required matching funds might come from TIF funds. At our last Council meeting it was decided that a non-binding resolution would be passed and forwarded to the Grant Committee. That has been done. Cross your fingers.
7. Holic Foods neglected to file certain required paperwork with the County Auditor. This can negate their abatement status unless the Town forgives the oversight. The company has since filed the required documents and attorney Joel Harvey has drawn up Resolution 2019-09-10 forgiving the company for the oversight. Donita Chambless moved to approve the resolution and Dan Fountain Seconded. The motion passed unanimously.
8. Richard Burk, having heard that Middletown is considering contracting with a single company for residential refuse pick up, came to ask that we do not use a particular company with whom he has had a bad experience. He asked that we publicize any public hearing on the matter so that others can relate their experiences.
9. Phil Chandler came for the EMS to ask about additional LIT funds left in their account with the Town. Tim Mundell had brought up the issue and had asked if the Town was to pay out only the loan payment amount, or all the money in the account. Mr. Chandler would like the remainder rolled over into the 2020 EMS budget because there is an annual shortfall around June. The Council approved and the Clerk Treasurer will get the paperwork ready for the additional funding. After advertising and public hearing it could be November before the dispersement.

10. Phil Chandler voiced his concern with regard to the lightning strike damage to the Public Safety radio system in August. He is concerned that his EMS personnel cannot talk to their base because of bad reception. Chief Kirby and Steve Holmes will look into when the radio is scheduled for repair.

11. **JOINT SESSION WITH THE MIDDLETOWN REDEVELOPMENT COMMISSION**

- A. Attorney Joel Harvey spoke of the desire of the Town and the Township to jointly acquire a new fire truck and in order to finance that, it has been recommended by bond council and by Bakertilly that the Town create a Redevelopment Authority. He has prepared a resolution for the Council to sign today to facilitate that. There will also be a lease between the Redevelopment Authority and the Redevelopment Commission for the fire truck.
- B. Emma Adlam from Bakertilly broke down the financing of the \$930,000.00 cost of the fire truck and the financing costs as follows. \$465,000.00 from each of the entities through a 6 year bond issue. The \$465,000.00 cost for the Town would result in the following approximate additional property tax for homeowners: Home value \$60,000.00 - \$20.19, Home value \$72,300 - \$25.31, Home value \$90,000 – 42.05, Home value \$115,000 - \$68.09.
- C. Fire Chief Brian Rednour doesn't have an exact figure for the cost of the fire truck, but speculates that it will cost less than the figures put forth by Bakertilly. Attorney Joel Harvey stressed the importance of opening a bidding process for such an expensive vehicle. Ms. Adlam said that the truck must be delivered and in place before the due date for the first payment, otherwise the payment and interest rates must be redistributed to the remaining payments in the amortization. At present, the due date for the first payment is June 2020. Chief Rednour thinks the turnaround time from order to delivery of the truck will be about 6 months. Tim Mundell asked if the truck isn't delivered by June, could the additional expense be paid out TIF funds. Ms. Adlam replied that that could be possible. Kent Fletcher expressed concern that at some point the TIF fund could be depleted. He further expressed some disappointment that the Redevelopment Commission was not notified in advance of the purpose of this meeting. He would have appreciated some time to consider options before the meeting. Drew Cooper agreed with him. Dan Fountain noted that he, as a Town Councilman, was not apprised of the purpose of the meeting either
- D. Dan Fountain and Joel Harvey explained that this process will not cost the TIF District any money. It is simply a way to permit the Town and Township to purchase a new fire truck.
- E. Fire Chief Brian Rednour recounted the history of the current fire truck. There have been times when the truck was "down" for a period of time due to repairs and parts for an engine as old as this one are hard to find. He suggested a long-term plan for keeping the equipment updated.
- F. Ms. Adlam asked if Chief Rednour was talking to only one company. He replied that the specifications for a new truck were with the one company, with which he has done business for many years. He is pleased with their mechanics and the service they provide. Attorney Joel Harvey, again, stressed the importance of a bid process for the truck.
- G. The Clerk Treasurer read into the record Middletown Redevelopment Commission Declaratory Resolution No. 2019—9-1, a resolution amending the Area Resolution and the Original Plan to add the acquisition of public safety equipment, including a fire truck. Martha Minnick moved to approve Resolution 2019-9-1 and Drew Cooper seconded. The motion was carried unanimously.
- H. The Clerk Treasurer read into the record Middletown Redevelopment Commission Resolution to authorize the Redevelopment Authority's financing, construction, acquiring and leasing to the Commission certain local public improvements, economic development and redevelopment projects, including the acquisition of fire safety equipment, consisting of a fire truck. The Redevelopment Commission will meet on October 7, 2019 at 7:00 p.m. at the Middletown Municipal Building Meeting Room for a public hearing as required

by law. Drew Cooper moved to approve Resolution 2019-9-2 and Bonnie Garrett seconded. The motion was carried unanimously.

