

## May 11, 2015

The Ellettsville, Indiana, Town Council met for a regular meeting on Monday, May 11, 2015, at the Fire Department Training and Conference Room. Scott Oldham called the meeting to order at 6:30 p.m. David Drake led the Pledge of Allegiance followed with a prayer by Scott Thomas.

**Roll Call:** Members present were Scott Oldham, President; Scott Thomas, Vice President; David Drake and Kevin Farris. Dianna Bastin was absent. Sandra Hash, Clerk – Treasurer, Jim Davis, Town Manager, and Darla Brown, Town Attorney, were also present.

**Supervisors present were:** Mike Cornman, Danny Stalcup, Kevin Tolloty, Mike Farmer and Jeff Farmer. Jay Humphrey represented the Police Department.

### Approval of Minutes

Scott Oldham entertained a motion for approval of the minutes for the regular meeting on April 27, 2015. David Drake so moved. Scott Thomas seconded. Motion carried.

### Accounts Payable Vouchers

Scott Oldham entertained a motion for action to pay Accounts Payable Vouchers. David Drake so moved. Kevin Farris seconded. Motion carried.

### Ordinances on Second Reading

#### Ordinance 2015-05 to Amend Various Sections of the Town of Ellettsville Personnel Policy

**Jim Davis, Town Manager,** explained at the last Town Council meeting proposed changes to the Personnel Policy which clarify parts of it or make it in compliance with changing events.

**Scott Thomas** asked if the Town Manager can't resolve a grievance and it comes to the President of the Town Council, how is the decision made as to whether or not the whole Council hears it. Ms. Brown replied the complaint has to be placed in front of the President but the whole Town Council will hear the appeal. The Council President dates, signs the appeal and forwards it to the Council for their consideration. The last sentence of that paragraph states "*At its discretion, the Council may choose to hold a hearing and shall notify the employee of the date, time and place.*" Mr. Farris asked if the grievance would be heard in a public meeting or closed session. Ms. Brown answered it would depend on the nature of the situation. Under the Public Records Act certain personnel matters are exempt.

**Scott Oldham** asked if the 165 hours specified by the Fair Labor Standards Act ("FLSA") under §36.223, Overtime, was set by the Town. Ms. Hash explained several years ago it was reduced to 160 and then brought back up to 165. FLSA says it should be 171 but a prior Town Council reduced the hours to 165. Mr. Oldham asked in a 28 day period how often do the employees get close to 165 hours. Ms. Hash answered very seldom. They still get paid for any hours outside their regular schedule. Very seldom do police officers get paid at time and a half. Mr. Oldham said under §36.223 (E) overtime for a 40 hour shift for regular employees begins after eight hours a day or 40 hours a work week.

Scott Oldham made a motion to table.

**Scott Oldham** explained this means they will immediately get to time and a half. Ms. Hash noted that currently, all 40 hour workers are under this guideline. Mr. Drake asked if the Town has to pay employees for working over 40 hours a week, or are police officers different than regular employees. Ms. Brown replied police officers are different. Police officers and fire personnel are treated differently. Ms. Hash added the Town has just started having 40 hour positions in the Police and Fire Departments. Mr. Oldham explained he made the motion to table so they can examine the overtime rates and the disparity with what they're doing so they can get it right.

Kevin Farris seconded the aforementioned motion. Roll call vote: Scott Oldham – yes; Scott Thomas – yes; David Drake – yes; and Kevin Farris – yes. Motion carried 4-0.

**Darla Brown, Town Attorney**, asked Mr. Oldham if he is wanting a comparison with the FSLA. Mr. Oldham thinks there should be a discussion on how much it is going to happen and what the disparity becomes if they have the 6 shifts/3day officers never reaching 165 hours. How fair does it make for 40 hour employees immediately reaching overtime and how much does it cost in the long run? There has to be some give or take. He doesn't discourage anyone from working over to earn extra money but they have to some semblance of what this move is going to cost the Town. Ms. Hash commented customarily they've only had one firefighter at 40 hours and now the Fire Chief and Town Marshal are as well and there is some overtime. Mr. Oldham noted they now have an additional police officer on 40 hours a week. Before they make a change that may last three, five or more years until a Town Council get around to examining it, he wants to take a good look at the actual cost before doing something.

