

**New Carlisle Town Council**  
**124 E. Michigan Street, New Carlisle, Indiana**  
**General Meeting, June 2, 2020, 6:30 PM**

The meeting was opened with the Pledge of Allegiance

President Kauffman called the meeting to order with Vice President Budreau, Council Member Rush, Council Member Doll, Council Member Colanese and Clerk-Treasurer Susan Moffitt present.

Also in attendance Andrea Halpin, Jared Huss, Jill Doll, Perry Hinton, Jason Quirk and Dan Caruso.

**Approval of Minutes**

-March 3, 2020 General Meeting-  
March 17, 2020 General Meeting  
-March 31, 2020 Executive Session  
-April 3, 2020 Executive Session  
-April 9, 2020 Special Meeting  
-April 16, 2020 Executive Session  
-April 16, 2020 Special Meeting  
-April 18, 2020 Emergency Meeting  
-April 23, 2020 Executive Session  
-April 30, 2020 Special Meeting

-May 11, 2020 Executive Session  
-May 11, 2020 Special Meeting  
-May 19, 2020 Special Meeting  
-May 21, 2020 Executive Session  
-May 27, 2020 Executive Session  
-May 27, 2020 Executive Session  
-May 28, 2020 Executive Session  
-May 29, 2020 Executive Session  
-June 1, 2020 Executive Session

Vice President Budreau moved to accept the minutes of the March, April, May and June 1<sup>st</sup> meetings as written. The motion was seconded by Council Member Rush and passed. Council Member Doll abstained from the March 3<sup>rd</sup> meeting.

**Visitor Comments**

- Dan Caruso – Town Representative to the APC

Dan reported that the APC has not met in person since March 17<sup>th</sup> as meetings have been cancelled. They did meet electronically to discuss the Area Plan Director position left vacant with the retirement of Larry Magliozzi. He reports that a replacement has been has not met physically since March 17<sup>th</sup> and other meetings have been cancelled. Met electronically to discuss APC Director position vacant since the retirement of Larry Magliozzi. Abby....from Elkhart was selected from the three applicants interviewed. Ryan Fellows was Larry Magliozzi's recommendation for replacement but the position was given to ZXZ

There will be a virtual meeting on June 9<sup>th</sup> to discuss non-controversial issues including 501 W. Michigan. They plan to have a June 16<sup>th</sup> meeting. Dan felt the virtual meeting would exclude people without internet to discuss the rezoning. Three rezoning in New Carlisle that are controversial and need a public hearing. Still need to maintain physical distancing. On the 9<sup>th</sup> he will discuss during virtual meeting that we need to make arrangements for input from those with interest. Expect meeting to handle rezoning of new Carlisle.

Virtual meeting on the 9<sup>th</sup>. Meeting with non-controversial issues on the 16<sup>th</sup> and then hearing on the 23<sup>rd</sup> that are considered controversial and want input from the public before making a decision. Mitch Heppenheimer

**Employee Reports**

Perry – flushing hydrants going well. Daily duties going well. No complaints. Jerry – seen signs for flushing and asked if there could be an issue with plugged filters. Perry responded that yes, that could happen and that is why they have placed banners and yard signs as well as sending out Reach Alerts to notify residents of the areas been flushed daily.

Jason - have purchased power with Wolverine began yesterday. Still partner with AEP. EP Report filed, true-up meeting postponed., still awaiting follow-up correspondence from AEL legal regarding Wintergreen territory, relocated facilities for Zigler St. project, insurance claims and HVAC upgrade proposals are expected within two weeks, Would like an ordinance to add to the code book section 53.34 regarding disconnect beyond meter. Has spoken with building inspector who is on board. Provides safety for homes can be used as disconnect. Would be required for new construction or remodel. Jason requested a work session to discuss capital projects, bucket truck replacement, easement discussions and substation expansion and permission to pursue land purchase. Jason explained substation request. Andrea – 2 appraisals. Jared – some info form rededicatni of Arch might be useful

Jared – Peerless Midwest is updating well head protection plan which was approved in 2010 This is Phase II. IN addition with SJEC and those wells, we had to redeliniate and SJE had offered to pay for this. Redeliniation has already been done and is 610 page report. Due today but Peerless has reached out to IDEM and date was not a hard date and as long as it is correct they are okay withwaiting. Who is in area, potential containinates, etc. Add reporting requirements to meet the next phase in the protection plan. Jared would like a clear understanding of those components and then have Peerless come in for a work session as they are the experts. Additionally, the Council will make up the team that would look at this every so often. Five years to get to well, so if anyone enters our area, we would need to include in our plan and have emergency plan to address any issue that may arise.