- I. Steve Thompson, Fall Creek Township Trustee, asked if it might be necessary to execute an interlocal agreement between the Town and the Township with regard to ownership of the fire truck. Joel Harvey replied that it was probably a good idea to have an agreement as to what happens to the fire truck once it is paid for.
 - J. Dan Fountain asked for clarification that these resolutions do NOT mean that the Council has agreed to go forth with this project. Joel Harvey reassured him that this is correct. Ms. Adlam added that a vote at the October 1, 2019 Council meeting may authorize the issuance of the bonds for the project. That would be the commitment to proceed.
12. Donita Chambless read into the record a Town Council Ordinance 2019-9-6. Creating a redevelopment authority to be known and the Middletown Redevelopment Authority as a separate body corporate and politic and as an instrumentality of the Town. Mrs. Chambless moved to adopt the ordinance on the first reading and Dick Schwalm seconded. The motion passed unanimously. Dan Fountain moved to suspend the rules for reading Ordinance 2019-9-6 by name and number only. Donita Chambless seconded and the motion carried unanimously. Donita Chambless moved to suspend the rules for reading Ordinance 2019-9-6 by name and number only. Dick Schwalm seconded and the bill passed unanimously.
 13. A three member board of directors of the Redevelopment Authority was appointed; Donita Chambless, Dick Schwalm and David Wagner. These will be sworn in at the October 7, 2019 meeting of the Redevelopment Commission.
 14. Emma Adlam presented an agreement between Bakertilly and Middletown for handling the bond issue, initial financing feasibility and attending public meetings. Donita Chambless moved to enter into the agreement and Dan Fountain seconded. The motion was passed unanimously.
 15. Kent Fletcher asked what will be accomplished at the October 7, 2019 meeting. Joel Harvey explained that a public hearing on the proposed lease between the Town and the Redevelopment Authority and the Redevelopment Commission is required by law. Citizens will be able to come in and speak for or against entering into this lease and going forward with this transaction. And then ultimately you will have to approve the lease and approve the execution of the lease to go forward with it as has been proposed. Mr. Fletcher countered that he is ill prepared to answer any questions the public might have regarding this transaction. Ms. Adlam offered to put together a presentation explaining the project and how it will be financed. Fire Chief Brian Rednour stated that neither he nor Assistant Chief Jon Ashton will be able to attend the October 7, 2019 meeting. Kent Fletcher concluded that he felt that this meeting was an ambush and he doesn't want to misrepresent anything to anybody. He anticipates that the public, hearing that their property taxes are going to be affected by this project may have many questions. He would like to be apprised of any materials that are going to be presented at the October 7, 2019 meeting in advance.
 16. Dan Fountain asked the Redevelopment Commission to set up a meeting to discuss the expansion of the TIF District. He asked Martha Minnick, President of the Middletown Redevelopment Commission, if she could provide a list of all members of the Commission and their appointment dates. Joel Harvey explained that it is an annual appointment and if there aren't any new appointees, members carry on.
 17. Police Chief Amanda Kirby reported that her department met with a representative of the Henry County Community Foundation regarding the grant application for radar equipment, a radio and outfitting for a new police truck next year. Results for the grant cycle should be announced shortly.
 18. Carl Spears, Utility Superintendent, reiterated his desire to use SRF funds to purchase a mini-excavator. He has spoken with Matt Spidel regarding whether or not the SRF funds could be used for an excavator. Pritchett Excavating has a used mini-excavator which he will sell for half the cost of a new model. Steve Holmes remembered that there was some urgency to replace meter readers for the Utility

Department at a cost of nearly \$10,000.00. Mr. Spears will bring solid numbers on the Pritchett machine to the next meeting. Mr. Spears spoke again of the caution regarding upgrading our computer system without consulting the company that supplies our meter readers. Again, he was encouraged to put Scott Emswiler in touch with that company to discuss the dangers.

19. Mr. Spears reported that while checking lift stations, it was discovered that the pad locked shed in Crestwood Mobile Home Park where the Town's water meters are housed had been broke into and someone else's pad lock applied. He reported it to the Police Department who spoke with "Rodney?" Mr. Spears feels that now everyone understands that no one is to tamper with the Town's meters. Chief Kirby was also satisfied that there is a clear understanding of boundaries.
20. During the Fall Fun Fest, Mr. Spears noticed server signs stapled to utility poles. These staples are a danger to linemen who need to climb the poles. Joel Harvey cited our ordinance prohibiting such practices. Mr. Spears suggested a notice in the newspaper that this practice is not allowed. Chief Kirby suggested a notice on Public Access TV. Dan Fountain suggested a note at the bottom of the utility bills.
21. Dan Fountain addressed the problem of waste from Holic Foods and the expense to the Town of cleaning up the system overburdened with oily waste from the plant. Mr. Spears cites March 13, 2019 as when this problem began. Now all his drying beds at the waste water plant are green from the discharge from the Holic Food plant. His fear is that all the good bacteria which make the waste water plant work, are dying or dead. If that were the case, we would need to commission a hazmat truck to bring in 2000 live "bugs" from another facility. Donita Chambless asked if there is any other community having a similar problem. Ryan Paschal replied that for at least 30 years the town of Orestes has had a similar problem with Red Gold pumping acid into their system. Their waste water plant still battles to keep their numbers legal. Holic Foods continues to deny culpability and the Town continues to deal with the waste problem. Dan Fountain suggested another meeting with the company. Donita Chambless suggested a daytime meeting and it was suggested the Matt, Spidel, our engineer also be present. Mr. Spears will try to get any existing diagrams of the plumbing done at the Holic plant prior to opening. Dan Fountain asked Jake Smith to take the reins on arranging the meeting.
22. Mr. Spears reported that the well water drainage from Pugsley's well across the street from the waste water plant was supposed to be hard piped to Fall Creek. It is still an open ditch. Lately there is a noticeable leaning of utility poles because of the soggy soil. The Town attorney will write a letter to Mr. Pugsley.
23. Patty Schwalm met with a representative from Henry County Community Foundation regarding the grant for a commercial sump pump in the elevator shaft at the Civic Center. Steve Holmes collected nearly \$700.00 from the Chicken Noodle Dinner at the Fall Fun Fest. Part of that money will be used to replace a sink in the kitchen area of the Civic Center.

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