

TOWN OF ADVANCE  
REGULAR MEETING – MINUTES  
LOCATION: ADVANCE FIRE DEPARTMENT  
MAY 9, 2016  
7:00 PM

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Council Members: Matt Johnson (President), Melody Fry, Dale Thompson,  
and Jim Caldwell

Clerk Treasurer – Shari Johnson

Superintendent: Nathan Reed

Marshall: Ray Hieston

Attendees:

Council Members: Matt Johnson, President, Melody Fry, Dale Thompson,  
and Jim Caldwell

Clerk-Treasurer: Shari Johnson

Town Marshall: Ray Hieston

Town Employees: Nathan Reed

Legal Counsel: Amy Nooning

**Others Present:**

David Gregory, Sally Caldwell, Joe Caldwell, Randy Hill, Curtis Clanton, Tammy Clanton, Amanda Slavens, Karen Hiese, Jacqueline Covington, Sarah Bayne, Warren Baker

**Pledge of Allegiance****Meeting Minutes from April 11, 2016**

Councilwoman Fry made a motion to accept the Meeting Minutes from April 11, 2016. Councilman Thompson seconded. All in favor, motion passed.

**Police**

Marshall Hieston reported there were 4 verbal warnings given, police assisted once, one civil service, two criminal court details and two meetings were attended.

Community Day update was given. On June 18<sup>th</sup>, is Jamestown's Homecoming parade and flyers will be distributed.

Clerk-Treasurer Johnson stated she had several vendors that letters had been sent letters for Community Day. The next meeting would be May 17, 2016 at the Town Hall at 7pm.

No update on car grant.

**Clerk-Treasurer**

Clerk-Treasurer Johnson stated the office is still working on the Fund Report reconciliation and hoped to be there soon.

Clerk-Treasurer Johnson stated that a letter had been sent to PERF in request of penalties that had been paid in 2015 that no substantiation could be found, and \$1100 had been reimbursed to the Town and applied to future PERF payments.

The office again experienced technical difficulties with the software and bills were slightly behind in mailing; however, the office also wanted to review before sending bills out to ensure accuracy. In addition, the office had complaints about the bill layout, and the concerns were addressed by the office to improve the appearance of the bills. Clerk-Treasurer Johnson requested that if there were still concerns the office would welcome feedback.

As a reminder, Heavy Trash Day would be Saturday, May 14, 2016 from 8-10 just like a regular trash day service.

Clerk-Treasurer Johnson stated that another tax issue had arisen. This issue reverted back to 2002. In 2002, the tax was called a Corporate Tax and she found it was renamed in 2003 to the Utility Receipt Tax. No returns had been filed from 2002-13 and no payments made in 2014 or 2015 and Clerk-Treasurer Johnson stated \$16,000 had to be paid for back taxes. As a result penalties and interest would be assessed and a forgiveness letter was written.

A special LOIT Distribution was being given to the town. 75% of the fund, would be for Town's infrastructure and 25% could be placed in the Rainy Day Fund.

On May 5, 2016, Town employees held OSHA in service training with Jamestown.

President Johnson stated the Town should take advantage of Heavy Trash Day, because the Council will be addressing properties and making sure they are within code to avoid violations. The Council is abiding by law to enforce cleanup.

## **Fire**

Michelle Reed gave the fire report. In the month of April there were 16 EMS runs, 4 MVAs, and 5 fires.

## **Utilities**

Mr. Reed reported a sewer backup on 205 Nicely for the second year in a row and Hopper was investigating.

The contract for the generators was received.

Street light information was requested. Currently, the charge is \$7 a month, and the cost to Town runs \$5.79 a month. A bulb can cost on a 100 cage unit, \$12-\$20 dollars; therefore, over 2 year the town has lost money on the customer. Councilman Caldwell stated this cost was being reviewed in the Rate Study.

