

**FRANKLIN COUNTY COMMISSIONERS MEETING
FEBRUARY 27, 2017 – 10:00 A.M.
COMMISSIONERS/COUNCIL MEETING ROOM, #203**

The Franklin County Commissioners met in regular meeting on February 27, 2017, at 10:00 a.m. in the Commissioners/Council Meeting Room. Those present were Tom Wilson, Tom Linkel, Eric Roberts, Carol Westerman and Karla Bauman, Auditor

The meeting was called to order and the Pledge of Allegiance was led by Tom Wilson.

Ray Halpin: Ray Halpin lives in the historic district of Metamora and before he can do any construction to his home he is required to get the approval of the Franklin County Commissioners. Motion to approve Ray Halpin's addition to his house by Tom Linkel, seconded by Eric Roberts, all in favor.

Correction to Minutes (February 13, 2017): Culvert SP-3601, State Line Rd – Recommend – 6'X3' Concrete Box Culvert = \$6,840.00 (instead of \$684.00) and under John Estridge: The First week will have nine days of pay and second payroll following the change will have ten (instead of eleven) days. Motion to approve minutes with corrections by Eric Roberts, seconded by Tom Linkel, all in favor.

Approve Claims: Motion to approve claims by Tom Linkel, seconded by Eric Roberts, all in favor.

Clerk & Treasurer (January) Report: Motion to acknowledge receipt of the Clerk and Treasurer's January report by Tom Wilson, seconded by Tom Linkel, all in favor.

Nathan Meyer, County Surveyor: Reservoir Road/Keeler Road Drainage issue – The main thing that Nathan has found in reviewing all of the minutes on this issue is that the petition to remove obstruction filed by Mr. Jones cannot be found. The minutes from the May 27, 2014 Commissioner's meeting has a handwritten note from the former auditor, Steve Brack, acknowledging receipt of the petition from Mr. Jones. In the typed minutes from that same meeting (May 27th) it states that neither the Drainage Board nor the Surveyor could find the petition filed by Mr. Jones. It is up to the Drainage Board, however, if this matter goes for judicial review as the law allows, we may not have our ducks in a row. It might be necessary for Mr. Jones to file another petition. Mr. Roberts asked if the petitioner asks in person for the removal of an obstruction, does that not constitute the same as filing a petition. Does it have to be in writing? The law only states that the petitioner may file a petition which describes the tract of land and seeks the removal of the obstruction. Mr. Meyer also stated a few things he thought the Commissioners should be aware of as far as the process goes. We are now acting under a different drainage board and different surveyor. Mr. Meyer is looking at this as if it will be reviewed by the court. Mr. Wilson does not believe that a new petition needs to be filed. Mr. Roberts believes from this point forward we need to have better documentation for this

process. Mr. Meyer stated if the Board agrees to move forward the next step is to remove the obstruction. At some point in the 2014 meetings, discussions turned to finding a remedy or solution to the problem and the law does not allow for that. The law simply states that the obstruction is to be removed. The drainage code in regards to "obstructions" do not allow for assessment against the surrounding landowners as has been discussed in the past. The law does not allow for that, just the removal of the obstruction. Mr. Wilson stated that the removal would be removing that 10" pipe. Mr. Meyer stated that the removal of the 10" pipe would be of minimal cost. The Drainage Board or representative does have the right-of-entry and an easement is not necessary. Mr. Roberts asked if Mr. Jones has an obstruction in his tile that drains his basement. He further feels that this needs to be ruled out before we go any further. The problem could be all his own. Mr. Meyer will check out the elevation of Mr. Jones' basement and try to have those answers by Monday, March 6th. The Drainage Board Meeting has been set for March 6, 2017, at 10:00 a.m.

Ted Cooley, FC Engineer: There are eight projects under the 50/50 grant for milling on the decks out to the contractors. Discussion was had about whether or not to rent a milling machine or wait and see if the contractors have their own machinery. It was discussed to leave it in the contracts. They will bid separately with eight contracts. The contractors are getting very busy. Bids will be opened in two weeks. None of the projects are over \$25,000 and it is only necessary to get quotes. However, the contracts will be advertised since the combined total is over \$25,000. Mr. Linkel stated the importance of getting "right-of-entry" before entering on any property.

The River Road Bridge - County Council will put money in place in Cum Cap Bridge in the sum of \$375,000 on the 28th. For example, Bridge 155 – Cedar Grove – Mr. Roberts questioned the sufficiency rating and why build a "throw away" bridge that will only last about 40 years (galvanized steel built bridge). Why not build a bridge that will last 80 years. Mr. Cooley stated he can get an alternative bid for a concrete deck, but there have been problems with concrete too. Down on River Road there are a lot of trees that are going to need to be cut.

Mr. Roberts discussed that the embankment has shifted on Bridge 155 – Cedar Grove from the storms we had this past Fall. Mr. Linkel questioned what the total cost for the project would be and should this project be saved for the 2017 50/50 project list. It was asked if the labor will be done by Highway Department and a minimal cost for materials. Mr. Cooley will report back on March 6th. There was additional discussion that was not audible on the recording from the meeting.

Three account lines will be set up in Cum Bridge for Various Bridges and Culverts for contractual services and supplies. The \$300,000 CD that was cashed will be appropriated, if approved, at the County Council meeting on the 28th.

