**NEW WHITELAND TOWN COUNCIL**

**July 5, 2016**

**MEETING MINUTES**

Town Council President John Perrin opened the meeting at 5:00 p.m. with the pledge to the American flag. Council members present were John Perrin, John Schilawski, Mike Rogier, Scott Alspach and Frank Vaughn. Also present were Clerk-Treasurer Maribeth Alspach and Attorney Lee Robbins. Councilman Schilawski offered the opening prayer.

**MINUTES**

Councilman Schilawski moves to approve the minutes of the June 21st Special Meeting and is seconded by Councilman Rogier. **Vote 5 affirmative.**

Councilman Rogier moves to approve the minutes of the June 21st Executive Session and is seconded by Councilman Schilawski. **Vote 5 affirmative.**

**HARDSHIPS / ADJUSTMENTS**

None.

**TREASURER’S REPORT**

Clerk-Treasurer Alspach presents copies of the Fund Report and Docket for ratification and/or approval. Councilman Alspach moves to approve and ratify both and is seconded by Councilman Vaughn. **Vote 5 affirmative.**

**Fishing Derby**

John Christopher with Trail Life is here along with some of the members of this group to request permission to host a catch and release fishing derby at Proctor Park on July 30, 2016 from 8:00 a.m. to 12:00 noon. They would be using the pond and the front shelter house. Councilman Perrin asks if this event is open to the public if someone outside the group wishes to participate. Mr. Christopher says it is. Councilman Vaughn moves to approve the request and is seconded by Councilman Rogier. **Vote 5 affirmative.**

**OLD BUSINESS**

Police Department Hiring Status Report

Interim Town Marshal Joe Rynerson states that twenty five (25) applicants have confirmed their intent to take the written and physical fitness tests on Saturday, July 9th. Afterwards Rynerson and Sgt. Polley will review the test results and identify the top 10 candidates and will then call to schedule oral interviews possibly on July 14th. Councilman Rogier asks if the background investigations will be completed by that time. Rynerson states background investigations will be done after the oral interviews and prior to any offer of employment. Rynerson also plans to establish an eligibility list that would be good for a minimum of one (1) year in the event of any additional openings within that time period. Council approves.

House Bill 1019

Interim Chief Rynerson explains the new law requiring police agencies to store body or dash cam recordings for six (6) months. Rynerson states that a server storage unit was received today that will be used to store the recordings. Rynerson is in the process of drafting a General Order outlining the department’s policy and the procedures to be used for saving and storing these recordings. He will work closely with Attorney Robbins on this matter. Council President Perrin praises Rynerson for being proactive on this matter.

National Night Out

Rynerson reports that National Night Out will be held on Tuesday, August 2, 2016 in the East Park from 6 – 9 p.m. The Town of Whiteland and its police department will be participating this year as well. There have been two (2) planning meetings so far and the banners arrived today. Rynerson will work with PW Supt. Johnson to get the banners put up prior to the event. Question is asked about the NO PARKING signs to be used during this event. The signs are being provided by the Whiteland

Police Department and say “No Parking by order of the Whiteland Police Chief” – is we use those

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signs are they enforceable in New Whiteland. Attorney Robbins states we need to see if we have an ordinance allowing temporary no parking restrictions during special events. If we don’t have one we will adopt one at the next meeting. Clerk-Treasurer Alspach states we are anticipating a much larger attendance this year with both towns participating and we may not have enough funding in Community Services to cover our expenses and may need to ask for approval to spend from another funding source. **The August 2, 2016 Town Council meeting is cancelled.**

Officer Commendation

Interim Chief Rynerson commends Officer Adam Bernett for two (2) recent arrests related to car break-ins in the area. Rynerson adds that these were not local people but were staying at a house here in town that seems to have multiple people who may or may not be family members residing there. They will keep an eye on the residence.

2016 Street Repair Bid Contract

Attorney Robbins has prepared the contract for Council President Perrin’s signature as well as the Notice to Proceed for Grady Brothers. PW Supt Johnson, Street Supt. Dykes and Clerk-Treasurer Alspach attended the LTAP training on the recent special funding and the matching grant. Grant applications are due July 29th and if we apply we could be reimbursed 50% of the amount of this contract. Councilman Vaughn moves to award the 2016 Overlay and Street Repairs contract to Grady Brothers for the base bid item in the amount of $180,075.61 and all four (4) alternate items in the amount of $81,816.75 for a total contract amount of $261,892.36 and to authorize Council President Perrin to execute the contract and authorizing Attorney Robbins to issue the Notice to Proceed. Grady Brothers will have seven (7) days to begin work after receiving the Notice to Proceed and the work must be completed within forty-five (45) days. Councilman Rogier seconds the motion. **Vote 5 affirmative.**

Employee Handbook Revisions

Attorney Robbins presents revised language on Voluntary Termination as previously discussed. The revisions would require two (2) weeks written notice from non-department head employees in order to be paid for any unused, accrued vacation time. Failure to give two (2) weeks’ notice would forfeit the accrued vacation pay unless extenuating circumstances would cause the council to agree to pay the accrued vacation time without two (2) weeks’ notice being given. If the non-department head employee gives thirty (30) days’ notice they would be given one (1) additional day of accrued vacation time to be paid out with their final check.

