

# MINUTES OF THE MIDDLETOWN TOWN COUNCIL

October 15, 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 was Joel Harvey, Attorney for the Town.

1. Matt Spidel, Butler Fairman and Seufert Engineer announced that the paving of 8<sup>th</sup> and 10<sup>th</sup> Streets between SR 236 and Locust Street is complete and that there was a little money left over from the INDOT Grant. He explained that the remainder of the funds must, by definition of the Grant, be spent on relative projects like ramps, curbs or sidewalks. Council questioned whether or not the paving company fulfilled the work outlined in the bid. Mr. Spidel explained that core samples were taken and it was discovered that the depth of road building originally bid for 10<sup>th</sup> Street was not going to be necessary. Carl Spears, Town Superintendent, voiced some concerns about the finishing of the pavement. He said there is no feathering at the edges of the street, which could cause problems at driveways and intersections. If a snow plow catches the edge of the pavement it will tear up the street. He points out that the edges should be feathered. He also pointed out a problem with sewer access covers, especially on 10<sup>th</sup> Street, sitting so low in the pavement that they approximate hitting a pot hole when driven over. He voiced his surprise that neither he nor the Town Council were notified of changes to the pavement planning prior to the work being done. Mr. Spidel explained again that after the core samples were analyzed it was found that the roadway was a lot thicker than anticipated. In discussion with Baumgartner, it was concluded that they could do more harm than good by digging up the road. Council persisted that changes in the work order should have been made at the time of the bid process. Mr. Spidel reiterated that the engineer made the decision after the cores were analyzed. Gary Kendall compared the difference in the amount of work upon which the bid based to the actual work done with a simple resurfacing. He asked how the difference in value could be justified. Mr. Spidel explained that the cost is based on cubic yards which can be tracked. That will determine the ultimate cost charge for the job. Dick Schwalm said it was his understanding that they were doing a 4 inch dig, but that it appears to be more like 2 inches. Carl Spears said he feels like they bid one thing and then came in and did whatever they wanted to. He is not at all satisfied with the way the situation was handled. When asked for specifics, he said that in addition to the changes made without consultation, and the unfinished edges of the pavement and the wavy surface, especially on 8<sup>th</sup> Street, he asked Baumgartner for the millings taken from the surface of the road and was told that they were already sold to a hog farmer somewhere. Mr. Spears said that the Town usually keeps the millings for their own use. He was given 4 truck loads. A local farmer got 50 truck loads in his driveway. Jake Smith added that he was told that the concrete patches on 8<sup>th</sup> Street would not be disturbed because there were gas line valves encased in the cement and to mill over it might tear up the valves. Dick Schwalm asked if these kinds of problems were typical with paving contractors. Mr. Spears said no, that his experience has been that a bid is a bid and all of the work, including tapering the edges, was included in the job as bid. Mr. Spidel said he would take all these concerns back to his roadway engineers.