Chris Collins – Forestry: Before Mr. Collins read his bid, Mr. Roberts asked if we were going to go with a licensed forester. Mr. Linkel's opinion is that after speaking with Mr. Collins he is okay with opening the bid. Mr. Collins has agreed to write a check and the check being cashed

before any trees are harvested. Mr. Roberts was contacted by at least one other logger who felt they didn't have a fair playing field because Mr. Collins already has an easement. Mr. Roberts does not feel there has been a fair opportunity to get the best price. Mr. Roberts would rather use a certified forester thru the State. Mr. Collins is certified, but is not a licensed forester. There are thirty-three (33) trees already marked with pink paint. Motion to allow Mr. Collins to turn in his bid for the Transfer Station property, by Tom Linkel, seconded by Tom Wilson. Eric Roberts opposed. Motion carried. The bid was opened with a cost of \$36,500 (roughly 15,000 board feet) or \$1,106.00 per tree. Motion to take bid under advisement of \$36,500 for thirty-three (33) trees until our next meeting, March 6th, by Tom Linkel, seconded by Tom Wilson, all in favor.

Roy Hall – Cemeteries: The County has liability insurance on the cemeteries that have been deeded to the County. Roy Hall's insurance carrier is telling him that they cannot provide him with liability insurance because the Township does not have a deed to the cemetery. The question is who owns the cemeteries. The property owner in question that had the tree fall on her home, there is no owner of record found. If a property owner deeds the cemetery to the county, do we have to take it. Roy Hall is taking care of all cemeteries in his township that have county road access. Eric Roberts asked if Roy had any deeded property (cemeteries) in Whitewater Township. There are some farmers in Whitewater Township that have cemeteries in their field and that they are paying taxes on it. Tom Wilson stated that liability insurance will not cover an act of God. The cemetery in question is a pioneer cemetery.

Bill Schirmer – Wheatley Contract & EMS Contract: There is a contract in place for the Wheatley Group. There was a discussion in regards to the EMS contract. 2 or 3 changes to the contract, reducing the total amount for EMS services for the year to \$262,500.00. This contract is for the remaining 9 months at \$25,000.00 per month. There was Motion to sign EMS contract as written, contingent upon County Council approval by Tom Wilson, seconded by Eric Roberts, all in favor.

Official Bond – Clerk: Motion to approve and sign the Clerk's Bond by Tom Wilson, seconded by Tom Linkel, all in favor.

DSS Corporation Agreement – E911: There were two options, a three year and a five year plan for Communication Recording System, including maintenance. Motion for Eric Roberts to sign the DSS Corporation Agreement for 911, by Tom Wilson, seconded by Tom Linkel, all in favor.

Ordinance 2017-04 – Leave of Absence Without Pay: Eric Roberts wanted one change in regards to the approval of an absence without pay. He felt the Department Head/Elected Official should be the one approving it. Motion to approve Ordinance 2017-04 an ordinance amending the Personnel Handbook – Authorizing 90 day Leave of Absence (with changes), authorized by Supervisor, by Tom Linkel, seconded by Tom Wilson, all in favor.

Letter – Ray Mason (Keeler/Reservoir Drainage Area): A letter to Mr. & Mrs. Ray Mason acknowledging that their property located at 10043 Keeler Road, will not be included within the

drainage area of the proposed drainage improvements on the Jerome Erfman and Don Jones properties. Motion to sign the letter by Tom Linkel, seconded by Eric Roberts, all in favor.

Surplus Equipment: The White's auction is coming up on April 8, 2017. We will need a consignment list and pictures by the March 6th meeting. Currently we have the Sheriff's boat and some vehicles. Do we have any other pieces of large equipment and do we want to put a reserve on the boat. It was decided to put a reserve on the boat.

INDOT – Right of Entry: There was a discussion on the Right of Entry for the State of Indiana (Department of Highways) to temporarily stockpile R-35255 concrete spoils (i.e. sidewalk curb) at the Franklin County Recycling Center. Dave O'Mara would be the contractor. Tabled.

Approve Payroll: Motion to approve payroll by Tom Linkel, seconded by Eric Roberts, all in favor.

John Estridge: He was approached by a County official who says the Area Planning Commission and Board of Zoning Appeals do not have jurisdiction over anything having to do with Brookville because Brookville has not adopted the County's Zoning Code. Tom Wilson said that Laurel has adopted the Code fully. The other Towns have not. We do not have a unified code at this time.

There was a further discussion about the change in payroll ending on a Thursday and the possible loss of overtime for highway employees.

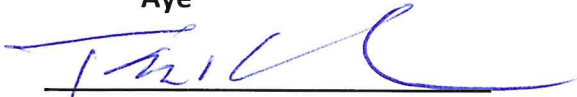
Adjourn: Motion to adjourn meeting by Tom Wilson, seconded by Tom Linkel, all in favor.

Others in Attendance: Mildred I. Simmermeyer, Betty Lecher, Ray Kersey, Sara Duffy, Ted Cooley, Bill Schirmer and Nathan Meyer.

MINUTES FOR FEBRUARY 27, 2017 ACCEPTED.

Aye

Nay



Tom Wilson

Tom Wilson

Tom Linkel

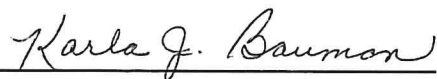
Tom Linkel



Eric Roberts

Eric Roberts

ATTESTED:



Karla J. Bauman, Auditor