Mr. Reed discussed tree trimming for the Town and stated if there were no labels the trees needed to be cut. President Johnson listed 320, 314, 302, 206, and 106 West Wall and 106, 303, 406, and 202 East Wall needed to be cut down and 412 East Wall needed to be trimmed.

Councilman Caldwell questioned the cost to cut down a tree and Mr. Reed stated that pricing with Childress's was \$400 per tree which would be approximately \$3600 to cut down trees. An updated quote was requested and Funds from Electric or Local Road and Street could possibly be utilized to cover the costs and consideration was made to spread out the cost.

Mr. Reed presented that the Town's lawnmower was getting worn out. The mower was believed to be purchased in 1996 but unsure if the mower was purchased new. President Johnson entertained the options of getting a refurbished mower, or lease that would give the Town the best value and what would be good for the Town. Councilman Caldwell suggested Mr. Reed look into new mowers and leased to present options to the Council. The Council may not be able to do anything at this time.

Mr. Reed addressed three residents with flickering lights. One residence had an issue with a breaker, and one residence needed a new meter base.

Mr. Reed stated that Well #3 is still holding for a valve. When the Well kicks on it opens so chlorine can go through, and this is where the air issue

is coming. President Johnson reiterated that Mr. Reed had authorization to spend \$1000/month and if anything went over to contact President Johnson.

Councilman Caldwell stated that Mr. Reed needed to purchase 97 more meters to be installed and 15 meters were special meters. Councilman Caldwell asked if the Council could authorize the continuation of the purchase of the meters and Clerk-Treasurer Johnson requested that the purchases still be spread out for payment at a cost of \$980.00.

Councilman Caldwell made a motion for Mr. Reed to continue to purchase refurbished meters at \$980.00 a month, until all meters are purchased. Councilman Thompson seconded. All in favor, motion passed.

Randy Hill stated that \$12,600 had been expended out for meters and shouldn't this expense have been bid out?

Councilman Thompson questioned why Mr. Hill didn't bid out when he was on the board?

Mr. Hill stated he only knew about it the prior month. Councilman Thompson stated he knew once he got on the board, and that Mr. Hill signed off on them. Mr. Hill stated he didn't sign off on the bill, he signed off on the appropriation. He stated this was under the radar.

Legal Counsel, Amy Nooning stated this did not reach the threshold for competitive bidding. Ms. Nooning questioned Mr. Reed if he had obtained quotes, and Mr. Reed stated he went with a brand he wanted and the refurbished meters cost less.

Councilman Johnson questioned when the meters began being purchased and Clerk-Treasurer Johnson stated the prior August. Legal Counsel repeated this did not meet the threshold for public bidding. The threshold for one is \$25,000 and \$50,000 for another. President Johnson stated that the new council was following the precedent set forth by the prior council. Mr. Hill stated he was not aware of the purchases and Councilman Thompson stated he signed off on the claims. President Johnson stated the meeting was moving on.

President Johnson requested information on the meeting with Century Link for pole relocation and Mr. Reed. Mr. Reed stated that lines are being

rerouted, instead of coming across Cherry Street with the primary lines. Lines were being rerouted down the alley so poles didn't need to be staggered, and put more anchors up.

Discussion was made on gravel to be purchased for the park and streets. Councilman Thompson questions whether streets were that bad. A resident stated "yes". Four loads of gravel would be needed. Ray Hieston would deliver. Clerk-Treasurer Johnson stated a Conflict of Interest Form would need to be signed.

President Johnson stated the Town has three generators and the Council authorized a service contract with WW Williams for \$1116 per year for the next three years to make sure the generators are working properly.

Clerk-Treasurer Johnson presented documentation from IMPA from 2014 to reflect the line-loss. President Johnson stated that the Town is currently running at a 15% line-loss, where it should be 3-5%. Any percentage over is costing the town money. Replacing the meters is the first step in a process of elimination to find the line loss and the Town won't know where the loss is coming from until all meters are replaced. Then other options will be investigated.

