

Minutes of the Paoli Town Council's Special Session Meeting
Monday, January 22, 2024
Held at the Paoli Town Hall
110 North Gospel St.
5:00 P.M.

At 5:00 P.M., President Bostock called the Meeting to order and led the Pledge of Allegiance. Town-Clerk Treasurer, Beth Jones, took roll call. Present were President Bobbie Bostock, Vice President Mylea Pluris, Second Vice President Arla Jean Frazier, Councilwoman Donna Dillard, and Councilman Theron Owen. Also present was Town Attorney, Hunt Reynolds, of Tucker and Tucker, P.C.

Clerk Treasurer Jones presented the Minutes from the December 28, 2023 Special Session. On a motion made by Councilwoman Mylea Pluris and seconded by Councilman Theron Owen, Council unanimously approved the Minutes from the December 28, 2023 Special Session.

Clerk Treasurer Jones presented the Minutes from the January 2, 2024 Meeting. On a motion made by Councilwoman Mylea Pluris and seconded by Councilman Theron Owen, Council with a 4 to 1 vote with Councilwoman Donna Dillard voting nay, the Minutes from the January 2, 2024 Meeting were approved.

Attorney Reynolds presented the Executive Session Memorandum from Council's January 19, 2024 Executive Session. On a motion made by Councilwoman Mylea Pluris and seconded by Councilman Theron Owen, Council unanimously approved the Executive Session Memorandum from Council's January 19, 2024 Executive Session.

Eric Parsley, with Commonwealth, presented Division A Wastewater Project Pay Application #15 for \$10,000.00 to Mac Construction for approval. Motion was made to approve by Councilwoman Mylea Pluris and seconded by Councilwoman Arla Jean Frazier. Council unanimously approved the motion. Next was the Division B Waste Water Treatment Plant Pay Application #22 for \$137,676.20 to Reynolds Construction for work done from November 13, 2023 through December 31, 2023. Councilman Theron Owen made the motion to approve and it was seconded by Councilwoman Arla Jean Frazier. Council unanimously approved motion. Division B Pay Application #23 was then presented in the amount of \$90,000.00 to Reynolds Construction for work done from January 1, 2024 through January 18, 2024. Motion was made by Councilwoman Mylea Pluris to accept and it was seconded by Councilwoman Donna Dillard. Council unanimously approved the motion.

Eric Parsley with Commonwealth then presented Change Order #9 for Division B to Reynolds Construction in the amount of \$103,192.13 for improvements at site and 30 days were added to complete the project. If motion approved, this would leave \$8,000 remaining in the Contingency fund. Motion was made by Councilman Theron Owen to approve the change order and seconded by Councilwoman Mylea Pluris. Council unanimously approved the motion. Pay Application #4 with the Lick Creek Stabilization Project was presented in the amount of \$7,420.00 to Knies Construction which completed this project. Motion was made by Councilwoman Mylea Pluris to accept it and seconded by Councilwoman Arla Jean Frazier. Council unanimously approved the motion.

Eric Parsley then presented a update on the Water Tank Project concerning the Community Affairs Grant. This is ready for bids and he will have Region 15 Advertise for this. February 12, 2024 at 10:00 a.m. will be the pre bid public meeting at the Town Office. At the February 20 2024 Council meeting the opening bids will start at 6:00 p.m. Asked for approval to go ahead and advertise for this. Motion was made by Councilwoman, Mylea Pluris and seconded by Councilman Theron Owen. Council unanimously approved the motion.

Council President Bobbie Bostock then asked Eric to explain what this project is. This project is to rehabilitate the Water Tanks and this will be the 3rd round for getting funds for the project. The estimated total cost of the project is \$1,154,730.00. Could receive up to \$700,000 in grant money and the towns' match would be \$454,730.00. In final business, Eric gave an update on INDOTS improvements to the culvert under US 150 and stated that water and sewer may be affected by this project. He stated this project is getting close to the bid process.

