

WHITE RIVER TOWNSHIP  
BOARD MEETING  
JUNE 22, 2012

ATTENDEES: Mark Messick, Greg Rainbolt, David Pollard, Margaret Young and Mary Lou Habicht

Meeting was called to order at 11 AM by Greg Rainbolt followed by the Pledge of Allegiance.

Greg Rainbolt: Next on the agenda is the Approval of WRT Board Meeting Minutes from April 24, 2012. Do I hear a motion?

Peggy: I make a motion.

Dave: I second.

Greg: Having a first and a second, do I hear any discussion on the minutes?

Peggy: Not from me.

Dave: No.

Greg: No discussion I would like to ask for a vote for approval of the April 24, 2012 minutes. All those in favor indicate by saying Aye (all board members said Aye). Three Ayes, approval of the minutes is passed. Next on the Agenda is WRT Resolution 2012-06 and that is a policy on nepotism in contracting. We have the resolution in front of us.

Mark: The first one is the policy on nepotism and the second one would be the one concerning contracting.

Greg: Right.

Mark: So this is nepotism in employment I guess.

Greg: OK we did not have a number; there is no number on it.

Mark: This is 06.

Greg: Ok we can change that, it is just a technicality.

Mark: I mean we are fine.

Greg: This is nepotism in employment. Ok. Do I hear a motion?

Mark: I have it backwards on here, I'm sorry.

Greg: That's fine. I emailed you.

Mark: I got it backwards.

Greg: Do I hear a motion?

Peggy: I make a motion.

Dave: I second.

Greg: Having a first and second do I hear any discussion?

Peggy: And this is coming straight from the State of Indiana?

Mark: The resolution is not straight from the State of Indiana. There is a code that covers this and this resolution is one that is put forth by the ITA and I was able to get a copy of it and just put our information in it. In other words I just put Johnson County Indiana and WRT and then your names at the end. So this is the resolution that a majority of the townships in the state are going to be looking at as provided by the ITA. It did not cost us anything. I have looked at the code which I have here for you if you want to look at it. It does cover everything in the code.

Dave: ITA being Indiana Teacher's Association?

Mark: No Indiana Township Association.

Peggy: That is ISTA.

Dave: That's right.

Mark: Initially this was prepared for the ITA by Mr. Buschmann.

Greg: Right. So this is exactly except for the change of Johnson County and WRT being inserted.

Peggy: I make a motion to approve.

Dave: I second.

Greg: Having a first and second we will take a vote. All those in favor indicate by saying Aye (all board members said Aye).

Mark: I'm going to need all four copies signed on both of these resolutions and we can do it at the end if you want mainly because I have to submit them to SBA and other people.

Greg: Ok.

Dave: Can we all sign one and make copies, is that not acceptable? It does not make any difference to me.

Greg: WRT Resolution 2012 - 06 nepotism in employment has passed. The next on the agenda is WRT Resolution 2012 - 07 which is nepotism in contracting. Do I hear a motion?

Dave: I make a motion.

Greg: Do I have a second?

Peggy: I second.

Greg: Having a first and second we can discuss this. Is this Mark generally what we just...

Mark: It is the same thing as the last one, the ITA submitted this again. Mr. Buschmann prepared this and I was able to get a copy of it and put our information in it.

Greg: Do we have any other discussion on this?

Dave: I make a motion that we accept it.

Peggy: I second.

Greg: All those in favor of approving WRT Resolution 2012 - 07 nepotism in contracting indicate by saying Aye (all board members said Aye). WRT Resolution 2012 - 07 nepotism in contracting has been approved. The next portion is anything from the trustee.

Mark: I had mentioned before when we got the school's lease taken care of that I would be bringing a resolution to the board to take care of the one for the sheriff's department. The

sheriff's department lease as you have all seen was signed by Mr. Marks and by John Price and it meets all of the requirements in that way. The only thing it did not meet was board approval because it was never presented to the board and was never approved by the board. So I would ask that the, I have a resolution that I would like to be read into the minutes and then approved by this board and I will read it if you want me to before I even give you a copy of it.

Greg: You can but I...

Peggy: I don't want to move on this yet. I would like to read it, I would like to take it home and look at it first.

Greg: Right.

Mark: But you have all had copies of that lease for a long time but I will give it to you. Let's just read it and we can act on it later. The sooner we can do this the better off the township is.