Jackie Covington stated all her neighbors had been contacted by INDOT about land offers but she had not been contacted. President Johnson stated he would get contact information to her.

Joe Caldwell asked how pool credits would be handled, because he had purchased a meter before but no credit was ever given. It was determined that a credit would be given for sewer charges of the water filled in the pool.

## **Library**

President Johnson prefaced the library discussion by stating the Board was going to have to make some tough decision, some favorable, and some not favorable. One discussion was the potential to close the Library. Currently the Town pays for all the utilities and the building and at this point due to financial reasons and business reasons the Town is at a point that it can't do that anymore. President Johnson stated he met with Amanda Slavens and requested the Library Board put together a proposal to present to the

Council. No vote would be taken at this time and a vote would be taken at the June Meeting.

Amanda Slavens stated the Board was looking at renaming themselves the Advance Library and Community Center and long-term thinking.

Long range plans: The Library is ready to file the 501 C 3. A fundraising campaign would be run to build a building. The library needs a building that is ADA compliant. The current building would not be a viable option.

In addition, long-term plans are building a larger book collection, DVDs, and reference materials as well as provide public internet solutions for the community. Also the board wants to have monthly programs and a summer reading program with the park.

Where is the library now? The 501 C 3 is 95% complete. Articles of Incorporation and Bi-Laws are complete. The Board is full with all seven positions filled. Currently the library is open 10 hours a week. The library is shooting for 20 hours a week because that is the minimum hours by library law for a community this size.

President Johnson requested the library present a budget, but the library had not received accurate expense numbers. The library does not have a guarantee of operating space and even if 501 C 3 is filed, they aren't being good stewards with the library grant money. Due to unsurety of operating expenses, location and a possible unfavorable decision from the Board, the library doesn't want to use grant money to secure the 501 C 3.

A potential option would be:

A branch of the Thorntown Library and them fund the library.

A guaranteed operating space to function.

Close library and return grant money.

Clerk-Treasurer Johnson questioned what information the library was lacking. Ms. Slavens stated that Century Link fees were \$4393 yearly and she didn't feel that was right. President Johnson stated that that was the only number out of all the information given to Ms. Slavens that was inaccurate. In addition, President Johnson stated when he met with Ms. Slavens the prior week he requested the library contact other internet

services to compare rates. Ms. Slavens reiterated that \$4000 a year was really high, at \$356 a month. President Johnson stated she had inaccurate numbers and that she only had one inaccurate number and the library could have guessed the number. Ms. Slavens stated it was a wide range and she needed a closer number. President Johnson interjected if she was going to take on the expenses, they could have contacted other providers to put together a more accurate budget.

President Johnson also addressed that the library's long-term plans were to not operate out of the current building and it would be unreasonable to make the building an ADA compliant space. At this current time, there are no plans to sell the building.

Ms. Slavens stated there are \$1900 in funds, if the library goes ahead and files the 501 C 3 and the Town decides to sell the building, then community funds have been wasted. The library wants a one to two year guarantee to operate. President Johnson stated he could not give a guarantee of that. President Johnson stated that the library has been stating for 5 years that the 501 C 3 was being worked on. Ms. Slavens again stated the library would not put funds into the 501 C 3 and then shut it down. President Johnson questioned previous boards were told they were working on it. He questioned Mr. Hill, who stated, he couldn't answer that.

Ms. Slavens stated she is ready to file the 501 C 3, but wouldn't waste funds if there was not a guaranteed operating space.

Legal Council, Amy Nooning question what the library funding was used for, because the actual 501 C 3 is not \$1900.

Ms. Slavens stated that the original grant was obtained to fix the front doors of the library.