Nathan Frey with Clark Dietz addressed Council and presented past due invoices from the CCMG 2022 project. The Town had previously requested an explanation of what the services were

for. The invoice from August 9, 2023, in the amount of \$2,325 was for a portion of the lump sum design cost of the CCMG project. An invoice on September, 6, 2023 for \$6,000 was for preparation of an easement. There were two invoices on December 6, 2023: one for \$1,550 for the final design for the CCMG project and one for \$1,722.50 for pacer ratings and submissions to LTAP.

Frey also presented the amended On Call Services Agreement between the Town and Clark Dietz. Attorney Lyn Fullen had requested the amendments to the limitations of liability and dispute resolution sections of the Agreement. Vice President Pluris moved to accept the amended agreement and have President Bostock sign. Councilwoman Dillard provided the second and the motion to accept the amended agreement and permit President Bostock to sign passed unanimously.

Frey also presented Clark Dietz Task Order No. 1 for the CCMG 2024-01 grant cycle and the financial commitment letter for President Bostock to sign as part of the CCMG 2024-01 grant application due on January 31, 2024. The letter indicates that the Town expects the local share of the CCMG project to be up to 26% of the project cost, which is up to \$375,000. President Bostock expressed concern that the Town may not have enough funding to support the three road segments mentioned in the Task Order: Campbell St., Elm St., and Cherry St. Attorney Reynolds indicated that the Town can move to accept the Task Order No. 1 pending an amendment allowing the Task Order to be changed if the Town determines that it may not have sufficient resources for all three road segments and Attorney Reynolds' approval. President Bostock expressed concern about signing the letter in case the Task Order changes and certain road segment projects are not undertaken. However, Attorney Reynolds conferred with Clerk-Treasurer Jones and recommended that the Town proceed with approving President Bostock to sign the letter because the Task Order and project scope will be amendable. On a motion made by Vice President Pluris and seconded by Second Vice President Frazier the Council unanimously approved President Bostock to sign the letter, allowing Clark Dietz to submit the letter with the application in a timely fashion by January 31, 2024, and for approval of Task Order No. 1 pending an amendment allowing the Task Order to be changed if the Town determines that it may not have sufficient resources for all three road segments and Attorney Reynolds' approval.

Susan Harkness and her husband, Bobby Harkness, addressed Council and proposed mowing, weed eating, and trash pickup at Town cemeteries for another year at \$385 per service. On a motion made by Vice President Pluris and seconded by Councilwoman Donna Dillard, Council unanimously approved Susan Harkness and Bobby Harkness to mow, weed eat, and pick up trash at the Town's cemeteries for \$385 a service for 2024.

Karen Padgett addressed Council asking permission to hold one or more cleaning and restoration workshops at the old Town cemetery. Padgett presented licenses approved by the Indiana DNR Division of Historic Preservation and Archaeology for the work. When asked if the workshop would require liability waivers, Attorney Reynolds stated he would ask Attorney Fullen if she recommended waivers for this type of work and can have the volunteers sign them before the workshop. On a motion made by Vice President Pluris and seconded by Second Vice President Frazier, the Council approved Karen Padgett holding cleaning and restoration workshops at the old Town cemetery. Near the end of the meeting, and after reviewing Padgett's documents, Attorney Reynolds advised the Council to rescind their prior motion and require liability waivers for the workshops and on the condition that only Karen Padgett is allowed to utilize her license to probe, as the license is non-transferable to other individuals. On a motion made by President Bostock and seconded by Councilman Owen, the prior motion was rescinded and the motion to require liability waivers and permit the workshop on the condition that only licensed people may probe passed unanimously.

David Grimes, Park Director, was absent but President Bostock gave an update. Wanting to place an ad to hire people for the park. One employee is returning but he will need another one. Theron Owen moved to allow Grimes to place the ad, Vice President Pluris seconded, and the motion passed unanimously.

