

MARSHALL COUNTY BOARD OF COMMISSIONERS
MINUTES
MONDAY, JUNE 6, 2011

The Board of Commissioners of Marshall County, Indiana, met in the Commissioners Room, in the City of Plymouth, Indiana at 8:30 a.m., Monday, June 6, 2011, for a regular meeting. Present were Kevin Overmyer, President; Jack Roose, Vice President; Greg Compton, Member; County Attorney James Clevenger and Auditor Penny Lukenbill. The meeting was opened in due form and the business before it heard.

MIKE LINTNER, EXECUTIVE DIRECTOR MSDC
PROGRAM UPDATE

Mr. Lintner presented a brief update on the Marshall-Starke Development Center's programs and financial concerns. The Center serves 213 adults with disabilities, 139 of whom are Marshall County Residents, by offering various programs including supported living and employment opportunities. There are also currently 91 three-to-five year olds participating in the Head Start Program, and 20 families in Early Head Start, which assists with developing parenting skills.

Through an agreement with the county, the Center purchases fuel from the Highway Department, enabling them to save 50 cents per gallon. In the first ten months of their fiscal year, they purchased \$52,900 worth of fuel from the county, representing 44% of their total fuel purchases. Starke County does not offer a similar program, making it necessary to purchase gas from retail stations there. Mr. Lintner emphasized that fuel purchased through Marshall County serves Marshall County residents and programs.

Approximately two-thirds of their \$5.4 million annual budget is government funded, supplemented by Medicaid reimbursements and profits from their manufacturing program. They receive \$100,000 from Marshall County, \$40,000 from Starke County and \$30,000 from Fulton, in proportion to clients served from each county. With 165 employees, payroll comprises over two-thirds of their budget. Revenues have decreased about \$90,000, largely due to reduced Medicaid reimbursements, but the Center continues to offer essentially the same services. However, they have discontinued the Healthy Families program and the Transition program, which assisted recent high school graduates in adjusting to everyday life.

For 2012, state revenues appear to be stable, although Medicaid reimbursements are still uncertain. Mr. Lintner extended his appreciation for the support received from the Commissioners and Council.

CLYDE AVERY – EMA DIRECTOR
MONTHLY REPORT

Meetings attended: County Council and Commissioners; District 2 Planning Council and General meeting; Coordinator; EMA Advisory Council; LEPC; Starke EMA director; Plymouth Schools safety meeting; District 2.

Training attended: EMA workshop in Michigan City;

Miscellaneous: Prepared for and participated in 3-day National Level Exercise "Shaking Bedrock"; monitored severe weather warnings and assisted in damage assessment; Church Disaster Assistance Group; conducted Monthly Radio check and Web EOC status change; monthly IDHS conference call.

Grants update:

1. The 2010 EMPG sub-grant of \$23,089.76 has been received, and will be used to defray a portion of the director's salary.
2. Currently working on ACAMS grant for security enhancements at the Courthouse.

General:

1. No changes were recommended to the Comprehensive Emergency Management Plan. Next scheduled review will be May, 2012.
2. No changes were recommended to the proposed Direction and Control Annex C, which will be submitted for adoption at the July 5 meeting;
3. Several recommendations were made during review of the Warning, Public Information and Communications Annexes, and will be included in the revision.
4. Summer intern Kirk Hinz will be working 2 days a week.

Community Outreach: Sixty All Hazard Emergency Alert radios will be distributed in the next few weeks to those unable to afford them. The annual Weather Radio Programming Day will be held July 16.

Mr. Clevenger has reviewed the sub-grant agreement and recommended approval.

Jack Roose moved, seconded by Greg Compton, to approve the EMPG sub-grant agreement for \$23,089.76, to reimburse a portion of the EMA director's salary. Motion carried 3-0.

RICH ULRICH – BUILDINGS & GROUNDS
PERSONNEL REQUEST

Rich Ulrich requested approval to replace a vacant full-time maintenance position, which will eliminate the need for a part-time position and reduce overtime costs.

Jack Roose moved, seconded by Greg Compton, to recommend replacement of a full-time maintenance position in Buildings and Grounds. Motion carried 3-0.