Ms. Nooning questioned if Ms. Slavens was working with an attorney and CPA. Jackie Covington stated the library could not obtain prior meeting minutes and documentation, therefore the cost of obtaining the 501 C 3 would cost all of the \$1900 and that is why the library considered starting over and renaming the library. Ms. Nooning stated it might be in the library's best interest to consult with an attorney to present what they have completed. This in turn would help the town negotiate a deal or separation.



Mr. Gregory questioned if the library got a grant every year. Councilman Caldwell stated no. Ms. Slavens stated in the past the library received park funds.

President Johnson questioned the library spoke with the Thorntown Library. Ms. Slavens stated she spoke with Christine, the Director the Thorntown Library, and she is still awaiting a response from the State and then her library Board. Ms. Slavens stated this would be the best option for the Town, eliminate the Town's financial burden and would make the library part of Evergreen. The township trustee negotiated a fee of \$35 to utilize the Thorntown library and if someone had difficulty paying the fee, they could approach the Trustee and request the Trustee pay the \$35 for them.

Ms. Slavens stated she is asking for accurate numbers so the library can be self-funding, and have a guarantee of operating space for two years.

Councilman Thompson questioned what the Town's responsibility on the operating expenses? Councilman Caldwell questioned if the Town would have to pay insurance and upkeep on the building? Ms. Slavens said the library would pay the utilities, but the Town would have to pay insurance anyway even if the building sat empty. Clerk-Treasurer questioned that all figures other than Century Link were accurate.

Councilwoman Fry questioned how many residents utilize the library each week. Ms. Slavens stated there are 106 memberships and 6-20 people would come in a week and the library is looking to expand library hours and incorporate a summer reading program.

Councilman Caldwell stated traditionally the library has been funded through the park and the park is in a deficit of \$-16,000 and the Town has no money. Ms. Slavens stated she wanted no money and wanted an accurate Century Link bill. Clerk-Treasurer Johnson stated based on prior record keeping, not all records are accurate and she could only get what she had. Ms. Slavens said that all records were fine other than that.

President Johnson stated the library would get more accurate numbers if they called around, because the library is still paying for each long distance call. Ms. Slavens stated it would take time to get the 501 C 3, and until they obtain the 501 C 3 that is the rate the library would have to pay.

President Johnson stated this is a community library and opened the floor to the residents. He also stated this is not an easy decision and it is strictly a financial decision.

Sally Caldwell reiterated the grant, and proposed if the Town gave the library two years, could the library file for the 501 C 3, and take over the operating expenses. Ms. Slavens stated yes. Ms. Caldwell questioned how long the Town would have to pay the expenses until they are up and running and Ms. Slavens stated the library is not asked for money.

President Johnson stated that in the meeting in June, the library would pay all expenses. Ms. Slavens said yes, all but insurance and a light would be needed in the bathroom.

Councilman Caldwell stated if the library is voted to close, the building would be sold.

Councilwoman Fry questioned if the library would have another building functional in two years? Ms. Slavens said they would do the best they can.

President Johnson questioned if they weren't functional in two years, would they be willing to pay rent and Ms. Slavens stated she couldn't answer that, as there might be a new board at that time.

Clerk-Treasurer Johnson stated she understood the Council's position because she has to tell the boards "no" on many circumstances because the funds are not there. The Town is living paycheck to paycheck and if one major event happens the town will be in a bad state.

Ms. Slavens stated she understood. Councilman Caldwell stated that the library is not ADA accessible and any time the building changes use, it has to be ADA compliant.

Ms. Slavens stated that currently they aren't a public library they are a private library, so they are not held accountable to the same standards.

President Johnson stated that Thorntown may not take on the library because it is not ADA compliant.

Ms. Slavens stated that until they hear from the State and have solid answers about what is required she could not give any solid answers.

President Johnson stated there were legitimate questions to be asked. If Thorntown did not accept them as one of their branches, what the library's next step would be?