Attorney Hunt Reynolds reported that the Town received a rental and buyout agreement with Global Rental Co., Inc. for a \$181,435.00 2023 Ford F-600 utility bucket truck. Rent is in the amount of \$3,300 a month, with the first month's rent serving as a full credit against the purchase price. Each month's rent thereafter is a 50% credit against the purchase price. The Town can buy out the truck at any time. Attorney Reynolds asked that Global include a section in the agreement allowing the Town

to terminate the rental agreement at any time for any reason and at no cost to the Town. Global indicated they would agree to the change and is to send a revised agreement. On a motion made by Vice President Pluris and seconded by Theron Owen the Paoli Town Council approved President Bostock to sign the rental agreement pending approval of the Town Attorney, with rent payable out of the 6303 Electric Utility Depreciation fund by a unanimous vote.

Attorney Reynolds presented the first Amended Agreement between the Paoli Volunteer Fire Department, Inc. and the Town of Paoli. The Town Council approved the Agreement on January 2, 2024. The first sentence of Section 20 has been to read: "For consideration of this Agreement, each calendar year, the Town shall pay the amount of \$85,200, less the actual cost of Insurance for day-to-day operations and part time personnel salaries." Clerk-Treasurer Jones stated that insurance is in the amount of \$26,000, leaving \$49,200. Clerk-Treasurer Jones recommended that half of the remaining \$49,200 be taken from the fire department's EDIT fund (\$24,600) and the other half (\$24,600) from the cumulative capital development (CCD) fund. On a motion made by Vice President Pluris and seconded by Second Vice President Frazier, the First Addendum to Fire Protection Agreement between the Paoli, Volunteer Fire Department, Inc., and the Town of Paoli, Indiana and the disbursement recommendation from the Clerk Treasurer passed by a vote of 5 to 0.

At 6:03 P.M., Attorney Reynolds began preparing for the public hearing on 2024-01, an ordinance concerning the increase of current water rates and charges for the Paoli Municipal Water Utility based upon the water cost adjustment tracking factor. At 6:05 P.M., Attorney Reynolds opened the public hearing. No one from the public was present to speak at the public hearing. At 6:06 P.M., the public hearing was closed and discussion of 2024-01 turned to Council. President Bostock stated that with the tracking factor the Town can keep up with rate increases from the Town's wholesaler, Patoka Lake Regional Water and Sewer District. President Bostock stated that this ordinance will ensure the Town is not eating money in its own pocket. Councilwoman Dillard questioned whether the Town was in the positive on its water account and noted that she believed there was \$127,000 in the account. President Bostock noted that we do, but that this amount is not the recommended amount to have in the fund. President Bostock stated the Town is losing between \$300,000 and \$400,000 a year because the Town is not charging its customers what the Town is paying to buy it from Patoka. President Bostock noted that we need to be balanced. Councilwoman Dillard questioned water loss and its impact on the issue. On a motion made by Councilman Owen and seconded by Vice President Frazier, Council passed Ordinance 2024-01 on a 4-1 vote, with Councilwoman Dillard the lone no vote.

Attorney Reynolds presented the Lease Agreement for the Paoli Fire and Rescue Building. Rent is in the amount of \$1.00 per year, effective from January 1, 2024 through December 31, 2027. The Town may terminate the lease upon providing 90 days' written notice. In section 11 of the Lease, Tucker and Tucker, P.C. included a Disclosure of Representation indicating that it has disclosed to Landlord and Tenant that Tucker and Tucker, P.C. has been retained as counsel for Tenant and also serves as counsel for the Landlord and consent has been given to prepare the Lease. On a motion made by Vice President Pluris and seconded by Second Vice President Frazier, the Lease between the Town of Paoli and the Paoli Volunteer Fire Department, Inc. for the fire Paoli Fire and Rescue Building on W. Main St. passed by a vote of 5 to 0.

Attorney Reynolds presented the Town of Paoli Parks and Recreation Department Athletic Facility/Practice Field Agreement. David Grimes, Park Director, asked Tucker and Tucker, P.C. to prepare the Agreement. Council sets the rental fee. Vice President Pluris moved to table the Agreement, Councilman Owen provided the second, and the motion to table the Agreement passed unanimously.

