

Town of Darmstadt, Indiana

SETTLED 1822

INCORPORATED 1973

Minutes of
June 14th 2022

These minutes are not intended to be a verbatim transcript.

TOWN COUNCIL

Paul Freeman, President
Ray Engler, Council Member
Ken Godeke, Council Member
Jay Sollman, Council Member

CLERK-TREASURER

Mallory Lowe
P.O. Box 20
Darmstadt, In 47618

Board president, Paul Freeman, called the town meeting to order at 7:30pm. In attendance were President Paul Freeman, Clerk-Treasurer Mallory Lowe, council members Ray Engler, Ken Godeke and Jay Sollman. Also present was Darmstadt Attorney Jason Spindler and Interim Superintendent Aaron Enlow.

Godeke made a motion, seconded by Sollman to accept the minutes from last month. Motion passed 4-0 voice vote. Godeke made a motion, seconded by Engler to accept last month's financial report. Motion passed 4-0 voice vote. Sollman made a motion, seconded by Godeke to accept the accounts payable claims. Motion passed 4-0 voice vote.

CLERK-TREASURER'S REPORT:

In the Town Clerk-Treasurer's office- Mallory Lowe stated: I'll be including some notes and comments on some of the reports in the packets to help our new council member understand them and try to get him trained in. I submitted Jay Sollman's Oath of Office to Marc Toone in the Vanderburgh County Election Office to go on record. I emailed Mike Gries the signed sub-lease agreement for farming and mowing the old state property.

This month I'll receive our June settlement from the county auditor's office. That is the property tax revenue from this year's spring property taxes. Darmstadt's property tax revenue is based on what I set the budget at each year. The town receives about \$48,000 a year now in property tax which is our max levy. Our semi-annual tax settlement from the county will also include auto and aircraft excise taxes, financial institution taxes, alcohol and tobacco taxes. Those add up to about another \$14,000 a year.

This month's settlement will also include our bond revenue from county tax levies. I will then turn around and pay Bok Financial bank our 6-month bond payment of \$76,000 for the Old State Land and again in December. Our Pre-Budget Report is due in 2 weeks, by June 30th on the State Gateway program. I'm currently working on that now and will have that completed and submitted to the State on time.

The Workforce Development Unemployment Case against Jeff Goerges has had some recent developments from his submissions to the judge that they are looking into. So, they have stopped billing us for unemployment, until further notice.

I composed a letter granting the driveway variance we spoke about last month, for the property on Tibarand and gave that to the homeowner.

I had our new Employee Handbook printed and bound and distributed copies to all employees and officials along with HR's form to sign that you received your copy.

In the Utility Department Office: I've still been working with Evansville water on some problem meter readings. They finally corrected one resident's reading after an 8-month ordeal at 25 E Inglefield.

The homeowner and I had to work with them several times to correct their readings and Evansville finally replace the water meter.

I send out our sewer billing the last week of each month. This time I had all 544 bills calculated, printed, separated and ready to go along with all the bulk mailing paperwork prepared and ready to mail out on May 26th. The permit imprinted, bulk mail deadline is 11:45am at the Inglefield post office.

When I arrived at the post office it was closed early at 11:30am without any notice. Lunch is not until 12pm. I arrived the next day to try to mail them again, Leigh was gone and only Brian Oxley was there. He gave no reason as to why he closed the federal post office without any notice. Our permit and bulk mailing account is only at this post office so sewer bills must be mailed from here. Hopefully this will not happen again or we will need to report it. Last month I sent out 26 overdue letters for the sewer accounts, released one lien and had 3 homes change owners.

In General Town Items: We had our Annual Darmstadt Day which was big success with tons of people turning out from all over to attend. I spoke to Trinity and a couple business owners who all said it was a great community turnout and lots of fun.

We had our AIM Roundtable Meeting, with the other area towns, in Poseyville last month. We had a record number of Darmstadt attendees this time which included myself, Ray, Mick, Jay, Mark, Eric and Cecil. AIM's roundtable was very informative, this one was about the ARPA funds and the AIM Medical Trust Health Insurance program for cities and towns. Several other area towns also attended including Boonville, Poseyville, Cynthiana, Oakland City along with many engineer firms, project coordinators, including Brad Ellsworth and Mike Duckworth.

Coming up June 21st is the next ADA training on 'Getting the job Done' for our ADA coordinators and June 22nd is ADA accessibility training. Last month Indiana ADA put on 7 training sessions.