For Department Heads or identified essential employees they would be required to give sixty (60) days written notice in order to be paid for accrued vacation time. If these employees give ninety (90) days’ notice they would receive one (1) additional day of accrued vacation and if they give one hundred and twenty (120) days they would receive two (2) additional accrued vacation days. The purpose of this revision is to encourage employees to give advanced notice of their intent to leave so that a replacement can be trained. Council would still have the option of making termination effective on receipt of notice.

Attorney Robbins is also recommending striking the Progressive Discipline policy as Indiana is an “at will” state. Would encourage department heads to document any employee issues with verbal and written warnings but does not entitle any employee to a certain number of disciplinary actions prior to termination.

This item will be placed on the July 19th agenda.

Cyber Insurance

Clerk-Treasurer Alspach thanks the council for the email approvals to move forward with the purchase of the BCS Cyber Liability policy as discussed in the last meeting. Policy was issued effective July 1, 2016. The payment is on tonight’s docket.

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401 Mooreland

Attorney Robbins states that closing is set for 11:00 a.m. tomorrow. Habitat received the variances they requested at the BZA meeting on June 28th. However at the original closing they wanted Attorney Robbins to make a notation on the deed that the variance ran with the land. Attorney Robbins stated that he was not authorized to do that. The variance packet that was approved on June 28th includes the language that the variance would run with the land and it is being filed with the deed. Attorney Robbins has prepared an affidavit that was signed by BZA Secretary Cindy Yates attesting to the fact that the variance runs with the land. The affidavit has been notarized and will be presented at closing tomorrow. The title company is asking for verification that John Perrin is authorized to execute the warranty deed transferring ownership of the 401 Mooreland Drive property from the town to Habitat. Councilman Rogier makes a motion authorizing John Perrin, as President of the New Whiteland Town Council, to execute the warranty deed and any other necessary paperwork related to the sale of this property and is seconded by Councilman Vaughn. **Vote 5 affirmative.**

2017 Budget

Clerk-Treasurer Alspach states that the department heads are working on their 2017 budget requests. They are to be completed and returned to her by July 25th so that she can get them entered into Gateway prior to her meeting with the DLGF on August 4th. Once that meeting is concluded we can schedule individual department meetings to review the requested budgets.

State Highway Ditch Cleanup

Councilman Rogier states that Terry Spencer had told the council that State Highway was going to be in town cleaning the ditch along US 31 and that has not happened. Rogier asks PW Supt. Johnson to contact them again.

**NEW BUSINESS**

Inflow & Infiltration – IDEM

PW Supt Johnson states that IDEM did an inspection last week and determined that our I & I during peak wet weather is higher now than it was a year ago. Johnson anticipates getting an Early Warning Letter from IDEM. Johnson has a contract proposal from Wessler Engineers for a not to exceed amount of $15,000.00 for on call Sanitary Sewer Services that would include:

1. Inspecting all manholes in town and identifying those with the highest volume of infiltration.
2. Night testing – would select the highest infiltration areas to test by putting a weir into the manhole and grading it on a scale of 1 -5. Johnson estimates that six (6) or so areas would be tested.
3. Smoke test sections that have been identified for repair and suggest appropriate correction action.

PW Supt Johnson states that we received a verbal early warning in 2015. In 2015 they repaired seventeen (17) manholes.

Councilman Alspach asks if the $15,000 contract includes getting camera images of the system. Johnson says it does not, that would require a separate contract with another company. Councilman Schilawski asks if we have done our due diligence and gotten quotes from other engineering firms. Johnson says no, he has worked with Wessler in the past and contacted them. Schilawski states that on any contract or purchase involving this amount of money we should always get three (3) or more quotes. Attorney Robbins asks why the I & I would be higher this year if repairs were made to the system last year. He asks if areas with high I & I have been identified and if we could put our money towards those repairs rather than more investigation work as he believes that would be more pleasing to IDEM. Councilman Vaughn moves to direct Johnson to get a couple additional quotes and authorizes a not to exceed contract of no more than $15,000 to the best proposal. Councilman Rogier seconds the motion. **Vote 5 affirmative.**

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Moving Wall

Clerk-Treasurer Alspach thanks John and Terry McIntire for presenting Proctor Park with a flying eagle that has been placed at the top of the American flag pole. John McIntire asked her if New Whiteland would consider hosting the Moving Wall – a traveling replica of the Vietnam Memorial in Washington, D.C. She has contacted the organization that schedules the exhibit and has been asked to submit an application. She is asking permission from the council to do so. Council approves.

**LEGISLATIVE BUSINESS**

Ordinance 2016-10

Clerk-Treasurer Alspach presents and explains the ordinance transferring MVH and LR&S funds to the Rainy Day fund on first reading. LOIT and Rainy Day Funds are eligible for the 50/50 matching grant for street repairs. Councilman Schilawski moves to adopt Ordinance 2016-10 on first reading and is seconded by Councilman Alspach. **Vote 5 affirmative.**

Councilman Alspach moves to suspend the rules and consider the ordinance on final reading and is seconded by Councilman Rogier. **Vote 5 affirmative.**

Council President Perrin reads Ordinance 2016-10 in title only on final reading. Motion to adopt by Councilman Vaughn with second by Councilman Rogier. **Vote 5 affirmative.**

Being no further business the meeting was adjourned at 6:20 p.m.

Respectfully submitted,

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Maribeth Alspach, Clerk-Treasurer

Approved: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 John Perrin, Council President