(Mark read the sheriff's lease). You guys can take it with you and I will have another one for you when you can come back maybe next week if you don't want to act on it today.

Greg: No I don't want to.

Peggy: I don't either. I have not looked thru it but are there any terms in here bartering like the school system that we had issues with?

Mark: This has already been approved by Jay Marks and John Price.

Peggy: Well the other was too but you had an issue with it.

Mark: There was never a lease with the other.

Peggy: All they had to go was put lease at the top and then it was a lease. We spent over \$10,000. I know we keep going into this but my point is we had an issue with trash pickup, we had issues with mowing, we had issues with changing light bulbs, is the sheriff responsible for doing anything like that?

Mark: The sheriff is responsible to maintain their space, they will take care of their own trash.

Peggy: Their space, ok.

Dave: You don't have any exhibit in here showing the domain they are supposed to have.

Greg: The back page, the very back page.

Dave: There you go, I did not see it.

Mark: The only other thing I have for you today is I passed out the annual reports to where we are. We passed out what we have done in April, May and June. Then I would like to discuss the budget calendar.

Peggy: I did not bring my calendar with me.

Mark: We are in the part of the year now that if we don't put this on the calendar, I would like to at least discuss it and take some dates and then Greg can get back with me on when you guys want to meet. I am meeting for Gateway training next Wednesday. I have to do that because they changed some stuff this year. I would like to have a workshop with the board in July. I know you guys would normally meet on a Tuesday, is that right Greg?

Greg: Yes.

Mark: I would like you, I think last year we had more than one workshop.

Greg: Yes and both of them were in August.

Mark: But this time they have moved things up on us a little bit. I would like to have this in July either the 17<sup>th</sup>, 24<sup>th</sup> or 31<sup>st</sup> if you guys want to pick one of those three dates.

Dave: As long as I'm notified as least a week ahead.

Peggy: I don't have my calendar.

Greg: Would that be a Tuesday at 7 or what?

Mark: Whatever you guys decide. I would just like to meet with the board before we take it to the council.

Greg: The 17<sup>th</sup>, 24<sup>th</sup> or 31<sup>st</sup>. Any of those dates and if everyone is available we can meet during the day or we can meet at night.

Dave: Just as long as I know a week ahead of time.

Peggy: We will get with you.

Greg: Ok.

Dave: Again I have a question concerning that, the budget meeting. Are we having more than one?

Mark: Well this is the workshop so you guys can put input in and we can have more than one, last year we had two before we got to the actual formal meetings.

Dave: I don't think that is necessary do you?

Mark: That is what I just said, just one meeting will probably do. If we see the need for another one we should have time to have a meeting for another one.

Greg: Then last year we went thru, we will see how our thoughts go in the budget meeting.

Mark: The reason I would like to have it then is because on August 6<sup>th</sup> I meet with the DLGF and at that time basically I have to give them our proposed budget even though it is not one that we have submitted to the public or anything else. That is the starting point for them and I would rather give them one that is closer to being what we are actual going to do than one that has extra numbers in it. So August 6<sup>th</sup> is not something for you but it is the date that I have to. Then August 31<sup>st</sup> is the last date for us to submit a budget to the county council. We have to adopt a budget no later than November 1<sup>st</sup>. That is kind of a ridiculous date and I have always felt that was a ridiculous date so I am suggesting that we have our budget meetings for the public hearing on September 4<sup>th</sup> which is the Tuesday after Labor Day and then September 18<sup>th</sup> for adoption.

Greg: Now didn't we have adoptions in October last year?

Mark: You know I can't speak on that, I don't have that calendar handy. But we are moving this up because we were having meetings that were really after the fact basically. The last possible date that we can publish for a meeting is September 13<sup>th</sup> and September 20<sup>th</sup> and we have to have everything to the Johnson County Council by 1 PM on the last day of August. They have

their nonbinding meeting on September 25<sup>th</sup>. That is the council, that is when they have their nonbinding public hearing. We have to adopt the budget by November 1<sup>st</sup> by statute. That's it.

Greg: The next thing is any other business that may come before the board and I have some questions for you Mark on the letter, the certified letter from the School Corporation. Does everybody have their copy?

Peggy: Yes.

Greg: Mark what has been our official response to that?

Mark: I copied you on it.

Greg: Right.

Mark: That's it.

Greg: That's it?

Peggy: What was the response?

Dave: I have not seen it.