Dave – how big is the area? Jared – quite a big expansion. Crescent shape that now crosses the tracks. Crescent around SJEC because those wells are not potable water. Crosses tracks and includes Helena Chemical. Will review with Pat and meet with Peerless and then hold a work session with the Council. Jared will communicate with Council if he has a good understanding so that this can be submitted to IDEM. Letters to each home/property owner in this area letting them know that they are responsible to report any issues within this area.

Selge contracts and Notice to Proceed are ready for Council signatures this evening for the previously approved Zigler Street Project. Precon meeting in June with project to begin after July 4. Will get together with Perry and Jason to make sure every piece is in place and coordinate everything internally.

Water capital improvement plan. Next step – Pat and Tim working on Donohue has provided three more options on the treatment plant. Those in Jared’s opinion were high and was afraid they might deter good conversation with the Council and so he has asked that they go back and aggregate all of the options for the plant into one document as well as all options for upgrades in the next 20 years. This would go to Baker Tilly and they will look at it and begin preparing rate impacts and be ready for meeting with the Council to determine how we want to approach the water treatment plant replacement including funding. Jared has from Eric a number of days for an

executive session 6/19 in the afternoon and also 6/24 afternoon. 6/22 and 6/23 morning. Council determined June 19<sup>th</sup> in the afternoon. Jared will confirm with Eric at Baker Tilly 1 PM on June 19<sup>th</sup>.

Jared and Sue received an email from DLZ regarding the wastewater study containing a number of pieces required information. Jared Sue, Perry will need to meet and review. 69K contract Additional amount of 30k to do data collection. Old maps etc from 2002 and Abonmarche, and even older documents from CEWA so it might be good to begin collecting this data. Jared, Sue and Perry get together and make a recommendation to the Council.

Andrea attended several meetings including special and executive sessions

### **Old Business**

- Ratify appointment of 2 members to Cemetery Board-Bob Masters & Carolyn Higgins

Vice President Budreau moved to ratify the appointment of Carolyn Higgins and Bob Masters, seconded by Dave and passed unanimously.

- Discussion of Utility Penalties

Sue explained but we need guidance regarding gov. directive on disconnects. Andrea said much confusion in the courts but not direct guidance. Interst on judgements is waived at this point and moratorium on residential evictions and car repossessions through the Court. Will revisit in July.

### **New Business**

- Donahue Agreement

Continue to use Donohue to handle extra components. This is an as needed agreement so they can continue to do cost estimates and other components. 30% contingency on construction, 20% on...contingencies can be quite a big chunk and that is why he has asked them to go back and review and tighten up the estimates.

Motion to accept the Donohue Agreement as written was made by Vice President Budreau and seconded by Council Member Rush. Motion passed unanimously.

- Wintergreen Farms Development

Jared briefly described the history of the project. 2015 issued deficiency notice on plan submitted to APC because they didn't meet engineering requirements of water sewer and drainage. They came back again a couple years later. Frontage of all properties on Wintergreen heading south to Edison Road. At the bottom of that hill is a wetland. Essentially, one of the issues was not enough storage for water from the development. Town follows SJC

standards. When they came back they wanted to store water on the hill. They replied if we have to do it properly, it will take up too many properties so can we discharge to the wetland. Some cases that is allowable, if the wetland is predominantly on the property that you own. It is not, it is on their as well as the Town's property. IDEM said you can discharge to the wetland and don't need a permit as long as the stormwater does not impact. Need to do wetland delineation. Then turn del. To arm corp and they determine. Jared talked to SJC because he is concerned and SJC requires. Roadway at Wintergreen which is multi-jurisdictional. All parcels. Pretty significant study required. County says on regular basis that you can't discharge unless fully on property owned. Jared told Tyler from Cooreman that this is Council decision but ultimately it is up to the Town to determine if we want to adopt SJC standards that we usually do or do we want to go outside the standards and determine. Jared feels that we would not want to vary from SJC and Andrea is in agreement. Good to have housing built but we need to ensure they don't negatively impact other residents including county residents and roadway. This is his opinion and Andrea will give hers but he doesn't feel this is a good idea. Spoke with Marcy previously as she is the most environmentally conscious and this is a sensitive issue. Andrea's legal recommendation is that there is no reason to vary from the County when we did an adoption of the Zoning code, building code etc. Compelling reason in one case but this comes back to what we have talked about frequently as a Council. We seem to get into trouble when Council's do something for a reason because we feel sorry for someone or we want to do what we feel is fair or whatever and we end up getting off process. No compelling reason, no reason to deviate from the SJC plan. Timothy Rd. had a sign for years that said will flood. Great amount of work which is the nature of a wetland. Issue with allowing someone to discharge water that can impact another person's property and in fact another municipality. The unforeseeable happens and we get a 100 year flood and impact the property, opening ourselves up to liability. Too many elements into plan and there is a huge impact that can be had. There is a way to determine if there will be an impact and a proven way that involves professionals that come in and do those studies and that should not be waived.

