

WHITE RIVER TOWNSHIP BOARD MEETING
TRUSTEE'S NOTES
JANUARY 6, 2020

ATTENDEES AT 9 AM: Mark Messick, Richard Huber, Mary Sue Kane and Mary Lou Habicht

Mark Messick: It is Monday, January 6, 2020 at 9 AM and we are at the WRT Government Building. There is a scheduled meeting for Reorganization of the Board at 9 AM. We are opening that meeting but at the present time we do not have a quorum so we will suspend the meeting until such a time as a quorum shows up this morning. It is now 9:02.

ATTENDEES AT 9:30 AM: Mark Messick, David Pollard, Richard Huber, Mary Sue Kane and Mary Lou Habicht

Mark: I would like to call the meeting of January 6, 2020 back to order. We now have a quorum and the quorum consist of Richard Huber and Dave Pollard. Before we just opened the meeting and then suspended it due to not having a quorum. We will now say the Pledge of Allegiance. Those in attendance just so we have it recorded are Trustee Mark Messick, Board Secretary Richard Huber, Board Member Dave Pollard, Township employees Mary Sue Kane and Mary Lou Habicht. Peggy Young could not be here today and I have talked to Peggy by text message and she was very sorry, her calendar wasn't up to date and she didn't realize that she was back in school today. With that in mind we will go to the next item on the agenda which is Approval of December 23, 2019 Minutes.

Dave: I make a motion to approve.

Dick: Second.

Mark: All those in favor of a motion to approve the minutes as presented by the secretary indicate by saying Aye (both board members said Aye), motion passes 2-0. The next item on the agenda is the Reorganization of the WRT Board for 2020. Peggy had indicated in her text message to me that she would serve as your Chairperson or your Secretary or any position that the board would want her to serve as. With that in mind I will accept nominations for Chairperson of the WRT Board for 2020.

Dave: I nominate Peggy.

Dick: Second.

Mark: We have a nominee and a second, any other nominations for the Chairperson?

Dave: Nope.

Mark: Hearing none I close the nominations for Chairperson. All those in favor of Margaret Young being the Chairperson for the WRT Board for 2020 indicate by saying Aye (both board members said Aye). Peggy has been nominated and elected as Chair for 2020. Since she is not

here I will keep carrying the meeting for her. Now we will take nominations for secretary of the WRT Board for 2020.

Dave: Mr. Huber.

Mark: I hear a nomination for Mr. Huber.

Dick: Are you interested Dave?

Dave: No I can't Dick, I'm sorry.

Dick: Second.

Mark: I hear a second. Do I hear any other nominations for Secretary? Hearing none, all those in favor of Richard Huber serving as the WRT Secretary for 2020 indicate by saying Aye (both board members said Aye), carries 2-0. The next item on your agenda is the Trustee's Report. I have nothing to report in the last week and a half since we met. So with that in mind unless there is a question for me I won't make any report?

Dick: Can we talk a little bit about that declaratory judgment thing?

Mark: What is your question?

Dave: I didn't hear you?

Dick: The filing for request to interpret how the building can be used.

Mark: Sure, what is your question?

Dick: That is public record that it has been filed.

Mark: The filing has been recorded. Our pleadings have not been recorded.

Dick: Yes, I understand that. But the filing is public record.

Mark: Yes.

Dick: How was the board to be notified of that filing?

Mark: The board was notified in our December meeting and it was filed I believe on the 21st.

Dick: Dave I don't know whether I should be concerned or not. Because since that is public record and it was Dec. 10 that it was filed, I didn't know anything about it until Dec. 23.

Dave: I didn't either.

Dick: If I had been out in public and somebody said oh you're a board member and I see you are filing you know this deal in court; I would have been standing there looking like a dummy.

Dave: I would too, I agree. There is nothing wrong with that. There was no misgiving or misdoing that I'm aware of. I think everything was done the way it should have been done. You have to remember Mr. Huber there is an attorney involved in this too. I'm sure he was giving the directions that should be going and the things that should be done and I'm pretty sure that is what he did, he followed the attorney's directions. He is our attorney.

Dick: But my concern is when that filing was made, should the board members been made aware of it?

Dave: Not that I'm aware of.

Mark: Actually, I wasn't aware of the date that it was filed until I got an email which was the Friday before we met.

