

Board of Commissioners
November 17, 2009 – 2:30 pm

Meeting called to order by President Rininger. Commissioners Rininger, Logsdon, Gogel, and Board Attorney Lueken were present.

Health Insurance

Theresa Donnelly Brown asked the commissioners to allow her to purchase health insurance from the county. Brown explained that she is a part-time employee for the county. She works in the office of Attorney and Deputy Prosecutor Jack Robinson. She works five hours a day for the Prosecutor's office and three hours a day for Robinson. Brown learned another employee, who is designated as a part-time employee (the courthouse maintenance supervisor), was allowed to sign up for health insurance and she feels she should also be given that opportunity.

Gogel stated that he needs time to think about the issue. He said the other employee that was given insurance is on-call full-time even though he is designated as part-time. Logsdon stated that he was unaware that any other part-time employees worked for the county that were not seasonal. He further stated that he feels the courthouse maintenance supervisor is a full-time position and maybe his job description needs to be re-written. Logsdon stated that the commissioners need time to work through this issue. Rininger stated that when the decision was made the commissioners felt it was the correct decision. He said the commissioners value Brown's and the maintenance supervisor's employment. Logsdon made a motion to table the issue to gather more information. Gogel seconded. All in favor. Logsdon said he would discuss the issue with the insurance committee on Friday.

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PSC-Utility Easement

Darren Brown of PSC discussed the request PSC is making to bury 1.75 miles of fiber optic cable in the county right-of-way. The cable would be buried a minimum of 36" in depth and deeper around drains and culverts. Logsdon made a motion to table the discussion until November 30 to give Painter and Lloyd the chance to review the site and plans with the contractor. Gogel seconded. All in favor.

2010 Holiday Schedule

Shelton reported the results of the poll of the department heads requested by the commissioners to determine the days off for the Christmas holiday. All but one office voted in favor of taking Friday, December 24th and Monday, December 27th. Logsdon made a motion to approve the 2010 Holiday Schedule as written. Gogel seconded. All in favor. The schedule is as follows:

January 1st, New Years Day
January 18th, Martin Luther King's Birthday
February 15th, Presidents' Day
April 2nd, Good Friday
May 4th, Primary Election Day
May 31st, Memorial Day
July 5th, Independence Day
September 6th, Labor Day
November 2nd, Election Day
November 11th, Veteran's Day
November 25th, Thanksgiving Day
November 26th, Day after Thanksgiving (Taken instead of Columbus Day)
December 24th, Christmas Eve
December 27th, Christmas Day
December 31st, New Year's Eve

Christmas in the Courthouse

Don Schulte, representing the Association for a Better Rockport, reminded the commissioners that December 4th and 5th are the dates for the Christmas show held in the Courthouse. He said tickets are selling quickly.

Spencer County Animal Control

Phil Brown asked the commissioners to sign a request for a Special Use Permit for the Town of Chrisney to begin the process of building an animal control building near the highway department. The cost of the permit is \$100. Gogel made a motion to apply for the Special Use Permit and pay for the application out of the Animal Control Fund. Logsdon seconded. All in favor.

Highway Report

CR 700 E Culvert – Painter reported that work has begun on the liner in the culvert under CR 700 E.

Jail Parking Lot – Painter stated that the rock used for the parking lot for the jail will be billed to the highway department. Rininger stated that the bill can be paid out of the jail maintenance account. Shelton asked Painter to specify on the claim that it is to be paid from the jail maintenance account.

Chip and Seal – Logsdon discussed a request by a property owner to chip and seal a road. Painter stated that the road was private and not a county road and therefore the highway is unable to do any work on it.

INDOT Meeting – Rininger stated that there is an INDOT meeting on Thursday, November 19th. Painter stated that he and/or Lloyd will attend.

Adult Plaza

Lueken reported that after sending a letter regarding back taxes and pending penalties, the county received a check for \$62,371.78 for current and past taxes owed on the Adult Plaza properties. Lueken further

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reported that a letter of credit has been received that covers the amount owed to the county in fines ordered by the court.

WTH Parcel Split Contract

Shelton asked the commissioners to sign the annual contract with WTH for parcel splits. The cost is the same as the prior year and the money is budgeted. Gogel made a motion to approve. Logsdon seconded. All in favor.

Luce Sewer

Jeff Lindsey stated that he will be requesting a written statement from the commissioners regarding the verbal commitment given to allow the Luce Sewer District to use the county rights-of-way. Lindsey will work with Lloyd and Lueken to draft the agreement.

Discussion was had on the election of the sewer board's officers. Lindsey stated that the officers are elected annually and to change officers mid-year it would take a two-thirds majority vote.

Rininger read the following statement:

Starting at the onset of the county's relationship with Luce Township Regional Sewer District the Board of Commissioners was initially asked to give our approval of their project and recommend funding to the County Council. After exploring the positive effect on the region, the Board of Commissioners approved progressing to the next step. I am the only commissioner who was on the board who remembers that all of the LTRSD board pushed the commission hard for the approval. Everyone on the LTRSD board was pushing toward getting the sewer. Today, there is a strongly divided board and the only progress, grudgingly, that has been made has been just recently; the grant and loan proposal from the Office of Rural Affairs. The previous loan proposal has fallen by the wayside because of inaction by the board and a concerted effort by certain board members and citizens to block progress. This is a matter of public record. The letter from IDEM citing many Indiana Code violations that were taken from a study in 2000 was one of the many reasons for my following recommendation.

For the last several months I have been monitoring the Luce Township Sewer situation. What I saw was very disturbing. Infighting on the board, inaction being the result with the reason the LTRSD was formed falling to the wayside. Beginning early this year the commissioners have had Ed Ingram, the LTRSD board president and commissioners' appointee, reporting on the progress toward a successful outcome to finally getting sewers in Luce Township. It has become very evident that our appointee has not been representing our position on the LTRSD board. Ed has gone so far as to state, (paraphrasing) that no sewer would ever be built in Luce Township. Ed's inaction on signing his own easements and stating that he would never sign them obviously is also a big problem to me as the commission's appointment. I have decided that I cannot stand by and watch an individual use the commissioners' appointment as a tool to advance a position that is not aligned with our goals. I have studied statute regarding board appointments and have found no citing stating that an appointing board cannot retract its appointment. Given that total differences in Ed's position and the Board of Commissioners' position, I am advocating to the Board of Commissioners that our support for Ed Ingram's position on the Luce Township Regional Sewer District board be rescinded. If Ed does not tender a letter of resignation before the Commissioners' meeting on November 30 he shall be replaced. The Board of Commissioners can, before the next meeting, consider an appointment that is more in line with our stated goals and make that appointment at our November 30 meeting.

Rininger added that the statement was his own and was not a statement from the board as a whole.

Discussion was had on the possibility of an Office of Community Rural Affairs (OCRA) grant.

Logsdon thanked Rininger for putting his thoughts in writing and asked Lueken to research and give the board a legal opinion regarding rescinding an appointment.

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Gogel made a motion to adjourn. Logsdon seconded. All in favor. The meeting was adjourned at 3:52 pm.

Board of Commissioners,

President

Attest:

Cindy Shelton, Auditor