Hared – gut opinion is the amount of water from 12 parcels may not impact significantly but they aren't going to do a study property and if we tell them yes and must battle on a study they do that the engineers do not agree with, we do not want to get into this protracted issue. Wetland has all three types of wetland and this one has all components.

Andrea – additionally, there is an electrical component and it is a big deal. Whatever was done with this project initially was not solid. Retention ponds don't go on a hill, common sense. Not properly executed in the first place and a reliance factor of well it was improved way back when. Too many questions. There arguments do not weigh heavily with Andrea with merit. Not a great shot if we must litigate because of deficiencies that she can recognize as a non-technical person that were developed originally in this plan.

Dave – our sewer? Jared – connect into back side of wintergreen. They sold off some to Baltes, retained Wjen Jared reviewed in 2015. Pressure reducing valve in each home to reduce from

100 psi to 60 to meet standard fixtures. Grinder pumps would also be required. We often the Council says no and then someone comes back with an issue and then....

Jared suggest we maintain adherence to SJC standards as related to stormwater standards for Adread stated this would be the same for any development. We are cleaning up things done oin the past.

Jordon – motion to adhere to SJC Stormwater Standards. Second Dave. Unanimous.

- Request for adjustments at 522 E. Michigan St. & 110 E. Chestnut St.

110 E. Chestnut – Davey – per Perry this ends up in sewage treatment so the Town must pay for it. Perry went in and saw some standing water but with amount of water that made recognize high water usage the basement would have been full and there was only 2-3 inches so water had to be going down drain. 20-30k gallons would have flooded so there had to be a drain. Perry – went in and told him to put in a space heater because there was no heat. Tenant left and shut off heat and put in bad position.

Motion by Dave to not adjust this bill because the water went into the sewage system. Motion seconded by Vice President Budreau and passed unanimously.

522 E. Michigan Street – George confirmed the water in the crawl space which was dirt and the water leached out. Motion to adjust by Jordon 62.57 adjustment for 522 E. Michigan Street. Motion seconded by Davey. Passed.

- Independent Contractor agreement

Jordon moves, Sam seconds to accept agreement for police background. Motion passed unanimously.

Salary Ordinance – Ordinance #1391

Motion to waive the rules to allow for adoption on day of intro. Second Sam passed unanimously.

Marcy read by caption only

Dave moves to waive rules to read one time. Motion seconded by Jordon. Unanimous.

Marcy read by caption only.

Motion to adopt as written – Jordon. Davey 2<sup>nd</sup>. Unanimous.

### **Council Reports**

Jerry – met with Perry and guys. Nothing new everything moving around good. Hiring process for Public Works Director will be moving forward. Executive session for employee review and hiring. Advertise both. Monday June 8<sup>th</sup> 1 PM.

Jordon – thank everyone for last two or three weeks for marathon portion of interview thanked Andrea and Sue. Thanked perry and jason for keeping everything going. Council working diligently to provide strategy to move forward. Been enjoyable working together, voicing opinions and discussing.

Dave – thanked Perry for handling a couple of complaints we have. Thanked Jason for dealing with council during down toime. Will be meeting with Pat Cicero tomorrow to begin backgrounds. Both Pat and Jeff Roseboom will be handling essential things to avoid any conflict of interest. Andrea needs to review waiver for prospective employee.

Sam – NCBA has a zoom meeting tomorrow that she will attend. Parks Dept. – Eagle Scout project of all the bird houses are hung up. Looking at 5 year plan and have begun. Jerry Cooper and Sarah groves are working on storybook trail. Getting new disc golf flags. Handed out 40 bags of craft supplies in place of summer program. Looking at summer bike parade in July. No date for next meeting but soon when restrictions lighten up.

Marcy – was there a thank you or acknowledgement to Eagle Scout for bird houses.

Cemetery meeting scheduled soon. Need new president – Jared recommends Carolyn Higgins.

Marcy – echoed what Jordon said and stressed the Council is working hard to make conscientious decisions that put the best interest of the Town first.

### **Clerk-Treasurer's Report**

#### **Bills to be Paid**

Jordon moves Sam seconds. Unanimous,

Dave asked about Ancon.? Sue hasn't had time.

#### **Adjournment**

**Jordon, second Sam. Adjourned at 7:55 PM.**

Upon a motion by Vice President Budreau and second by Council Member Rush the meeting adjourned at PM.

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Marcy L. Kauffman, Council President

Attest:

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Susan I. Moffitt, Clerk-Treasurer