

ANDREWS TOWN COUNCIL MINUTES OF A PUBLIC MEETING HELD JULY 13, 2020

A public meeting of the Town Council of the Town of Andrews, Indiana convened on July 13, 2020 at 6:00 p.m. at the Andrews Volunteer Fire Department in accordance with applicable law and pursuant to appropriate notice.

ROLL CALL

Council Members John Harshbarger, Laura Dillon, and Roger Newsome, Jr were present. Clerk-Treasurer Laury Powell declared a quorum was present and the meeting would continue.

APPROVAL OF COUNCIL MINUTES

Laura Dillon made a motion to approve the council minutes for four recent meetings, a regular session on June 8, 2020 and three special sessions on June 4, 19, and 22, 2020. Roger Newsome, Jr. provided a second for the motion, and it passed unanimously.

ERIC WOODMANSEE

Eric Woodmansee, of AME Consulting, presented a wrap-up of the McKeever Street OCRA Storm Water Project. The final documents and pay voucher are ready for approval and John's signature, along with the release of the retainage. Dillon asked Eric to explain the various phases of the overall storm water project and repaving schedule to those in attendance. He stated the just completed OCRA Project, from Jackson St to the bridge, was Phase 1. CCMG 2020-1, which was recently awarded, will complete Phase 2 of the storm water project from Jackson to State Street. This phase will also include a mill and repaving of McKeever from Jackson down to Snowden Street. Another CCMG application is planned to do the final Phase 3 of the storm water project from State to Leedy Lane, along with a mill and repaving of that section of McKeever Street. Huntington County has plans to replace the bridge on McKeever Street sometime in the near future. Once the bridgework is done, it's expected that the County would pave McKeever from the bridge up to Snowden Street. The Town does not want to pave that section now, only to have it torn up during the bridge replacement.

OLD BUSINESS

Council next discussed whether or not to resume regularly scheduled meetings twice a month. Laura Dillon motioned to keep one meeting a month, at 6:00 PM on the second Monday, thru at least August. Newsome seconded the motion and it passed with a vote of 3-0. Due to a resurgence of COVID-19, the Governor has delayed the full reopening of the State. Council agreed the Town Hall should remain closed to the public, except by appointment. Clerk-Treasurer Powell agreed with this decision and stated she would still like to see the installation of a Plexiglas shield at the customer window before reopening the lobby to the public.

NEW BUSINESS

After much anticipation, it was announced that Dollar General will open to the public on Wednesday, July 15th. John Harshbarger stated there has been a dispute with the Northrups as to whether or not the 2" sewer line for Dollar General, which is located 4 feet underground, is in the right-of-way or if it runs thru a small portion of their property. If the sewer line does run under a portion of Northrup's property, the Town would next go through a condemnation process to purchase this small piece of land. A survey on the south side of the river is not yet complete and will determine what action, if any, will be taken. The subject was tabled for now.

Even though the Andrews Summer Festival was canceled this year, residents still want to hold community wide garage sales on that weekend according to Powell. With Council in agreement, Dillon motioned to waive all garage sale permit fees for August 7, 8, and 9. Newsome seconded the motion, and it carried 3-0.

A delinquent account payback program was brought up next. Harshbarger stated this has become a major issue with over \$22,000.00 in outstanding debt. Dillon stated at least \$15,000.00 was delinquent before the current water crisis. Powell discussed the necessity of such a program and details on how it would work from her prior discussion with Adrian Halverstadt, Town Attorney. Due to the Governor extending his Executive Order into August, Council must now wait until then to consider action on the delinquent accounts. The Governor's Executive Order no doubt has made a negative impact on the Town's utility funds. This subject was tabled for now.

DEPARTMENT REPORTS

Police Department: Town Marshal Austin Bullock reported 3 out of 5 soft body armor vests have expired after 5 years shelf life, according to Indiana state statute. US Uniform & Supply has supplied a quote to Austin. He has submitted grant applications to assist in funding the expense. Dillon motioned to allow Bullock to purchase the 3 new safety vests, with a second from Newsome. Motion passed unanimously. Bullock also reported to Council that annual firearms training was done and that Deputy Marshal Dean Young will have completed Law Enforcement Academy training and will return to work by the end of July.

Fire Department: Fire Chief Tom Wuensch stated an insurance audit was recently completed by his department. It focused mostly on the trucks, while driving ability and skills were also evaluated. Out of 75 questions, Tom had only 2 areas to make improvements on.

Utility Superintendent: Colin Bullock had no report at this time.

