

**TOWN OF
DARMSTADT, INDIANA**

SETTLED 1822

INCORPORATED 1973

**Minutes of
April 12th 2022**

These minutes are not intended to be a verbatim transcript.

TOWN COUNCIL

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

CLERK-TREASURER

Mallory Lowe
PO 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 Ken Godeke and Ray Engler. Also present was Attorney Jason Spindler, Maintenance Tech Mick Moreland and Interim Superintendent Aaron Enlow.

Godeke made a motion, seconded by Engler to accept the minutes from last month. Motion passed 3-0 voice vote.
Godeke made a motion, seconded by Engler to accept last month's financial report. Motion passed 3-0 voice vote.
Godeke made a motion, seconded by Engler to accept the accounts payable claims. Motion passed 3-0 voice vote.

CLERK-TREASURER'S REPORT:

In the Town Clerk's office, Mallory Lowe: I contacted Debbie Bennett-Stearsman for our ARPA Covid Grant, and arranged for her to send us the contract and let us know what we need to be doing to get moving on this since our first report deadline is now only 18 days away and we still have to meet to get our US Treasury info submitted before that. Council needs to stop tabling and decide. We only have next week to get it completed. Contract is on the agenda tonight. Workforce Development sent us our first bill to pay ex-employee Jeff Goerges Unemployment payments. His Unemployment was denied last year, but Jeff filed an appeal, so we had a 3-hour long unemployment Appeal hearing on March 4th. Jason Spindler and I represented the Town and ex-employee Jeff Goerges and Council President Paul Freeman represented the Claimant's side against the Town. The case was originally denied, but due to Paul and Jeff's statements to the Judge, the unemployment was reversed. Since this is highly unusual, this is not something we budget for. So, these additional payments to Jeff will need to come directly out of our Town's Sewer Department Checking Account.
In the Utility Department: I paid out the Annual Retirement Stipend on April 1st to maintenance employees, per the payroll ordinance. Also starting in April, we will be paying maintenance dept out of the Sewer fund instead of the MVH fund. We pay maintenance out of MVH for the first quarter of the year and out of the Sewer fund for the last 3 quarters of the year. Council is paid out of the General fund for the entire year and the Clerk is paid half the year from General and half the year from Sewer.

Last month I brought in a little over \$62,000 to our Sewer Dept Account and paid out \$45,000 in bills.

In General Town Items: Our AIM Roundtable with the other area towns is tomorrow night, we have several people attending this time. Poseyville is hosting this one and it starts at 5:30 at the Red Wagon Restaurant. Finally, I'll be off work a couple days. I'm going in for another surgery at Deaconess on Monday, April 24th. This will be my 8th surgery so far. As most you know I had cancer and was bald when I agreed to take this position in 2007 for the town when 3 previous few clerks all quit in same year, but only agreed to take on the responsibility for the town since I could work from home and was guaranteed medical. I continue to have complications over the years. I'll be off work a couple days but will still be checking emails and returning calls as I can like usual.

Old Business

1. Performance Eval/Merit Bonus Overdue for 2021 & 2022 Deadline DUE May 12th

Not addressed

2. Employee Handbook Compliance- New Focus HR- Patrick McKenna

Engler made a motion, seconded by Godeke to accept the new Employee Handbook from New Focus HR Firm, motion passed by 3-0 voice vote.

3. Resident's Committee on Sewer Outflow Meter testing

Cecil Poag stated they were looking at a different system that could provide us something worthwhile. They will continue to research what will serve the town best. Cecil asked council if they have completed their district's sump

pump inspections. Engler and Kendall's inspections have been completed for their districts. Freeman and Godeke stated no, they have not completed their district's inspections yet.

Godeke added, that after Aaron Enlow presented his idea last month to improve I&I by getting rid of the unnecessary manholes in town, the committee discussed Aaron's idea and have agreed we should do so.

Aaron Enlow explained we have 13 manholes and they are susceptible to inflow and infiltration entering the sewer system so it makes sense to remove and or seal these off sense manholes are not needed for our system and it would end up saving us money.

4. ARPA Covid Grant Contract with Debbie Bennett-Stearsman

Spindler stated he has reviewed the contract and approves. Godeke made a motion, seconded by Engler to accept grant contract with Debbie Bennett-Stearsman. Motion passed by 3-0 voice vote.

5. ARPA Covid Grant vote to Declare Funds as Lost Revenue per Debbie

Godeke made a motion, seconded by Engler to declare the ARPA Covid Grant funds as lost revenue. Motion passed by 3-0 voice vote.

6. Sub-Lease of Old State Road Property

Spindler will continue to work on a sub-lease agreement

Maintenance Dept Report

Aaron Enlow advised that they had 41 locates, 57 sump pump inspections. They've completed pot hole repairs. Mick Moreland has completed service on all our equipment. Aaron Enlow stated they received notice about a homeowner on Wortman that has installed dangerous concrete too close to vehicles along edge of road.

Fire Dept Report

Brandon Zimmer stated it was a slow month, one brush fire and 3 EMS runs with a response time of 3.56 seconds in Darmstadt.

Sheriff Report

No representative present (election debate downtown was same night)

Board member comments

Ray Engler stated that all of his district 2 has now been notified for the sump pump inspections. Engler stated that the resident on Martin Road that has the rip rap right on road bed, has gotten rid of his attorney.