Ms. Slavens stated the library was in building mode and the Town needed to request monies from COIT. Councilman Thompson questioned why the library didn't get money and Ms. Slavens stated the Town has never requested the funds and to be recognized as a public library, and Councilman Caldwell again, stated it is not ADA compliant. Ms. Slavens stated the Town needed to request funds.

Joe Caldwell questioned why the Park is -\$16,000? President Johnson stated it was being reviewed. Councilman Caldwell stated eliminating the library was the first step to get out of that debt. Ms. Slavens commented that the deficit should be better in a year. Councilman Caldwell refuted that the money being spent this year is adding to the dept. The deficit was not going to be better until the middle of next year, possibly the beginning of 2018.

## **Park**

No one in attendance

## **CLAIMS**

Councilman Thompson made a motion to accept the claims through May 9, 2016. Councilwoman Fry seconded. All in favor, motion passed.

## **OLD BUSINESS**

Pat Callahan will be at the June meeting to present the Rate Study.

A representative for the Hazardous Mitigation Committee was still needed. The Town needs a volunteer, and to call the Clerk's office in interested.

The Employee Handbook is still under review.

The first reading of the Dog Ordinance was read. President Johnson stated Ordinance needed to be amended to read for dogs and cats. The maximum household pet fees would be \$15.00. Reading would be tabled until June meeting to adopt.

Legal Counsel Amy Nooning recommended it's an annual rate, but whatever month it is adopted to allow time for residents to comply, and the Clerk-Treasurer would need time to obtain the tags.

Warren Baker questioned what was included in the city limits. Councilman Caldwell described the limits with a map.

Councilwoman Fry stated that if a dog is impounded, it is the owner's responsibility to pay the fees.

Legal Counsel explained to Mr. Hill that Article 4 and subsection 10 was being amended. The enforcement was going to and pursuant to 4 Section 2. The new Ordinance refers back to 4-2-6. It doesn't amend the Code, it incorporates the new licensing. Ms. Nooning also stated 90 days for Town residents to comply with the new licensing. Councilwoman Fry stated to incorporate in the Town newsletter.

## **NEW BUSINESS**

Clerk-Treasurer Johnson stated that a Conflict of Interest form should be completed if any Town employee looks to financially gain from the Town. This form needs to be completed for Ray Hieston and Cathy Caldwell and submitted to SBOA and the County Clerk. An hourly rate did not need to be stated just that the Town is aware.

The Council discussed that reconnect fees need to be adjusted. Clerk-Johnson stated that currently only \$25 is collected by the utilities and is applied to either water or sewer. She also stated this fee does not cover overtime to the Superintendent. Councilman Thompson questioned if there are afterhours reconnect fees? President Johnson stated there would need to be three separate fees. If there are after-hours payments, the Clerk-Treasurer has to go in to verify payment, and the Superintendent has to be on-call. President Johnson requested recommendations from the Council. Councilman Caldwell requested to raise the fees to \$50 per utility

and after hours fees go to \$100 per utility. President Johnson stated that payments would have to be made to the Clerk-Treasurer, and not the utility employees.


Legal Counsel stated that SBOA has minimum standards that must be adopted by all municipalities, and it must be adopted by ordinance. The second part, is that Internal Control Procedures need to be adopted that address each standard. A council member, legal Counsel and the Clerk-Treasurer will need to meet to discuss the standards. SBOA stated they will not take Audit exception if the procedures are adopted by June 30, 2016. Clerk-Treasurer Johnson stated that this Ordinance has to be uploaded with the AFR.


Lastly, President Johnson reiterated the Heavy Trash Day because properties not adhering to Code will be receiving letters and fines applied and if cleanup is not done it will be at the owner's expense.

Legal Counsel also advised that the LOIT funds need to be reviewed and determine what funds can be used for.

Councilwoman Fry made a motion to adjourn meeting. Councilman Thompson seconded. All in favor, motion passed.

Meeting adjourned at 20:49.

X   
Clerk Treasurer

X   
President