

Insurance for Dirt Works. The contract says that the contractor must have Limited Pollution Liability Insurance. Choice One sent information and Marcy passed it out explaining that the insurance is an additional insurance and for small contractors it could be very costly. Luke Hemmelgarn, engineer from Choice One said that the town would need to vote on it. Luke said that it would apply if they were repairing the road beside an old filling station or something like that. Vern is asking the Board to wave the extra pollution insurance. Stephen motioned to wave the requirements for the limited pollution liability insurance. Jim 2<sup>nd</sup>. All Ayes.


Jim asked about sidewalks on Morris Street. Marcy said that needed to be discussed before we placed it out for bid. It's too late to do anything about it.

Steve asked about a drain right near the park and Andy told him that they need to talk to Melvin and if need be, Andy can help install a drain while the road is being done.

Marcy said that at her conference she learned that itemized receipts are required for per diem. She will get the handbook revised and have employees sign acknowledgement of the changes.

Steve asked if anyone wanted to say anything. – no comments

Steve closed the meeting at 1:32 pm



Steve Hernly, President – Town Board



Marcy Yuknavage, Clerk-Treasurer

## April 5, 2022

The Farmland Town Council met on Tuesday, April 5, 2022, at 6:00pm, in the council room at 104 E Henry Street for a Regular Town Council Meeting. Those present were Steve Hernly, Jim Main, Stephen Conner, Jason Welch, Michael Boruff, Curt Flannery, Maurice Foudray, Chris Hammerstein, John Halco, Gary Gitton, Andy Croyle, Melvin Nott, Joe Bertram, Raleigh Bertram, and Marcy Yuknavage.

**Steve called the meeting to order.**

**Steve asked everyone to stand for the Pledge.**

**Steve opened the regular town board meeting.**

Jim motioned to accept Meeting Minutes as written for March 1, 2022, March 8, 2022, and March 18, 2022. Stephen 2<sup>nd</sup>. All Ayes.

Stephen motioned to record the February 2022 bank reconciliation recorded as reconciled.

**City Building** – Insurance company (EMC) came and audited the City Building, Fire Department, Water Plant and Sewage. They had 2 findings in the audit. They said that the Town needed to add a distracted driver's policy and have each employee sign it and we need to replace the plastic fuel containers in the City Building Shop with the metal fuel containers. EMC sent an example of the distracted driver's policy, Marcy sent it to Jason to review. The Board approved the form to be signed by all employees and be placed in the employee handbook. Metal Fuel containers were ordered from James Hardware and the plastic containers changed out to the metal containers.

Copier in the City Building died on March 30<sup>th</sup> during the several power outages. Marcy presented the Board with a quote from Weber Office Equipment. Weber came and picked up the copier and left a loaner. Weber called Marcy and told her that the copier could not be repaired. The Board wants Marcy to turn it into insurance. Marcy told the Board that we now have a \$5000.00 deductible.

The LED light bulbs were ordered and are in at James Hardware for the streetlights on Main Street. Joe plans on starting to install the LED bulbs the week after next. The Town will then send all information to Indiana Michigan Power for the rebate.

**HFUSA** – Historic Farmland Community Center is concerned about the zoning ordinance and their flashing sign in the window facing Main Street. Jason said under the current ordinance the flashing sign would not be permitted but if the town board passes the amended zoning ordinance, then it will be fine.



**Police** – Marcy asked to have the town board discuss and decide what is considered a shift for the reserve officers. Melvin discussed the required training. Melvin said that he does not determine how long the training last. He told the board that Mike must take off work from his full-time job to do some training. Melvin asked if Mike would get paid a shift for training. Jason said that it would be up to the board to decide and asked if “shift” is defined anywhere. Melvin told Jason that he does not think it is defined. Jason told Melvin that “shift” and “pay for training” would need to be defined. Jason said that he feels Melvin needs to prepare a plan and present it to the board. Jason said that we need to put together a policy. Melvin said that what we pay the reserves is a “clothing allowance” because they can not be paid a salary. Marcy told the board why she is asking for clarification. She said that there were several times Mike clocked in and worked 4 hours and sometimes he worked 6 hours. Mike has clocked in, clocked out, clocked back in, and then clocked back out. Marcy just needs it in writing how reserves are paid. Jason said that he thinks the statue is meant to be a certain amount per year for clothing. Jason told Melvin that he wants to see what Melvin thinks is reasonable and then look at the statue to see what it allows.