Clerk-Treasurer: Laury Powell informed Council she recently completed an IPEP audit. She next spoke on the Anthem BCBS and Parkview dispute and the lack of a contract agreement. Should the two part ways, the town employees would be negatively affected since Anthem provides health insurance for the town. Powell next read a letter from Phil Sunderman, 257 S Main St, which asked the Town to reimburse him for the expense of a sewer auger rental. Resulting from accidental damage caused during the storm water project, his sewer line became blocked with crushed stone. Colin Bullock and Dana Howell worked to reopen the line from the town's side, but Phil had to work several feet into the sewer line from his side of the blockage as well. Councilmembers were surprised and sorry to hear of the incident. All were in agreement to reimburse Mr. Sunderman the \$32.10.

CLAIMS

Laura Dillon stated she reviewed the claims for June 22nd and July 13th and they looked good to her. Dillon then made a motion to approve the claims as presented, which was seconded by Roger Newsome, Jr. Motion carried 3-0.

OTHER BUSINESS

Dillon spoke about the water distribution process and schedule, including the need for volunteers. The Town has spent approximately \$2,000.00 on drinking water for the community. The rest of the water distributed has come from donations. The bottled water inventory is currently low, but additional deliveries of drinking water are expected soon from Meijer, Salvation Army, and Community Harvest Food Bank.

Council President Harshbarger next answered questions from residents in attendance. Discussion ensued between council members and residents on each topic.

Bev Stepler, 428 N Jackson St, asked who enforces the high grass and weeds ordinance, as well as violations of the request to curb non-essential water usage during the Town's water emergency. Town Marshal Bullock replied that his department writes the violations. The high grass/weeds and debris

nuisance issues are an ongoing problem, usually with the same properties in violation on a revolving basis.

Deb Veilleux, 55 N Maple St, inquired about the safety of her pool, the impact to her property value and the inability to sell a house in Andrews at this time due to the groundwater contamination. She also asked if the Town has a Plan B if Raytheon refuses to do anything. Harshbarger said we did not contaminate our well water. Raytheon did this damage and IDEM allowed the problem to continue for the last 26 years. He also stated the Town has no Plan B to correct the water situation. He explained the hidden costs associated with the SRF and OCRA grant programs. The Town cannot afford to and should not have to pay for the installation of new wells if and when it comes to a Plan B. Water utility rates would definitely be raised. The Town is pursuing Raytheon and IDEM, through legal channels, to correct the water contamination issue. A Plan B would come after the lawsuit. Dillon stated the Town may look to other nearby sources for clean water. She mentioned that Norwood RWSD has two clean wells and a plant from which a forced main could run water to Andrews. Maybe Raytheon would agree to putting wells somewhere, such as Norwood, to run clean water to Andrews instead of drilling new wells. Taft Law attorney Rod Michael also spoke to answer the concerns. He explained that there are currently multiple lawsuits. One, filed in 2016, is to address the soil and water contamination underground and the resulting vapor intrusion, which will take a while in court. The lawsuit filed in June is to address the issue with the drinking water due to the rapid increase of contamination in Well 1 combined with a recent catastrophic failure of the air stripper. Mr. Michael stated this is an emergency situation for the Town and then he thoroughly explained the details of the June 19th Preliminary Injunction filed in court. A quick review of water testing and discussions between the Town, IDEM, and Raytheon since that filing was also discussed. Mr. Michael next answered the question why there was no longer a class action suit for Andrews residents. A judge last fall denied the class action, so now residents must appear personally in front of the court. Town residents may still speak with Taft Law if interested and should contact Clerk-Treasurer Powell for more information.

Linda Curry, of 822 N Jackson St, wanted compensation for the recent inconvenience reflected as a credit on her utility bill. Harshbarger stated the Town will not issue a water credit. Why should the Town credit residents for an inconvenience caused by Raytheon? The water department cannot afford to lose any revenue it needs to remain operational. The current rates are not high enough to allow savings in a water improvement fund, as originally intended. If water went through your meter, you used it, and yes you will owe the money.


Jacob Cormany, 160 N Leedy Lane, stated he was worried about the safety of his home and neighborhood after learning of the Town's leaking water lines in his area. Harshbarger stated this is a prime example of the water infrastructure conditions underground which the Town does not have the money to fix without raising rates. Repairs are made as we find the worst leaks. It's an expensive process. The water is just running into the ground and IDEM has said the water is safe according to their standards, even though the Town does not necessarily agree with them.

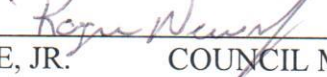
With no further questions, Council President Harshbarger thanked everyone for attending.


Roger Newsome, Jr. made a motion to adjourn the meeting at 6:51 p.m., which was seconded by Laura Dillon.

Approved this 10th day of August, 2020.

APPROVED BY  as
JOHN HARSHBARGER COUNCIL PRESIDENT

APPROVED BY  as
LAURA A DILLON COUNCIL MEMBER

APPROVED BY  as
ROGER NEWSOME, JR. COUNCIL MEMBER

ATTEST BY  as
LAURY L POWELL CLERK-TREASURER