MICHAEL MARSHALL –IT DEPARTMENT
TELEPHONE SYSTEM RECOMMENDATION

Mr. Marshall reported that a committee including Kevin Overmyer, Judith Stone, Ralph Booker, Larry Fisher, Rich Ulrich, Penny Lukenbill and Debbie Palmer, had met several times to discuss replacement of the telephone system in the courthouse and county building. After reviewing proposals from New Paris Telephone and Century Link, they have recommended the system proposed by New Paris Telephone. The new system will replace existing telephones, utilize existing cabling between the two buildings, and enable much of the circuitry to be moved from the boiler room to the server room. The proposed cost is \$72,500, and includes a five-year warranty. New Paris Telephone has installed similar systems in Carroll, Cass and Kosciusko County governments, and come highly recommended. Mr. Overmyer stated that the Century Link proposal provided for keeping most of the current 30-year old telephones rather than replacing them, and the committee felt that the New Paris system offered better value and service.

Jack Roose moved, seconded by Greg Compton, to recommend the purchase of a new telephone system from New Paris Telephone, in the amount of \$72,000.

However, upon further discussion of possible additional wiring and hardware needs, Mr. Roose amended his motion: **“To recommend the purchase of a new telephone system from New Paris Telephone, in an amount up to \$75,000 from the Rainy Day Fund.”** The amended motion was seconded by Greg Compton and carried 3-0.

ANGEL OLIVA – ATM PLACEMENT

Mr. Oliva of Acme ATM requested permission to place a cash machine in or near the Clerk's office. The ATM is supplied by the Access to Money Corporation located in New Jersey, and he personally fills and maintains the machine. He has already placed units in St. Joseph and LaPorte County government offices. The county will receive 50 cents from each \$2.50 transaction fee. Mr. Compton had concerns about the legality of the machine and questioned whether it meets federal regulations.

Jack Roose moved, seconded by Kevin Overmyer, to allow Mr. Leva to place an Acme ATM in the Clerk's office. Motion carried 2-1, with Mr. Compton voting against.

SHERIFF TOM CHAMBERLIN
LAKE ENFORCEMENT

Sheriff Chamberlin and Lake Maxinkuckee Association representatives Jane Grund and Ted Schenberg were present to discuss a proposed agreement for a lake patrol. Under the terms of a Memorandum of Understanding between the County and the Association, the Sheriff will provide 800 patrol hours between June 1 and September 15, utilizing sheriff merit officers and three officers from the Town of Culver who are DNR certified. Patrol hours will be in addition to the officers' regular duties, and the Sheriff's Department will separate hours for county business and lake patrol duties.

The patrol will be partially funded by a \$15,000 DNR Marine Patrol Grant, with the balance to be paid by the lake association. Ms. Grund presented a check for \$30,000 to the Auditor for credit to the Lake Enforcement Fund. Mr. Schenberg explained that as a 501c public charity, the Lake Association is dedicated to providing safety on and around the lake. Membership is not restricted to just lake residents, but is open to all area residents.

Mr. Clevenger has reviewed the agreement, which also provides for the transfer of two boats and miscellaneous equipment to the county. Mike Miley has also reviewed the agreement for insurance coverage issues.

Jack Roose moved, seconded by Greg Compton, to approve the Memorandum of Understanding between Marshall County and the Lake Maxinkuckee Association for the patrol of Lake Maxinkuckee. Motion carried 3-0.

COUNTY ATTORNEY REPORT

County Attorney James Clevenger presented his report, which included:

Old Business:

Jail sewer line easement: RQAW is developing a legal description and other information for the easement. A meeting has been scheduled with Mr. Eckard's attorney on June 7 to discuss the matter.

US 31 Relinquishment: After meeting with Roger Ecker of the Town of LaPaz, a memorandum of understanding is being prepared between the County and the Town of LaPaz concerning maintenance of Michigan Road after it is relinquished to the town.

Lindsey Einspahr v. Court Services: He continues to work on the matter on behalf of the county.

New Business:

EMA salary reimbursement sub-agreement: He has reviewed the agreement, which appears similar to prior agreements, and is not negotiable. The agreement provides for payment of \$23,089.76 to reimburse up to one-half of the directors salary, and does not include fringe benefits.

Sheriff/Lake Maxinkuckee Association agreement: He has reviewed the proposed agreement for patrol of the lake, and Mike Miley of Gibson has approved portions that affect insurance coverage. There are a few minor form suggestions, but otherwise the form is approved.