**Jim Davis** said the FLSA guidelines provides schedules of hours and weeks that can be adopted. Mr. Oldham requested Mr. Davis and Ms. Hash send the guidelines to Town Council so they can understand what they're about to do because it is a big change.

## **Old Business**

### **Energy Audit Report for Town Owned Buildings – Mike Farmer, Bynum Fanyo Utilities**

**Mike Farmer, Bynum Fanyo Utilities**, explained at the last Town Council meeting a budget to change the type of lighting in some of the Town buildings was discussed. They have been working with Don Kyle to refine the proposal for approval. There are lease purchases which can be paid through the annual savings from going to LED lighting. If the Town does a lease term for years four and five there will be no out-of-pocket expense. If they do the project for the Fire Department it will pay itself off between years three and four. Mr. Oldham asked if the labor cost is for Town labor. Mr. Farmer answered no, it includes outside labor and equipment. They will not be doing the work in-house. Mr. Oldham understand they're saving money on their power bill but he is not seeing the cash flow savings equal to the finance quarterly payment. How are they arriving at the zero sum?

**Don Kyle, Kirby Risk**, explained the annual savings come from not changing lightbulbs or ballasts over the period of time they're going to have this system. It is a total annual savings of \$9,724. On the Fire Department project, if they do a 36 month lease their out-of-pocket cost would be \$26.06 per month to make good on the lease. A four year option lowers the monthly payment but there is \$552 positive cash flow. Mr. Thomas remarked this assumes a 5% increase per year in the electrical cost. Mr. Kyle answered that is correct. Mr. Oldham asked if they can really spend \$1,000 a year changing lightbulbs.

**Fire Chief Mike Cornman** explained last year they spent approximately \$800 in lights and ballasts. Their building is 10 years old. Mr. Kyle asked if that cost included labor. Chief Cornman answered they did the labor in-house. The four or five year plan would be good for him. Mr. Kyle said the \$10,000 grant for the Fire Department reduced it from a 4.46 year payback to a 3.35 year payback.

**Scott Thomas** asked Mr. Kyle how he came up with the 5% per year energy cost increase. Mr. Kyle answered it is an industry average. Mr. Drake thinks energy costs are going down. Mr. Kyle stated energy costs are going down, however, Duke Energy has notified them of an increase over the next five years of approximately 16% but it doesn't include demand charges and things they include for businesses and high use customers. Mr. Oldham asked if this is what Duke has asked the Indiana Utilities Regulatory Commission for but hasn't been granted. Mr. Kyle believes they have been granted the increase for Indiana.

**Mike Farmer** recommends they proceed with changing the lighting system at the Ellettsville Waste Water Treatment Plant ("WWTP"). They have plenty of money in the Equipment

Replacement Fund. WWTP will fund their project up front with the Equipment Replacement Fund. They recommend the Town Council consider the lease terms for the Police and Fire Departments to alleviate cash flow considerations. Mr. Oldham confirmed Mr. Farmer's recommendation is Police and Fire Department do a lease and WWTP will buy it. Mr. Farmer said that is correct.

**Kevin Farris** asked if they've taken into consideration they will be combining this with the new facility. Mr. Farmer answered it is only for the WWTP. They also have a proposal for the maintenance building and Street Department and due to the possibility of moving or building they excluded them at this time.

**Scott Thomas** asked when they're looking to take on projects and spend this type of money are they required to get bids for other proposals. Ms. Brown answered they're required to competitively bid public works projects with a cost over \$50,000. Mr. Drake asked if this didn't start with a survey paid for with a grant that led to this. Mr. Farmer answered they asked for a survey as part of their initiative to be partners with the City of Bloomington and Monroe County in the Georgetown Energy prize. Mr. Drake stated this is a situation where they already have asked someone to do something rather than going out for bids. Mr. Farmer said that was correct and without Kirby Risk's assistance they wouldn't be in a position to know this was available.