Attorney Reynolds presented a contract between the Town of Paoli and Local Government Resources, LLC. Beth Jones, Clerk-Treasurer asked Tucker and Tucker, P.C. to review the contract. Upon request by the Town, LGS will provide services in connection with the Town's budgeting, claims, accounting, and financial reporting and compliance. Clerk-Treasurer Jones stated that the services are provided by former clerks and the services are only on an as-needed basis. The services are charged at \$150 an hour. The contract may be terminated for any reason within 30 days' notice. On a motion made by Vice President Pluris and seconded by Second Vice President Frazier, the Town Council approved Beth Jones, Clerk Treasurer, to sign the Local Government Services, LLC service contract by a vote of 5 to 0.

Attorney Reynolds presented a Federal Aviation Administration Public Declaration Letter that the Paoli Police Department asked Tucker and Tucker, P.C. to prepare. The letter indicates that the Paoli Police Department seeks to acquire and operate an Unmanned Aircraft System to assist in emergency operations, training, and pre-fire planning. The letter confirms with the FAA that the PPD will operate the UAS as a public aircraft and solely for the purpose of fulfilling a governmental function to comply with federal aviation law. Officer Cook with the Paoli Police Department gave further explanation for the need of the letter. On a motion made by Councilwoman Dillard and seconded by Second Vice President Frazier, the Council unanimously approved Town Attorney Hunt Reynolds to sign and send the Public Declaration Letter to the FAA.

Attorney Reynolds reported that the Paoli Police Department asked Tucker and Tucker, P.C. to pursue obtaining a court ordered title for the 2006 Chevy Malibu. On a motion made by Councilwoman Dillard and seconded by Councilman Owen the Council approved Tucker and Tucker, P.C. initiating the court ordered title process by a vote of 5 to 0.

Attorney Reynolds presented a conflict-of-interest disclosure for Councilwoman Dillard. Councilwoman Dillard's husband, Michael E. Dillard, is the sole owner of 3-D Auto Sales and her son, Michael S. Dillard, provides auto-mechanic services. 3-D previously provided work on an as-needed basis in the amount of \$60 an hour. Councilman Owen moved to approve but no second was provided. The motion was renewed and Vice President Pluris provided the second. The Council accepted the Agreement on a 4-0 vote.

Attorney Reynolds presented annual affidavits for Council members and the Clerk-Treasurer. By signing, the elected official swears under oath that he or she has not violated I.C. 36-1-20.2 and/or I.C. 36-1-21 (contracting with a unit). These affidavits are required by state law and are to be filed with the Indiana State Board of Accounts. Vice President Pluris moved to have President Bostock sign the statement, Second Vice President Frazier seconded, and the motion to approve President Bostock to sign the statement and send to the SBOA passed unanimously.

Benji Farris, Code Enforcement Officer, reported two new building permits and two new pet licenses. Councilwoman Dillard asked Officer Farris to explain why the Town requested 5 Star Smoke Shop to remove signs. Officer Farris stated that the Plan Commission asked him to investigate the signage issue and that the signs were located in the right of way and the particular types of signs were not permitted under the UDO.

Randy Sanders, Police Chief, provided a monthly report to promote transparency between the Department and the Council and Town. The Report provided arrest statistics, key statistics, and December highlights and a report for the month of January.

Scott Rutherford, Utility Foreman, reported that Matt Knight is moving his business from Hardinsburg to Paoli on Willowcreek Rd. Rutherford reported that Knight is going to need different transformers at the location. Three transformers with 480 volts each are needed. Transformers have been located in Colman, SD at Jerry's Electric for \$26,985. The transformers can likely be purchased with the industrial development fund. If not, the electric operating fund may be used. Councilwoman Dillard moved to approve, Councilman Owen seconded, and the motion to approve the \$26,985 purchase of the transformers out of the industrial development fund, and if not from that fund, the electric operating fund, passed unanimously.