Personnel/HR: Debbie Palmer has requested a review of the county's deferred compensation plan.

NEAL HAECK – HIGHWAY REPORT

Road cuts: Mr. Haeck will present one road cut request later in the meeting, to allow the surveyor time to review it.

Pierce Street Bridge: The request for application of additional federal credits has been submitted to INDOT, and final approval is still pending.

1st Road and Maple addresses: Mr. Haeck has discussed the addressing issue with 911 and GIS, who both recommended against changing the Maple Road addresses to 1st Road.

RON WIREMAN - DLZ
PINE ROAD UPDATE

G.E. Marshall has completed approximately 65% of the peat removal, and expects to complete the process in about two weeks. Rieth Riley has completed most of the pipe structure placement between Lincoln Highway and Jim Neu Drive, and will continue working on it after the peat removal is completed. They have also milled existing pavement on Pioneer between Lincoln Highway and Miller Drive. Mr. Wireman reported that it is necessary to use twice the sand material in the peat removal process than was originally planned. The added work and wet weather have added time to the project, but it remains on schedule for September 14 completion and is currently 63.2% complete.

AUDITOR REPORT

Minutes of the May 16, 2011 meeting: **Jack Roose moved, seconded by Greg Compton, to approve the minutes of the May 16, 2011 meeting as presented. Motion carried 3-0.**

June claims: **Greg Compton moved, seconded by Jack Roose, to approve the June claims as presented. Motion carried 3-0.**

COMMISSIONER ITEMS

Tax-sale certificates assignment: Tax-sale certificates were presented for assignment to the City of Plymouth and the Town of Culver for four parcels being donated to them.

Greg Compton moved, seconded by Jack Roose, to execute the tax-sale certificate assignments to the City of Plymouth and Town of Culver. Motion carried 3-0.

Personnel Policy Amendment – Firearms Policy: To reflect the recent change in state law, the Auditor presented Ordinance #2011-09a to amend the personnel policy. The amendment deletes the existing language in Section 6.9 which requires employees to file a Firearms Notification Form with the Auditor's office before bringing a firearm, ammunition or other weapon onto County property.

Jack Roose moved, seconded by Greg Compton, to approve Ordinance #2011-09a, amending Section 6.9 of the Personnel Policy. Motion carried 3-0.

Personnel Policy Amendment – Hiring Policy: The Auditor also presented Ordinance #2011-10a, an amendment to clarify the hiring process at section 2.1 in the Personnel Policy. The policy will now require all department heads - except those appointed by the Commissioners - to request approval only from the County Council when seeking to replace a vacant position. All department heads appointed by the County Commissioners will request approval only from the Commissioners. The amendment also states that the County Auditor/HR Department will not process any new employees unless authorized by the appropriate body.

During discussion, Mr. Overmyer stated the amendment should bring clarity and uniformity to the process. Mr. Compton felt the policy should be reviewed every year, and that elected officials should be responsible for deciding to replace employees. Mr. Roose stated that the review and approval policy should be made a permanent part of the personnel policy.

Jack Roose moved, seconded by Greg Compton, to approve Ordinance #2011-10a, amending Section 2.1 of the Personnel Policy. Motion carried 3-0.

Gypsy moth treatment letter: The DNR has requested a letter from the commissioners approving the gypsy moth treatment in the county this summer.

Jack Roose moved, seconded by Greg Compton, to approve the letter to the Department of Natural Resources approving the gypsy moth treatment in parts of the county during the summer. Motion carried 3-0.

ROAD CUT REQUEST

Mr. Haeck presented a request from M & M Tiling for a road bore on 20th Road between Birch and Apple Roads in Tippecanoe Township. The surveyor has reviewed and approved the request.

Jack Roose moved, seconded by Greg Compton, to approve M & M Tiling's request for a road bore on 20th Rd between Birch and Apple in Tippecanoe Township. Motion carried 3-0.

ADJOURNMENT

With no further business to come before the Board, **Greg Compton moved, seconded by Jack Roose, to adjourn the meeting at 10:25 a.m. Motion carried 3-0.**

Kevin Overmyer, President

Jack Roose, Vice President

Greg Compton

Attest: _____
Penny Lukenbill, Auditor