Scott Oldham entertained a motion to approve the lighting project for the Police and Fire Departments on the 3.35 year payback and the Sewer Plant with the payment made upfront as proposed. David Drake made a motion to approve the lighting project for the Police and Fire Departments on the 3.35 year payback and the Sewer Plant with the payment made upfront as proposed. Kevin Farris seconded. Roll call vote: Scott Oldham – yes; Scott Thomas – yes; David Drake – yes; and Kevin Farris – yes. Motion carried 4-0.

**Mike Farmer** mentioned the payback for the Police Department would be 4.5 years and the Fire Department would be 3.5 years.

David Drake made a motion to amend his prior motion to a 4.5 year payback for the Police Department. Scott Thomas seconded. Roll call vote: Scott Oldham – yes; Scott Thomas – yes; David Drake – yes; and Kevin Farris – yes. Motion carried 4-0.

**Scott Oldham** asked for a timeline to switch the lighting. Mr. Kyle replied to order the equipment and get it in is four to six weeks and then Cassidy Electric will proceed. He is uncertain how long the install will take.

### **Heritage Trail Update**

**Mike Farmer, Bynum and Fanyo Utilities**, advised he met with the Indiana Department of Transportation (“INDOT”) for permitting so they can attach the trail to existing sidewalks. INDOT will try to incorporate trail work with existing work. INDOT will see what they can do and get back with him. INDOT's Ellettsville branch will talk to Seymour who is providing the cross walk on the far end of the trail and the flashing lights that will alert cars to the pedestrian crossing. They met with Bybee Stone and picked out rock for the trail. There were many types of rocks they're looking for and Bybee had some discarded sculpted pieces they can have for the trail. Duke Energy (“Duke”) had some problems and have made sure everything they're doing works for their access to the transmission lines that run concurrent with the trail. Duke did have some problems with a portion of the proposed project so they made some adjustments. Duke wants a plan they can approve and even though the Town is on its easement Duke has one as well. Duke has agreed if they need a crossing on the trail they might pay for the cost to install it according to INDOT standards. This would allow Duke to take their 30 and 40 ton trucks across the trail. Crews have been cleaning and they're probably in their last round of cutting trees and brush. Within the next two or three weeks they will collect the falling flat rock fence on Hartstraight and find an appropriate place for it on the trail. They have been working with Dotlich, a local crane company, who has been very helpful with suggestions. They're wanting a large structure gate entrance with stones that are at least 20 tons. The Main Street Heritage Trail Committee will plant the ornamental

trees. Their next meeting is on May 21, 2015. He thanked the Street Department and Utilities for working so hard on the trail. Thank you to Bybee Stone, they have been really helpful.

**Flood Abatement**

**Jim Davis, Town Manager**, advised there is not an update on the flood abatement. They're still waiting on the Department of Natural Resources.

**Privilege of the Floor**

**Mike Farmer** has lived in Ellettsville all of his life and he really likes his small town for a lot of different reasons. Recently, it came to his attention that a lady who has lived in Ellettsville, perhaps 70 to 75 years, was taken advantage of on a swindle. He notified Marshal Tony Bowlen, he put Deputy Marshal Chaudoin on it and they got the lady her money back. Hats off to the Police Department. They were diligent about getting the money back. He thinks the Town is protected well by our Police and Fire Departments and it's why he lives in Ellettsville.

**Adjournment**

Scott Oldham entertained a motion to adjourn. Kevin Farris made a motion to adjourn. Scott Thomas seconded. Scott Oldham adjourned the meeting at 7:04 p.m.

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Scott Oldham, President

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Scott Thomas, Vice-President

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Dianna S. Bastin

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David Drake

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Kevin Farris

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Sandra C. Hash, Clerk-Treasurer, IAMC, MMC