**Fire** – Someone accidentally put gas in the diesel tank of the Rescue 34 truck. The total amount of money spent for this was \$6327.56. Melvin explained that the truck quit running and our guys could not figure it out, so it was towed to Selking. Selking could not figure out the problem, so it was taken to Dave’s Diesel who figured out the problem. Melvin said that he does not know when it happened or who may have done it. Stephen asked if there were any means to dispute the Selking bill since they didn’t do anything? Melvin said that they did what they thought was wrong, so how do you dispute that? Stephen said he knows but they didn’t fix it. Melvin said that he was not the one who communicated with Selking. He said that Selking diagnosed it as a bad wire. They replaced the wire, but it didn’t fix the issue, so they washed their hands of it. Jason asked if they noticed the smell. Melvin said that he wasn’t there, he said that some guys said that it smelled like diesel, and some said it smelled like gas. Melvin said that the Dave’s Diesel guy poured some of the fuel on the floor and it caught on fire. Melvin said it was a lesson learned as far as Selking. Jason asked if it was all under the same claim. He asked about the deductible. The Board asked Marcy to turn this claim into insurance.

Melvin spoke up and said, back to the police department. Melvin told the board that there were 10-11 vehicles broke into and 1 vehicle stolen at the first of the month. Melvin said that it has happened before and that it is a crime of opportunity. Melvin said that they never got into any vehicle that was unlocked. He said that all the vehicles were unlocked and the lady who had her car stolen left her purse with both key fobs and money in her vehicle. They never broke into anything locked. Melvin said that a family on New York Street had all their vehicles locked except one and his chrome book was stolen from the vehicle. Melvin said that we have stressed it enough not to leave any valuables in your car if you do not lock your doors. Melvin said that they arrested someone who was in possession of the car in Muncie. Muncie PD said that he was not the guy who stole the car but was arrested for be in possession of stolen property. Chris Hammerstein asked if the break-ins were related to the stolen car. Melvin said that he does not know. He said by suspension it is but does not know for sure. Melvin said that they did not recover anything.

**Streets** – Melvin said that he had a pre-construction meeting with Vern from Dirt Works and with Luke from Choice One Engineering. Morris Street will be shut down for a month. Vern is shooting for July. Morris Street will be going down to dirt, new sidewalks, new curbs and catch basin. Melvin said that the way it is designed is to keep all the water in the curbing and off the road. He said the reason he is shooting for July is because people will have to park their vehicles down the road and walk to their homes. July is typically a dry month. Jim asked about sidewalks. Jim said that there were walks on both sides of the street and asked if we would be adding them back. Steve said that he read that we would be replacing existing walks. Currently there are no walks in front of Kevin and Debbie West’s property. Jim said that there were walks before and he wants them added back in. Melvin said that it is a \$299,000.00 project. Marcy informed the board that we received the money this week for the CCMG.

Melvin said from 32 at the four way stop to the legion will be re-surfaced by the state. He is not sure of the start date, but it is supposed to be sometime this summer.

Steve asked if Vern is starting on Morris Street. Melvin said that Vern will set the structures in first and will start Morris Street in July. It will be starting at the Wild Cat Park entrance and running down to Williams Street. Melvin said that the problem with Morris Street is that the road is breaking down from water standing on it. He said they are adding curbs for the water to run to instead of sitting on the road.

**Water** – Andy said that he is still working on getting pricing for the mains that run under the buildings. He said that they were supposed to have them today but didn’t have time to get them to him. He said he has one price and is waiting on the 2<sup>nd</sup> one. Andy asked if he needed 3 quotes. Jason asked how much the project is. Jason said that if the project is \$50,000.00 then you do but he would recommend that you just always get 3 quotes. If the price is over \$150,000.00 then you must do competitive bidding.



Andy said that he is still working on quotes for the well houses. Andy said that Culy will come out and fix the well heads. Andy said that all three of the projects mentioned is what he is stating with for the ARPA money. Andy said that he should have the quotes for next month.

Steve asked Andy if he has started the project at the river to regulate. Andy told him no that he has 2 years. They told Andy not to wait until the last minute so hopefully Ryan from Choice One is on it.