Old Business

1. Performance Eval/Merit Bonus Overdue for 2021 & 2022 DUE by May 12, 2022

Tabled but keep on agenda per Jason Spindler

2. Resident's Committee Update – Cecil Poag as Contact between Council and Maintenance

Cecil Poag advised they have still been looking for a system that can bill directly from sewer outflow. Poag asked Godeke if he had contacted Evansville Sewer about having the mag meters calibrated. Godeke replied he had contacted Evansville Sewer. Poag stated that Spindler was to write a letter to EWSU about calibrating the mag meters. Poag asked if we are moving forward with having a contact person delegated to work with the maintenance department. Freeman stated he would like to discuss it further in an executive session. Spindler will schedule.

3. Concrete Safety cut back by Resident on Wortman Road

Aaron Enlow stated that the resident did complete the cutback smooth to make it safer. The project was completed and the resident was quick at getting a contractor to come out to take care of it.

4. Rip Rap on Martin Road Edge

Jason Spindler advised that he called the owner Scot Wright and let him know that if we do hear a response from him that we will remove the rock ourselves.

5. TV Parts Now Road damage Lawsuit

Spindler noted that we are receiving resistance saying we are suing the wrong person. Spindler will add a second defendant to the proceeding. Spindler has the right defendant. Engler stated that the conditions continue to get worse. Our last estimate is over a year old and Engler stated that it would be wise to get an updated estimate.

New Business

1. Possible Tractor Replacement

Aaron Enlow stated that we currently have a 2000 Massey-Ferguson tractor with a Hardee ditch mower. Godeke asked about the grinder that we purchased for the mini excavator. Enlow stated that the grinder is too heavy for the mini, overheats it and it wasn't a good match when purchased. Enlow continued back to the tractor discussion and answered questions. Sollman asked if the John Deere quoted tractor was available. Patrick, the representative from Hutson was present at the meeting and stated that availability would be possible within 3 months.

Eric Gries advised he's been compiling research on these and has spoken with several tractor dealerships. Gries explained the differences in mid mounts, weights and other features available and safety. Gries stated that the current equipment is in bad shape and he would like to see the town attain safer and better operating equipment. Gries suggested we compile a list of specific mowing tractor requirements so we can attain more detailed estimates. Sollman agreed, that he would like to see a more specific list of what is needed to get the job done.

Engler agreed, that we should compile a list of requirements. Gries advised that we have several different outfits quoting several different things so we need to organize that into specifics. Gries also added that we could trade in the brush cutter from the mini since it does not work safely with our current equipment. Gries stated that proper, safe equipment is needed to complete the job.

Mike Wathen agreed, that if we had the right equipment, we could also reach the ditches better to keep the ditches well mowed and could also accomplish the other tasks we need to complete.

Mike Wathen added that he doesn't understand how Aaron or anyone can get their jobs done without the proper equipment. Wathen stated the town needs the proper equipment to complete what needs to be completed.

2. Mike Wathen – ADA Compliance

Mike Wathen stated that he has looked at the maintenance parking lot for ADA requirements of paved sidewalk and draining. Freeman stated that we can get ADA compliant by just adding a sidewalk, solid surface for wheelchair access, 3 parking spots and some other minor changes. Freeman noted that we will not have to pave the entire parking lot. Freeman stated that Morley gave an estimate of around \$20k.

Sollman made a motion to present a scope and attain bids from any and all interested companies for the ADA compliance changes needed at the maintenance building, Godeke seconded the motion. Motion passed by a 4-0 voice vote.

Maintenance Dept Report

Aaron Enlow advised that they had 39 locates finished up road edge on Wortman road. They have less than 40 sump pump inspections left. They've been working with E & B to get a quote for the Railroad street repairs.

Fire Dept Report

Not present

Sheriff Report

Noah Robinson advised there was one domestic violence arrest. There was an accident on BNH following too close.

Board member comments

Sollman stated that he would like to meet with each of the council members and also to discuss the ARPA money and particular possible uses for it.

Paul Freeman read aloud a speech he had prepared. The town received a copy of this speech on 7/5/2022, which is public record and was requested by residents.

Paul Freeman's Speech as submitted:

"What a year it has been...we've had employee issues, town protests, press conferences, news releases, investigations, facebook pages created, yard signs, and accusations out of fantasy land.

I have been accused of tons of thins...