Mark: The response was we have no written policies to what we plan to do with the building. I would like to have a discussion between Mr. Arkanoff and Mr. Rainbolt and myself and Dr. Long if they want to be involved.

Peggy: Discussion for what purpose?

Mark: We disagree, I disagree with the superintendent's letter but I'm not going to get attorneys involved. Basically it does not say any portion of the building, it says the building. As trustee one of my duties is to manage the township property so according to our attorney if I were to rent or lease the back portion of this building that is part of our duties and so it is being done for township business. It would not trigger the clause that the superintendent is talking about. Apparently they may feel differently.

Peggy: That letter states that, is that correct?

Greg: Yes.

Dave: Have you seen this?

Greg: Actually Dave brought this to my attention Mark and I evidently...

Mark: Here is the deal and I spoke with Greg. Basically if this is going to be a hassle we are just going to be out of the money that we could have had from leasing the back part of the building to a driver's education or to Sylvan Learning or somebody like that.

Peggy: If it is a government entity, correct, isn't that what it says, another governmental entity?

Greg: That is their position yes. Mark's position...

Peggy: As per the special words doesn't it say that, a local governmental entity for WRT purposes?

Mark: We are a governmental entity and we do occupy this space and part of our job is to manage the rest of the building and that is the position our attorney has taken. But Peggy let's not argue about this, if it is a problem, it isn't happening.

Peggy: Ok, I'm just saying the problem we have an issue, we had a problem with the school lease and we pushed it.

Mark: Are we done with that?

Peggy: Not we, you pushed it.

Mark: The state pushed it.

Peggy: I want to see the document Mark because I do not believe that. If it was such an issue...

Mark: I will ask the lady to give us an actual written document.

Peggy: Please do.

Mark: When we have the audit this year.

Peggy: Ok.

Greg: As I was going to say and Dave brought this to my attention I did not see this, I evidently skimmed over it and it said more importantly we would appreciate receiving from the township as soon as possible any written documentation regarding the township's anticipated lease or use of the WRT property in order to openly address these concerns.

Mark: We don't have any written documents and that is what I responded and that is what my response was. If you open it up you can read what I responded to him to the board.

Greg: I remember seeing that. Let me get this up, just give me a second here.

Dave: I just wish, the school is not going to have a problem if we lease part of the building out to another governmental agency.

Mark: There is no other governmental agency interested.

Dave: I did not say there was or wasn't, I'm just saying it is how I read the letter.

Mark: And that is how I read the letter too and I don't disagree with that. Our attorney disagrees that it has to be a governmental entity. Our attorney feels like that we own this building, we are doing business in WRT in this building and if a portion of this building is available to be leased to someone else that we have the right to do that. Their letter says any, any portion of the building. No we occupy this building, we are doing business for WRT in this building. We own the building. We own the property. We are not giving part of the property away or anything.

Greg: This is your email to Mr. Arkanoff. Rich the township has no written documentation regarding the township's anticipated lease of township property. I understand you may be available to talk this week and will be on vacation next. I will be on vacation when you return. If can spare 5 minutes on the telephone this week I feel comfortable that any concern you may have can be answered. All my best, Mark. I did get a response from Mr. Arkanoff. This is what Mr. Arkanoff sent back. Hello Mr. Messick I have two questions: 1. What would be the purpose of our meeting. 2. Are you saying the township does not have a copy of the original land swap agreement? Thank you, Mr. Arkanoff.

Peggy: Do we have that?

Mark: Yes.

Greg: Have you had another notification from Mr. Arkanoff?

Mark: No.

Greg: Ok.

Peggy: So that is where it is left.

Greg: Yes.

Mark: Basically what I told Greg, if it is an issue, it is dead. We just won't lease part of this building. We will put it in our budget that we have to maintain the whole property.

Dave: Again if we could find a governmental entity that wanted to lease it I don't think the school would have a problem. I think it would be the proper thing to do. That would relieve us of the maintenance of the property outside and inside. Again that is my opinion, I'm not an attorney. When I read this I don't think the school would have a problem with that and if you do have a meeting with Mr. Arkanoff concerning this particular problem, I would request that we three be involved because we are addressed in his letter.

Mark: I asked, without it being a board meeting, I asked Greg to attend any discussion or any meeting.

Dave: I said the three of us.

Mark: That is up to you guys. I don't think that is necessary since it is addressed to me individually.

Dave: It is not addressed to you individually my name is on there too.

Mark: Right, I'm not going to get all three of you on the phone to talk to the superintendent.