**Sewage** – Andy does not have anything, he said everything is good there.

**Contracts, Resolutions & Ordinances** – 1. Jason to sign CCMG Notice of Award Package. Marcy informed the board that Jason has already signed the contract and Marcy will be emailing it to Choice One.

Jason explained the Amending the Text of the Zoning Ordinance. He said that it has been recommended by the planning commission to be amended. He said that it is up to the board to adopt, amend or suggestions for change. Steve asked Jason for his recommendation. Jason said that he knows the planning board spent a lot of time on the sign change and he believes there will be more to come. Jason said that he is the attorney for the board and knows that they spent a lot of time trying to increase the size of the sign you are allowed to have, and they have allowed some of the scrolling signs that people have. Jason said that they are making steps in the right direction but really feels that there are more to come. Jim asked if we should wait for the other changes to come, and Jason said that it would be separate amendments each time they change it. Jason said under the current ordinance the scrolling sign at UFUSA would not be compliant but with this amendment it would be. Jason told the board if they want to adopt it then they just need one reading to pass it.

Jim motioned to have Jason read by title only Ordinance 2022-01. Stephen 2<sup>nd</sup>. All Ayes. Jason read by title only Ordinance 2022-01. Jim motioned to adopt Ordinance 2022-01. Stephen 2<sup>nd</sup>. All Ayes. The Board signed Ordinance 2022-01.

**Claims Docket for April 5, 2022 - \$175,491.73** – Stephen motioned to pay claims. Jim 2<sup>nd</sup>. All Ayes. Board will sign docket after the meeting.

**Jim Main said he wanted to talk before opening meeting for comments.** Jim said that John Tinsman did clean up the junk cars beside the railroad tracks. Jim said that while he was at the hardware store one day, an Amish guy said that he would be working on John Tinsmans house on Main Street.

Jim said that house he is concerned about is the house on Williams Street with all the junk everywhere. Jim said that it looks like a dump. Jim said that he thinks they have been notified once or twice. Melvin said that he has notified them once. The Board wants Melvin to notify the homeowner again.

Stephen brought up that Melvin had to go down to North Pursley and picked up the huge pile of trash bags. Stephen asked Melvin if he did it because of complaints and Melvin said yes. Melvin said that he gave the people the benefit of the doubt. He said that they didn't put the bags in the trash tote and Best Way did not and will not pick them up. Melvin took the backhoe down there and threw the bags in the bucket. Stephen thinks the residents should be held accountable. Melvin asked what he should do.

Marcy said she has another thing to bring up. She said that she talked to Todd with State Board of Accounts at her conference concerning clothing allowance. Marcy explained to the Board that she has always paid a clothing allowance but found out that it needs to be in our salary ordinance. Marcy told the Board that the handbook does not have a price listed but she has always paid \$250.00 to Andy, Benji, Melvin and Joe. Jason seems to think that we had an ordinance or resolution concerning the clothing allowance. Marcy said that it has not been in the salary ordinance since she started. Marcy also asked for some clarification on who receives the clothing allowance. She said that the employee handbook states that a clothing allowance shall be paid to each full-time street, water, and utility department. Marcy told the board that Melvin & Joe are paid 10% of their pay from the street department. So, Marcy asked if Melvin & Joe would receive a different amount than Andy & Benji. Marcy told the board that we have an appropriation for police clothing in the regular budget. Jason told the board that they need to decide, and we will amend the ordinance and pass it. The Board decided to leave the amount at \$250.00 for Andy, Benji, Melvin & Joe. Marcy will get the salary ordinance amended and will have it at the next meeting to pass and sign.

**Citizens Comments** – Steve asked if there were any citizen comments. John Halco told the board that he has worked on the hill by the ball fields. He has picked up rocks and put down 100 lbs. of grass seed. He asked that it doesn't get mowed for a while so he can see how thick the grass comes in and to see if he needs to put more seed down. John said he did receive trees and he has held 25 back to plant on the hill. Melvin said that they decided at the fire meeting that they would like the trees on top and to the



west. John asked Melvin to show him where he wants them, and he will have them planted. John stressed again that he would prefer that the area does not get mowed so he can put more grass seed down. John said the pond is full, the yard around it is gated and locked like he promised. The board told John that it looks really nice. John told them it's coming to together and it's a labor of love. John said his intentions are to do a stocking this year and feed though out this year. John said if the fish are big enough before the kids go back to school then they want to sponsor a fishing day for the community kids. He said on Saturday let the kids' fish in the pond and cook hotdogs and hamburgers. He said that he would need permission for people to park at the fire clubhouse parking lot. He said that he airbrushes and would like to airbrush each child a fishing lure. Joe spoke up and said that Rileigh was game to fish!