Rutherford also provided a performance evaluation for Shane Wilder. He is due for a dollar increase per the salary schedule. Rutherford noted that he is very pleased with the work Wilder has done. Vice President Pluris moved to raise Wilder's pay from \$17.00 an hour to \$18.00 an hour, Councilwoman Dillard provided the second, and the Council unanimously approved the increase.

Rutherford also noted he left a binder on everyone's desk that overviews a report required by IDEM about led pipes. The process is underway. 18% of the work has been complete. The more we can identify the less we will have to dig. There are no mitigation plans published yet by IDEM as this is merely a reporting program. There is funding available, up to \$90,000, which can be accessed if an outside party is needed to come in and assist in the work. Rutherford stated that he is not expecting to find lead, if any, although there could be some as work gets underway.

Rutherford noted that control boards in the booster stations need to be replaced. The one on Thornton St. has failed and the Town is getting quotes for replacements with an engineering group.

The control boards are over 20 years old. Currently, a manual pump is being run at the location on Thornton St. Furthermore, the water meter pole on East Water needs replaced due to age and malfunction. The Town has sought quotes. The pumping station behind the gas station has a small water leak. Quotes are being received for this repair and also floor repair at the station where it is starting to rust.

Lastly, Rutherford reported that the F-150 at the Sewer Plant has a bad transmission. Dunn's Garage quoted the repair at \$4,400 with a Jasper Engines Rebuild. Bloomington Transportation wants to rebuild. Conrad would put a Jasper Engines rebuild in the truck, but that quote was at \$5,000. Dunn's Garage gives a one-year warranty whereas Conrad does not offer a warranty. Councilwoman Dillard noted that she recommends a Jasper Engine transmission instead of a rebuild and thinks the one-year warranty and price are reasonable. Councilwoman Dillard moved to go with Dunn's Garage quote of \$4,400 for a Jasper Engines rebuild. Councilman Owen seconded, and the motion passed unanimously.

Beth Jones, Clerk-Treasurer, reported that she is down one employee due to LeeAnn Wellman's resignation and is setting up interviews for another assistant. Clerk Jones will be looking to hire a Deputy Clerk in the future. Rachel Anderson has agreed to move into the payroll position. Clerk-Treasurer Jones expressed thanks for the work her assistants do.


Clerk-Treasurer Jones reported billing adjustments for the month of December were in the amount of \$10,926.02. Vice President Pluris moved to approve, Second Vice President Frazier seconded, and the motion to approve the billing adjustments passed unanimously.

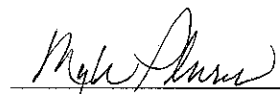
Clerk-Treasurer Jones presented claims for the January 2, 2024 and the January 22, 2024 meeting in the amount of \$1,670,798.64. Parts of December were included. Vice President Pluris moved to approve, Second Vice President Frazier seconded, and the Council unanimously approved the claims.

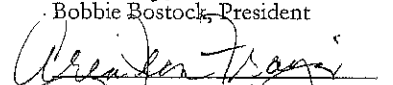
There were no comments from citizens. With no further business to discuss, President Bostock asked to entertain a motion to adjourn, Vice President Pluris made the motion, Donna Dillard provided the second, and the meeting adjourned at 7:06 P.M.

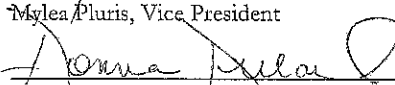
SO APPROVED THIS 6th DAY OF FEBRUARY 2024

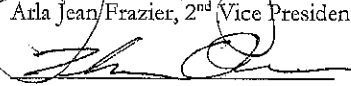
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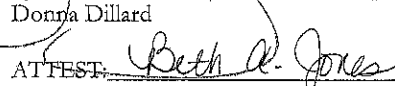

 Bobbie Bostock, President


 Mylea Pluris, Vice President


 Arla Jean Frazier, 2nd Vice President


 Donna Dillard


 Theron Owen

ATTEST: 
 Beth Jones, Clerk-Treasurer