

# **Town of Hamilton**

7750 S Wayne St – PO Box 249

Hamilton, In 46742

DRAFT – NOT YET ADOPTED

April 4th, 2011 Town Council Meeting

7:00pm

## **1. Acting Council President Brent Shull called the meeting to order at 7:00pm.**

Roll call: Councilors John Damron, Gail Bartlett, Jeff Bireley and Brent Shull were present. The Clerk Treasurer, Hester Stouder was present to record the meeting. Also present was Town Attorney Dan Brinkerhoff. Council member Will Nuttle and Town Manager Milton Otero were absent from the meeting. Attached is a list of audience members.

**2. Reading & Approval of March 7<sup>th</sup>, 10<sup>th</sup> and 21<sup>st</sup>, 2011 Minutes** – Councilman Jeff Bireley made a motion to approve the minutes as presented. John Damron seconded the motion; motion carried with majority aye votes

## **3. Clerks Report -**

- A.** Claims – John Damron made a motion to approve the claims presented. Jeff Bireley seconded the motion, motion carried and the claims were approved.
- B.** Delinquent Water Accounts– Clerk Treasurer Hester Stouder presented the list of delinquent water/garbage accounts, John Damron made a motion to accept the delinquent water/garbage accounts. Jeff Bireley seconded the motion; motion carried with unanimous voice aye votes.

## **4. Reports –**

- A.** Town Manager – There is a vacant seat on the Redevelopment Commission, another member was unable to serve due to where they reside. Dave Hawkins was recommended to the board and has a desire to serve. John Damron made the motion to appoint Mr. Hawkins to the open seat. Jeff Bireley seconded the motion, motion carried.  
Councilman Jeff Bireley asked who would be contacting the dock owners who have spaces that will be impacted by the upcoming spillway project? Brent said it was his understanding that DNR is going to get with the residents and will also be communicating with the Town and residents regarding the right of way and where those boundaries are. Councilman Bireley asked about part of the spillway agreement where it addressed the Town being responsible for maintenance. Councilman Damron explained from the conference call, this would include removing debris after storms, attending to possible graffiti, flushing the toe drain every so often, etc. Town Attorney Dan Brinkerhoff asked about the non-INDOT signs and was confused what this would include? Brent and John thought they were referring to the street and stop signs on Lane 150.

Brent said Milton brought up employees not having to use time for their involvement in community activities. He was unable to find the information in a previous meeting, but wanted the councils opinions. Brent said he felt if the community service was in Hamilton and within a certain timeframe, it would be fine. But if the event was in another community, PTO time should be used. No decision was made at this time. Brent asked the other board members to get back with Milton by the next board meeting. *(Please see attached)*

- B. Street Department – *(Please see attached)*
- C. Police Department – Officer Geyer and the K-9 (Titan) have been attending training since late March. Anyone who would like to observe the dog and officer during training is welcome to do so. They would need to let Marshal Warner know and schedule the time. Because of the travel and time for the class, Officer Geyer will have overtime that won't be flexed during the regular 28 day work period. Marshal Warner asked how the council would like to handle that? The board agreed it would fall under the new comp time policy. That would allow him up to 12 months from the month earned to use the time. *(Please see attached.)*
- D. Water Department – *(Please see attached)*