Dave: You don't have to, we can have a meeting. I can do that too if you want me to, I can get us all connected if you want to.

Mark: Basically it is a dead issue.

Greg: Yes.

Mark: Unless I pursue a lease with somebody, the board does not have the right to pursue a lease with somebody. That is my job.

Dave: I have a right to answer his letter when it is addressed to me.

Mark: You answer his letter but I say it is a dead issue, I'm not leasing the building to anybody other than a governmental agency.

Dave: Why don't you tell Mr. Arkanoff that? That is what he asked for.

Mark: We have no written document and I'm not going to provide a written document to him saying that we are going to do anything or we are not going to do anything. It is dead, it is done, I will call him and say hey we are taking the sign down, we are not doing anything.

Greg: So from his response to your email that pretty much, this is what I read into it and tell me if you think I'm wrong is that...

Mark: I don't read anything into it because I have not had any discussion with Mr. Arkanoff.

Greg: From what I read into his second response back to you on the thing is that he is basically saying it is certified and that is how I'm reading it, he is saying this is what our position if you have something different...

Mark: We are not going to have a position.

Peggy: So we just need to send him an email saying that, right? We are not leasing this unless it is a governmental agency. Is that correct? Is that what you are saying?

Greg: That is up to Mark.

Peggy: I know but is that what you are saying?

Mark: What I'm saying is that we don't have a written document that says we will or will not lease this building to someone else.

Peggy: But didn't you just say it is a dead issue, we will only lease it to a governmental agency?

Mark: If that is his problem is what I said, if that is his problem.

Dave: Then there is a possibility that we will lease it?

Greg: Right. If he has no problem from what I'm understanding Mark. If he has no problem with the tenants that you propose to put in here.

Dave: Then I think we should do that. I think we should gain more money if we can.

Mark: Dave I think we should approach, we have a driving school that would like to have a classroom and an office. If the school board were to say that we can do that I think that we should pursue that too, not just a governmental agency, not just a governmental agency.

Dave: Not according to that.

Mark: According to that you can amend that.

Dave: It would have to be amended.

Mark: I'm not going to fight with the board on this. I have the board's advice. I think the board basically wants not to do anything with this.

Dave: This board?

Mark: Yes.

Peggy: I think you better follow the letter of the law.

Dave: That is what I want you to do.

Mark: That is interesting, you did not want us to do as far as the lease with the school.

Peggy: It wasn't a law. We didn't have any document that said that Mark.

Mark: Yes you do.

Peggy: No we had a verbal.

Mark: You have a township manual. You have a township manual.

Peggy: You said it was a verbal, a verbal note. It was not written down.

Mark: No. no.

Peggy: If we call SBA they are going to say yes WRT, yes we did say that.

Mark: You have a township manual that states the Indiana Code of what has to be done to lease any portion of this building. In that township manual it says a lease must exist, must exist.



The school board's manual under Indiana Code also says a lease must exist for them to come over and lease the building. Not only that the school board has to create an itemized deal in their budget.

Peggy: I want to see, I want to see the note from the SBA. I don't care what is in there. I want to see it.

Mark: It is state law.

Peggy: You may have read into that and you may have thought...

Mark: I did not read anything in it, it is a state law.

Peggy: No, you may have read it and you may have brought it to the attention. I want to see from the SBA a note.

Mark: You actually have the manual.

Peggy: It is not the manual. You said SBA is what drove it, that is what drove the school out of here. That's why we can't take care of it anymore.

Mark: The school did not get driven out of here.

Peggy: Oh they did.

Mark: No they didn't.

Peggy: Sooner than what they were wanting.

Greg: You have your position, I understand the manual and I have heard in their board meeting that they had their position too and they were advised. That is another legal question. That something like this might get up into like one attorney says yes, one attorney says the opposite. It is like anything else.

Mark: It is like I told you it would not be worth the township's benefit to take it to a legal fight because by the time you got any money you would have already spent it.

Dave: Why would you have a legal fight when it is written on paper, it is on paper and all they are asking you to do is tell them what you want to do and they will probably agree to it? All you have to do is talk to them.

Mark: I have made every attempt to talk to them.

Dave: You just now said you are going to do nothing.

Mark: Because I have not gotten a returned phone call.

Dave: You have not returned an answer to his letter.

Mark: I answered that letter. He asked another question after the letter.

Dave: Oh, you answered that there was no written...

Mark: That is what he asked in the letter.