2. Mr. Spidel presented Payment Estimate # 3 to R. E. Crosby, Inc for Waste Water Treatment Plant improvements, part of an OCRA Grant, for the amount of \$79,065.41. BFS recommends payment of that amount. Donita Chambless moved to approve the payment and Dan Fountain seconded. The motion passed unanimously.
3. Mr. Spidel presented a payment request for Inland Waters Pollution Control for the lining of the sewer on 10<sup>th</sup> Street. In the amount of \$52,941.05. Donita asked Mr. Spidel if this was covered under an OCRA Grant and he replied that it was. Mrs. Chambless moved to approve payment and Dan Fountain seconded. The motion carried unanimously.
4. There was a discussion about the cost of the security gate at the Utilities Plant. The final invoice for the gate was nearly \$20,000.00, which was only slightly more than the original quote given by Scott Emswiller.
5. Carl Spears, Utilities Supervisor, said that the Emswiller invoice was holding up the use of SRF Loan expenditures for drinking water improvements. Steve Holmes said that the balance left in the SRF Loan is \$59,791.09. Donita Chambless moved to approve 1) the payment of the Emswiller invoice; 2) the purchase of a mini-excavator from Pritchett Backhoe; 3) and the purchase of a computer and software to upgrade our meter reading, in order to close out the SRF funds, pending the approval of the Emswiller invoice. The motion was seconded by Gary Kendall and was passed unanimously.
6. Superintendent Spears reported that his department has installed 11 radio read meters in the past 2 days.
7. Fire Chief Brian Rednour announced that the new Fire Truck purchase is out for bids. Bids are due by October 21<sup>st</sup>. The RDC and the RDA will meet on October 22, 2019.
8. Jake Smith opened the floor for a Public Hearing on Budget Approval for 2020. There being no discussion, Donita Chambless moved to pass Resolution 2019-10-15-1 to approve the 2020 budget for the Town of Middletown. Dan Fountain seconded and the motion carried unanimously.
9. Steve Holmes asked that the Council suspend a rule published in the Employee Handbook stating that "If an election is held in the Middletown Municipal Building, the Utility Office will be closed." Mr. Holmes explained that the planned election was to be held in the Training Room utilizing the rear entrance to the building and that the election would be over before the scheduled Town Council Meeting at 7:P.M. Dan Fountain moved to suspend the rule and Gary Kendall seconded. The motion carried unanimously.
10. Donita Chambless asked Joel Harvey, the Town's attorney, where we are in the discovery process for merging the Town of Middletown with Fall Creek Township. Mr. Harvey said that the initial process of forming Sub-Committees and once those committees have come up with what the merged entity would look like; Bakertilly will be able to come up with the pros and cons of how it would take shape and how much it would cost. There would be public meetings prior to the plan being adopted before it goes to the actual ballot referendum. The next meeting of the Reorganization Committee will be on November 12, 2019 at 6:00 P.M.
11. Ryan Paschal reported that the Sewer Plant is operating well. The Sewer Plant lab training has been scheduled and will begin this week.
12. Dan Fountain reported on several code enforcement violations that the MEC is addressing. Tim Mundell cited several phone calls from concerned residents about the switch over to a one trash hauler system. They question whether or not to pay their current trash bills for the next 3 months. Mr. Fountain said yes, they should pay their next bill.

13. There was a protracted conversation about abandoned properties and whether or not the town could or should acquire them. Dan Fountain offered that the EMC will look into this topic further.
14. Marshall Amanda Kirby has two people she would like to hire as part time Grade one dispatchers; Josh Grizzel and Courtney Winkle. Dan Fountain moved to approve and Gary Kendall seconded. The motion carried unanimously.
15. Marshall Kirby has consulted with Tim Mundell regarding the cost of hiring a full time employee. They weighed the cost of an additional employee against the current costs of paying overtime and found that, except for the unknown cost for an employee's insurance plan, they are about even. Shannon Kirk worked 62 hours of overtime in the last pay period. Marshall Kirby is concerned about burn out of her employees. With four full time twelve hour shift dispatch employees every hour of every day would be covered. She would like to train the two new employees to start redistribution of hours at the beginning of 2020. Dan Fountain moved to create a new full time Dispatch position effective January 1, 2020. Donita Chambless seconded. The motion carried unanimously.
16. Marshall Kirby commended Captain Matt Thompson for all the work he is doing, including the commencement of 3 new grant applications for the department.
17. Trick or Treating will take place on Halloween, October 31, 2019 from 6:00 to 9:00 P.M.
18. Carl Spears said that the garage door openers in the Fire Department need to be replaced. Dan Fountain moved to approve and Gary Kendall seconded. The motion was carried unanimously.
19. Tim Mundell said there have been questions regarding the Handicap Parking sign at 10<sup>th</sup> Street and Locust. It is in the middle of the block with no indications anywhere around it to indicate its necessity. Dan Fountain moved to remove the sign upon Carl Spear's recommendation and Donita Chambless seconded. The motion carried unanimously.
20. Patty Schwalm picked up a \$3,000.00 grant check today from the Henry County Community Foundation for the commercial sump pump for the elevator shaft in the Civic Center. Steve Holmes added that a new sink has been purchased for the Civic Center kitchen.
21. Steve Holmes reported that a landlord on Cossack Drive has had complaints of low water pressure. Mr. Holmes asked another landlord about the problem and she confirmed that when more than one person is showering, the pressure drops. Carl Spears said there is a 2" water main for Cossack Drive. He said he would check the pressures at the meters. There have been complaints about the work being done on the water tower in the west end. Paint chips are covering everything in the neighborhood, including a resident's pool. Mr. Holmes also reported that after a study done at 1406 State Street by the Utility Department, it was determined that the resident has been erroneously charged for sewer fees for three years. The amount over charged is \$1703.20. The Council opted to apply that dollar amount as credit against future utility use.

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

*Donita Chambless*  
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*John Finis*  
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Clerk - Treasurer