Steve asked if there were any other questions or comments. Chris Hammerstein wants to re-visit the sidewalks again. He said that there are a lot of people removing sidewalks. He questioned, why is that? Chris asked if the sidewalk was mutually owned. Jason said it just depends on the survey of each property. Jason told him that he is not able to give a straight answer without knowing the detail. Chris asked Melvin; on the street we are totally re-doing that there has been a lot of sidewalks removed. Melvin asked if he was talking about Morris Street. Melvin said there hasn't been sidewalks there in the past 20 years. Jim said that there were because he remembers them in from of Kevin West's property. Jim doesn't understand why we would run a sidewalk halfway down the street and just stop it. Jim said that at one time there were sidewalks all the way down the street on both sides. Jim doesn't understand why we don't add the sidewalks back in front of Kevin West property while we are replacing Morris Street. Marcy told Jim that we can't change the specifications for the CCMG Grant. She told him that he should have brought up the missing sidewalks before we sent the specifications out for bid. Melvin told Jim that he had just as much input on the project as Melvin and the engineer did. Jim said that we shouldn't have the sidewalks on there if we are not replacing and adding them all the way to the end. Stephen said then we would have to have a separate project. Marcy said yes and then it would cost more because we would not be able to tie the sidewalks in a CCMG because the road is being replaced now. Melvin spoke and said we would also need to determine whose property it is. Some property lines are out to the road, and some are in the yard on the other side of the sidewalk. Jim said the sidewalks in front of his house belong to the town. Jason said it would be very expensive to get the surveys and replace town owned sidewalks. Melvin said that we can start digging them up and replacing them. Jim said that all he wanted to say was that there used to be sidewalks in front of Kevin West's home and why would we only replace the sidewalks that go halfway down the street. Joe told Jim that the grant says it is replacing existing sidewalks. Joe said it would be nice to replace sidewalks all over town but that would be a lot of money. Jason said it could require easements in some places depending on where the property lines are. John Halco asked if the zoning calls out sidewalks. Jason told him that it wouldn't show on there. Melvin told the board that Parker is going through that with their Main Street. He said that there is a resident over there that does not mow the area between the sidewalk and street because he does not own that area. Melvin said that the grass gets tall in that area during the summer. His point is that Parker took out trees that he didn't want removed so now they can take care of mowing and anything else that needs done. Jason said that there is statutory basis where the cost can be put on a resident's tax role. Marcy told them that Parker forced people to put in sidewalks on Main Street. Jason said that it's called Barret Law. Jason told Jim that the problem is you may have one person who does not want a sidewalk and then the town would have to get an easement. Jason said that there could be lots of problems and it is time consuming. Jason said it would be an undertaking and we would have to hire an engineer and surveyor. Jim said that he would go down and talk to Kevin and Debbie West because he is sure that they have had their lot surveyed. Jim said he would hate to tear up their yard but there were sidewalks there in the past. Jason said there might be other grants available, but it would be expensive. Jim said that he is going to look into it.

Stephen asked Marcy if all the employees have been advised about the per diem change. Marcy said that she did not say anything yet, but it will be going into the handbook changes for everyone to sign. Marcy said that because of the conference last week, she learned that everyone will still need to provide itemized receipts for food and the town will re-imburse up to the \$59.00 per day. No receipts, no money paid to employees.