Greg: Yes. Mark and I spoke on this and everything we spoke of has been discussed right here.

Mark: I'm not going to pursue this.

Greg: I understand Mark's opinion on leasing out that area. He would have to consider the tenants as whether there is going to be a fight against the interpretation of the warranty deed and what Mr. Arkanoff sent and Mark said I will not fight this. If you don't want this to happen,

if you don't want us to lease it out, it is over it. Mr. Arkanoff says he does not want us to lease it out to anybody other than a governmental agency, it is over with.

Mark: It is over with.

Dave: I think we are missing the boat.

Mark: I think we are missing the boat immediately. We could lease it out probably next week but it is not going to happen. The only way you will get a governmental agency is to put it in their budget for next year. So nothing is happening. I can't see with the tightness of the county the way it is right now that they are going to spend money on a space up here. There is no other governmental agency that exists.

Dave: That you know of.

Mark: Who would you suggest?

Dave: I don't know of anybody either.

Mark: Local governmental agency.

Dave: I don't know of anybody either.

Greg: Actually I guess what I'm wanting to know is are you going to try to still contact Mr. Arkanoff and state what you just stated?

Mark: I left a message for him, I don't know if he will return my phone call.

Greg: You left a message. If he does not return you phone call are you just going to do nothing?

Mark: I will get the sign taken down.

Peggy: I can't believe the sign was able to be out there. I thought there was an issue with signs out there.

Mark: I think realtors have an exception to signs.

Greg: Any other discussion on this and stuff? I think the school sent us a letter and they are stating their position and Mark has talked to Mr. Watson and he has stated his position, he doesn't think that is correct. Mark said he would not pursue it if there is a problem and he would not get into a fight over it. He still would like to see a driving school or a Sylvan Learning Center in there but if we can't get any response from the school corporation about that he basically is not going to pursue that. Is that correct Mark?

Mark: You are exactly right.

Dave: You are not going to try to get Sylvan? That is another school.

Mark: We are not approaching anybody. I will approach the county council and commissioners and let them know we have space and other than that I'm not approaching anybody. Those are the only two governmental agencies that out there basically in the county in WRT.

Dave: If you want to give up township money why don't you give up part of your salary?

Peggy: I mean come on.

Dave: No seriously.

Peggy: I know but...

Greg: We can do that in the budget hearing if you don't mind Dave.

Dave: I will, you know that. I don't understand why the township would not be open to income.

Mark: Dave I'm very open to income. I have gone out and found out there are people who are interested that would benefit this community and benefit the school corporation even as being good neighbors and we got a letter from the school saying stop what you are doing so we are going to stop what we are doing. I've have approached, I have talked to the county commissioner, John Price and I will approach the county commissioners as a whole to see if they have something they want to put in here because they are the executive group of the county and they would be the ones who would have to approve a lease up in this area. I will make this space available to them. Other than that I have been pretty well told by county council members that there is no money in their budget to spend on property anywhere other than where they already have property.

Greg: So if they would do something they would probably just...

Mark: We would pay the utility bill.

Greg: Yes, they would just move in here just to occupy the space. We would get no benefit out of it.

Mark: We would get no maintenance agreements or anything else.

Greg: Just basically like the sheriff's. It is nice to have them up here and provide protection but other than that...

Mark: The sheriff does offer us benefits. If I need a wellness check or if I need something checked on a piece of property or something like that they are willing to go out and do it.

Greg: They have a presence here.

Mark: We have a building over at 3023 Olive Branch Rd that I get a phone call saying it is abandoned and standing open and I send a sheriff out there every time I get that phone call.

Greg: What particularly I am saying is that they didn't provide the services the school corporation did.

Peggy: When I worked at Franklin Township trustee's office I was the bartering for cleaning the bathrooms and vacuuming. I'm not saying that for the girls to do but that is something I did.

Greg: I still as I told Mark something like that you know if you can use something like that for that it makes sense if you get the right tenant but you know if there is going to be a problem you know just like he said I would not want to spend any legal attorney fees to take care of it or get in a fight.

Mark: There is not enough money for the lease to worry about that.

Greg: Evidently from that letter we know their position. So that being said do we have anything else?

Peggy: No, make a motion for adjournment.

Greg: Do I hear a motion for adjournment.

Peggy: I make a motion.

Dave: I second.

Greg: I have a first and a second, all in favor of adjournment say Aye (all board members said Aye).