Ray Engler read aloud a speech that he submitted for the minutes:

While difficult to call people out that is what I am obligated to do. Moving forward each time I hear or see something being done that is not in the towns best interest it is my job to make the tax payer aware.

In my opinion Paul Freeman is abusing his position as town president defrauding the tax payers of Darmstadt. Ken is complicit in this, as he fails to gather his own information and fails to form an independent opinion. He seems to always vote with Paul. This enables Paul to run the town of Darmstadt as a dictator and bypass much of the checks and balances that are normally in place.

Last month at the end of the meeting Carol asked if there would be prizes for amounts of trash collected. Paul chimed in with QUOTE "WE HAD THE BIGGEST WE PULLED OUT THE BIG TV THAT ABOUT THREW MY BACK OUT" – The thing is, Paul wasn't even on the team that got the TV. Most everyone here knows he had nothing to do with digging the TV out of the ditch.

Ask yourself if Paul lies about such little nonsense things what else is he lying about?

Do you remember Paul's email from 6-15-21 where he said QUOTE "I have obtained Jeff's resignation. Therefore, I expect the same from Mick and Aaron."

Why would Paul say Jeff had resigned... if he hadn't? Why would Paul, our Darmstadt Council President, lie to his own town council, the town attorney and now even lie to the Indiana Administrative Law Judge? We have the email proof of his lies.

Do you remember in the AUGUST 2021 meeting – Paul said he would release the alleged email that Jeff sent him. For two meetings he said he would release it. Then in the third he said it has “personal information” in it and he won’t release it. That still has not been released, or else doesn’t even exist, more lies.

These lies pale in comparison to what he is up to now.

The unemployment appeal was overturned against Jeff for town unemployment payments. This is because Paul Freeman changed his position from his email QUOTE **“Fight this. He has no right to unemployment benefits”** to speaking on Jeff’s behalf and actually against our Town of Darmstadt.

You heard that right, our own council president, worked with an ex-employee, who he is already has a lengthy sheriff’s report with, on all the thefts Paul and Jeff committed together against the town and tried to hide it.

Paul told the judge that I accused Jeff of “Child Pornography” and that made a caustic work environment. That was another lie and there were several witnesses present and it’s on video when those child pornography statements were made by a town resident and not myself. I even clarified that it was not child pornography and that is also on video and in front of several residents that day.

Jeff also told the judge he has never drank on the job. I think most of the people here know better than that. Alcohol was even found in the town hall refrigerator that Jeff admitted to and there were no repercussions.

These continuous lies will cost the town a substantial amount of money. I expect the unemployment payments from our town sewer checking account this year will end up around \$11,000 dollars. We just made our first payment of \$780 towards it. I advised council in writing that we should appeal and give true and correct information to the judge and it is likely the ruling would be over turned. Both Ken and Paul were against filing an appeal to protect the town. Their failure to appeal unfortunately will now cost the town even more money. They took an oath to protect the town. What happened?

It is unprecedented for a town council president to directly work together with an ex-employee for monetary gain against their own town.

Paul emailed out the real reason for him doing this. It was all planned to help bring another legal case against myself and/or The Town of Darmstadt to possibly defraud us of Paul’s QUOTE *“hundreds of thousands”* In an Email to council and attorney from Paul Freeman 3-22-22

I can only think of three reasons why Paul would do these things:

1. Jeff has something so big on Paul he is willing to say and do anything to keep that from being public.
2. Might he get his cut in the QUOTE “hundreds of thousands” that Jeff could get
3. His ego is so big he simply cannot be wrong or reverse course

And government servants have multiple “Duties” but the three that stick out to me are as follows. Think back on how the town council members at this table have acted or not acted in the past and form your own opinion:

The Duty of Care: The duty care requires that the public official competently and faithfully execute the duties of the office. Under duty of care fall such obligations as the duty to manage assets competently and be good stewards of the public treasury, to use due diligence in the selection and supervision of staff, to follow the rules and to uphold the constitution and laws of the jurisdiction. Examples of breach of this duty include failure to attend meetings, failure to investigate, failure to engage in the deliberative process, and failure to vote.

The Duty of Loyalty: Public fiduciaries have an absolute obligation to put the public’s interest before their own direct or indirect personal interests. The public fiduciary breaches this obligation when he or she benefits at the public expense. Prohibited benefits can be financial (such as engaging in pay to play politics- or participating in decisions that favorably impact an official’s business, property, or investments), career related (such as using public office and/or public resources to obtain future employment or political position), or personal such as benefits to family members or close associates. Note that when general ethical duties to family or friends’ conflict with duty to the public, the public duty must prevail.

Duty to Maintain Public Trust in Government: Without public trust, government doesn't work. The public is willing to delegate authority and sacrifice some freedoms in exchange for an orderly and civilized society, but only if it believes that government is acting in the public's best interest. When the public loses trust in government, public cooperation suffers, compliance with laws fail, and investors and consumers lose confidence

Since Paul has taken your ability to speak and we cannot discuss here think about this and call or email me with your thoughts.

Attorney comments

No further comments

Resident comments

No public comments or questions allowed

The meeting adjourned 8:18pm

Attest:

Mallory Lowe

Clerk-Treasurer