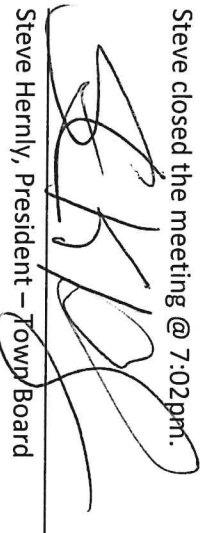
Steve asked if there are any other comments. Chris Hammerstein said that he wants to go back to sidewalks. Chris wanted to know if vehicles can park on sidewalks. Jason told Chris that if he has a specific complaint then he needs to contact Melvin. Chris said that it isn't specific and not just in front of one house. Chris said that parking a car on a sidewalk is destroying it and who is responsible for sidewalk maintenance. Chris said another thing he wants to bring up is Main Street. Chris wanted to complain about Milestone when they did the renovation on Main that they did a poor job. He said that they did a quick and dirty job back filling. He said that most people have fixed it. He said that everything has settled, and the brand-new sidewalks have settled. He said that every electrical box is protruding at various levels and is a trip hazard. Then Chris asked about the trees that were planted to replace the ones cut down. He said that they are not being maintained. He said when he walks down Main Street,



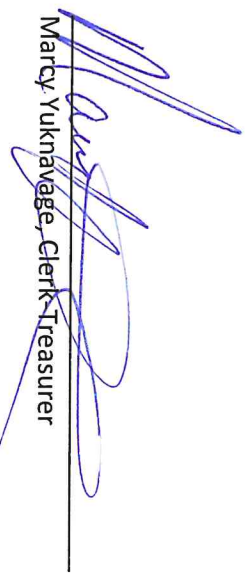
he has to divert off the sidewalk because the trees are overgrown. Jim asked, who owns the trees. Jim wants to know if the state owns them or does the property owner own them. Melvin said that the concrete was put in over 10 years ago. Melvin said that there would be settling. Melvin said that we discussed it last meeting and INDOT is not going to pay to fix the sidewalks. Stephen asked if the problem is that the trees need trimmed. Joe spoke up and said that on North Main there are a couple that do need trimmed. Stephen asked who owns them. Joe said that the state put the in during the whole project, but he doesn't know who owns them. Stephen said that we should research it a little and see who is responsible. Chris asked Jason what he thought, and Jason said that it depends on how it is platted. Jason said that he isn't going to sit here and teach constitutional law or property class for a meeting. Jason said if there are issues to be addressed then a surveyed would need to be done to see where the tree stands and whose responsibility they would be. Jason said that it seems like we are bringing up things that we are not asking a solution for. Jason said that he doesn't understand what we are accomplishing here. Chris said that he was just asking if the trees need to be trimmed by the homeowner or the town. Jason asked him which trees. Jason told him that we would have to look at the plat to see where they fall and that he can not give a blanket answer. Jason said that he needs to know specific trees. Chris said all the trees beside the sidewalk on Main Steet. Chris asked if he wanted the location for every tree. Jason said that technically you would have to know that because of right aways and property lines. Jason told Chris that he needs to make a written complaint and the board can decide if they want to have a survey done to decide who is responsible for the trees. Jason asked if it is a safety complaint. Melvin said in some cases it is because you are not able to walk standing upright while walking on the sidewalk in some places. Jason said we have an ordinance that if the tree is on a person's property and it is a safety issue, we can force them to trim it. Stephen said that he can appreciate the concern but who becomes responsible for them. Stephen said that the Town of Farmland can not afford to take on that responsibility to hire someone to go down the street and trim all the trees. Stephen asked Melvin if it would be possible when the state comes in to do the project if they would trim the trees and fix the sidewalk. Melvin said that the state is not doing the road, they are sub-contacting the project. Melvin said that the sub-contractor is just re-paving the road. They will be milling and re-paving it and that is what they are hired to do. Melvin said that he has already talked to them about the sidewalks, and they are not going to fix them. The state says it is the property owner's responsibility. Stephen said then if that's the case the trees are the property owners also. Melvin said that the sidewalks are in the easement of the state, but he is pretty sure but not positive that the property owners signed off on the trees and sidewalks when they were installed. Melvin said that the state also put in handrails where needed. Melvin said that Bill Keister complained about his for years. Melvin said that he is sure Paula still complains because you can not see when you pull out of the driveway. Jason asked Melvin if they had to sign additional easements and Melvin said he didn't know. Joe said that the state bought easements all the way down Main Street. Jason said that it would take extensive research to figure out all the lines.

Jim asked if there is anything else, he wanted to know if that was it.

Steve closed the meeting @ 7:02pm.



Steve Hernly, President – Town Board



Marcy Yuknavage, Clerk-Treasurer