- 1. Running my business on the the back of the town*
- 2. Stealing salt*
- 3. Using town backhoe and excavator for my personal projects*
- 4. Ghost employment*
- 5. Creating a hostile work environment*
- 6. Turning my back on Darmstadt to defend Jeff Georges because I am either afraid of being exposed with the dirt that he has on me or because we are going to sue the town and split the judgement.*
- 7. Lying to the town board members to manipulate them, after all the aren't capable of independent thought and they do my bidding.*
- 8. Not listening to the town residents.*
- 9. Reckless use of the 26 acres on Old State Rd.*
- 10. This is a "good ole boys club"*

I have been more than patient with this ongoing saga. Actually, I have done a tremendous amount to diffuse the situation. For example,

- I reached out to the sheriff's department when this escalated. After our interview, the detective said that I had nothing to worry about. This appeared to be petty and vindictive.*
- Sheriff Dave Wedding said this was an HR issue, not the high crimes and misdemeanors issues that he was led to believe.*
- After the news conferences, Noah Alatza from Channel 7/25 said that if there was anything here, they would follow up with more coverage.*

- I met with concerned residents, took many phone calls and addressed their concerns.
- After Eric Gries became the face of your issues, I reached out to him 3 different times. His claim on camera was that “we only want to be heard.” He refuses to meet or talk about his concerns. Ironically, 2 members of his family reached out to me and my family to apologize for his actions. They did this because I have had most of his family: parents, sister, and several aunts and uncles as customers for nearly 30 years and served on church boards with them. I told them no need to apologize.
- Several farmers reached out to me to discuss Carol Schlumpf and discuss her hypocrisy of standards. I thanked them for their time and told them that we do not need to escalate.
- One group of homeowners offered to pay, print, and post yard signs that said, “Go Away Ray.” I told them I appreciated their offer, but I didn’t see how it would help the town move forward.
- Another group of homeowners wanted to know what steps could be taken to remove Ray from office. I explained that there was not a mechanism for such action, nor would I endorse it.
- One resident went so far as to go through all the Town’s minutes for the last 2 years. She pointed out that the Town Council voted 42 times. Of those 42 times, we only had split vote 7 times. Of those 7 split votes, Ray was with the majority 3 times. She asked, “How could their claim of everyone following you and not being able to think for themselves be accurate?” I replied that it was more grandstanding by a few and not to be taken seriously.
- Multiple people have reached out concerning the Town Clerk, Mallory, because she is obviously biased and allows various people to post or comment on the Town facebook page. I have told them that she does a fine job, but I did wish she would remain neutral. I then joked that Mallory is the person that got me the position on the Council more than a decade ago.
- I met with a former mayor of a nearby town. He wished to offer support and advise how to work with an adversarial situation.

In each of these situations, I have attempted to smooth over issues and de-escalate the tension. I have taken the slings and arrows from the same 5 or 6 people for nearly a year. I have attempted to bring Darmstadt back to the status of a sleepy little town, rather than the town with mud all over its face due to a few people on social media that are not willing to work slowly and accept that there is more than one side to a story.

After not getting the outcome that they wanted by the sheriff’s department or getting the news cycle that they wanted, Ray and others decided that they would file a civil lawsuit against me, Ken, and the Town of Darmstadt. Once the suit and claims were understood by our attorney, Jeffrey Lowe, he instructed us to relax and be patient. This is obviously a frivolous lawsuit.

I had put these claims in my rear-view mirror, until last week. The other day (Tuesday, June 7, 2022) Jim Dix, who has called and accused me and my 10 year old daughter at the time, of vandalizing his home several months ago (which was beyond absurd), decided to escalate tensions in the town. He parked my wife in at the 4-way stop at Darmstadt and BNH Rd. He stated yelling and berating her. Neither Stacy nor my children should have to tolerate the belligerent, narrow minded rantings of a town resident. Harassment cannot and will not be tolerated. The next time anything like this happens, charges will be pressed and restraining orders will be placed against the person.”

Disruption erupted in the town hall after Paul Freeman’s statements about town residents. There was a particular argument between Paul Freeman and town resident Jim Dix. Sheriff Deputy Noah Robinson stepped up to calm things down. Freeman advised Jim Dix that he is now formally and publicly warned.

(Public record per Indiana Public Access Counselor and must be submitted for town records when requested)

Attorney comments

No further comments

Resident comments

No public comments or questions allowed

The meeting adjourned 8:38pm

Attest:

Mallory Lowe

Clerk-Treasurer

Mallory Lowe

Alvin Culver