## **5. Old Business –**

- A. Easement Updates – The easement for Poppy lane needs to be changed to include HLCD and NIFL who will be able to stay within the 10' easment per a converstaion Dan had with Milton. Dan will make the changes and provide the new copy to the board. Based on the changes being made, John Damron made a motion to approve the easements. Gail Bartlett seconded the motion; motion carried with unanimous voice aye votes.
- B. Engineer for Street Maintenance Plan – Milton has sent letters to 3 engineering companies for the road plan previously discussed by the council. As of the April meeting, he had not heard back from any of the companies. As soon as he does he will provide that information to the board.
- C. Safe Route To School – Brent provide a map of potential new sidewalks if the grant is approved. The question was asked about sidewalk placement and easements possibly being a problem. Mr. Shull said the sidewalks would have to be outside if there weren't already an existing easement. Those questions will be looked at more closely if the grant is approved. The current map provided had \$1 million dollars worth of sidewalks even though the grant would only cover \$250,000.00. This would allow the Town and school to look at the areas that could be cover and decide what would be best for Hamilton. The board discussed incorporating the sidewalk prioritization map into our annual sidewalk fund. Brent will ask Milton to get more copies and information to the board regarding the sidewalks and priority level from the engineer's perspective.
- D. Downtown Dumpsters – Councilman Brent Shull asked if the board reviewed the new contract presented? When he looked at it, there were still some changes he would like to see. They included a correction in the expiration date of the contract, the Town being excluded from paying a portion of the enclosure, the

businesses being required to reimburse the Town for the enclosure within one year, adjusting the rates so the Town is phased out of their financial responsibility and the increase for each business would average \$4.00 monthly. The changes and cost sheet will be given to Milton and Dan so the changes can be made. John Damron made a motion to approve the contract and pricing after the changes are made. Jeff Bireley seconded the motion; motion carried with all those present voicing aye votes.

- E. Railroad Culvert - After learning insurance would cover the Town's involvement in boring the culvert and reviewing the agreement with the railroad company; John Damron made a motion to approve the agreement and proceed with the work that has been discussed. Gail Bartlett seconded the motion; motion passed with all those present voicing aye votes.

## **6. New Business –**

- A. Fire Department Contract – Brent Shull shared with the council information from the Volunteer Fire Department requesting funding for a full time firefighter. Clerk Treasurer Hester Stouder said the contribution from the Town would be \$13,555.48-\$18,000.00. The board had several questions about job responsibility, hours, hiring process, the demand and much more. Rodney Snyder from the Fire Department will be getting information around to the Fire Board and council to help them in their decision making process. The clerk did advise the board, the funds for a full time position would be in addition to the current contractual amount and would have to be taken from the General fund budget. The job description and other information will be given to the council before the next scheduled meeting. No decision was made at this time regarding the full time firefighting position.
- B. Comprehensive Plan – Brent Shull provided the board with a packet of information on the company that presented a comprehensive plan to the Plan Commission. He briefly shared some of their services and highlights from the plan commission meeting. Councilman Damron asked if the Plan Commission made any recommendation to the Council? Brent said no, it was too early for a recommendation, and they are just asking the council to look at the information to stay informed.

Councilwoman Gail Bartlett made a motion to cancel the attorney's contract and start the process to hire a new one on the grounds that people are un-happy with his performance. Councilman John Damron said he would second the motion if it were amended based off of his suggestion. He would rather see Mr. Brinkerhoff to serve out the rest of his contract and within a reasonable time frame, put the position out to bid and allow time for interviews. Ms. Bartlett accepted this amendment. Discussion ensued and the board voted, the motion did not carry.

Mrs. Bartlett made another motion indicating she wanted to terminate the Town Managers contract for similar reasons. Mr. Damron said he would second the motion as long as she would accept an amendment to it. He suggested reducing his position to just zoning

administrator and re-evaluate from there, she accepted the change. The board voted and the motion did not carry.

Mrs. Bartlett then asked what happened with the cardboard box that was stabbed with a training knife at the Town Hall. Councilman Brent Shull allowed Marshal Warner to answer. He responded and said it was handled internally. Mrs. Bartlett wanted more information and said she felt the incident was inappropriate. Brent Shull suggested the Police Department have those involved provide a written explanation and distribute it to the board.

**Public Comments/Questions –**

Mr. Steve Hardy asked what happened with the TRINE proposal? Councilman Brent Shull responded saying the county did not approve the proposal. Because of this our money would be staying in Hamilton and the project would not be moving forward.

With no other comments or items of business, the motion to adjourn the council meeting was made by Jeff Bireley and seconded by Brent Shull the meeting adjourned at 7:35 pm.

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Hester Stouder - Clerk Treasurer

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Will Nuttle – Council President