Dick: But you knew that was the intent of moving towards that right?

Mark: Yes.

Dick: Ok, I would have just felt better if I; I didn't know anything was going on with this at all.

Dave: I didn't either, none of us did. But it has been a standing, I think I'm correct in saying this. This has been a standing problem for quite a while.

Mark: We have talked about it in board meetings on numerous occasions. And everybody on the board prior to you received that letter in a certified letter from Dr. Arkanoff.

Dick: In 2012?

Mark: Yes.

Dick: I saw that. For you to notify the board that that was being filed would you have had to call a meeting for that?

Mark: I could have done it however I wanted to but it was my intention as you notice I had it on an agenda item for our last meeting. It was my intention to do it in open public at our next meeting.

Dave: Which is what you did.

Mark: Right.

Dick: But I'm still wondering if would it be possible that you at least...

Mark: At least call you just to say...

Dick: No not to call me but at least let the chairperson know what was going on so that the board would not have been completely out of the loop.

Mark: As the executive I'm the one that is in charge of doing any legal actions. That is with or without the approval of the board.

Dick: That is fair but I just prefer...

Mark: I just determined to make the board aware when we got to this. We tried our best to keep it from even going to there, we gave the school every bit of opportunity. We asked to be on the November's board meeting, we asked the chair of the school board if I could address the school board about the letter that I had received in 2012 and would they take a decision different than that because of the legal advice that we still had and was still current and we wanted to give them the opportunity to talk to the school board. That is what precipitated me taking the final step. If I can't even talk to the board about it, and if Dr. Arkanoff is running that show, well then he has made it very clear that it is going to be an attorney thing. When I talked to Dr. Arkanoff about it after that I said you know I don't really want to this to be an attorney thing, I said I'm really trying to save us some money by being direct. I said we are pretty solid in what we feel like our position is on this and he said Mark after talking to my board, I just think this is going to have to be something the attorneys settle. Well then after talking to Dr. Arkanoff I talked to members of his board and nobody had ever talked to him. So somebody has not got the facts right, which is fine, I don't care. That is when I decided that we needed

not a law suit but a declaratory judgment saying here is what your deed allows you to do because one party is saying it doesn't and one party says it does.

Dick: I guess in the future if something like that comes up even though you are not obligated, if you could let at least the chairperson know so that the complete board can't say we weren't aware of it even though the public could be aware of it.

Dave: Well the public doesn't even know now do they?

Mark: They know as much about it as if they look in our minutes and if they look at...

Dave: The public doesn't know anything.

Dick: The public could know that on Dec. 10th.

Dave: No it would have been December, when did you file it?

Mark: Whatever day it said it was filed.

Dick: December 10th.

Dave: Ok.

Mark: What goes on with that is the Daily Journal publishes Superior Court 1 a lot of times but I have not seen it in the Daily Journal and I have looked every time I have seen the Daily Journal.

Dave: Has anybody approached you?

Dick: No and I'm glad they didn't.

Dave: Yes I am too. But I was just curious. I don't think it is out in the public today. I don't think anybody even knows it except the internal people.

Dick: I mean it is there for the public.

Dave: Yes it is.

Dick: And it would have been a little awkward if somebody had said something to me about it.

Dave: It wouldn't have been for me because I can play dumb anytime.

Mark: I will tell you this, I had my thoughts about during that time of calling the Daily Journal and making a stink out of it and if I had done that I would have talked to you because I would have told you The Journal may be calling you. But I am determined to play on the high side of this and just let the court decide things without my very staunch opinion of about how they are doing things.

Dick: If that would have been the scenario that you had followed and that could be the case later on or in some other issue, even if you called the board members to me it would have been better to have a board meeting so that we could discuss it.

Mark: It has always been this way and I explained this to you last year. I can call a board meeting, the chairperson can call a board meeting or two members of the board can call a board meeting. I would not call a board meeting for that.

Dick: How much notice do you have to give?

Mark: There has to be at least 48 hours' notice. That excludes weekends. If you are having a meeting on Monday, it has to be made aware and posted on our building by the Thursday before the Monday evening.

Dick: 48 hours weekdays in other words. I think you indicated that you didn't even anticipate or there may not even be a court hearing on this, it just may be the judge's opinion.

Mark: From what I've been led to believe unless somebody asks for a court hearing what will happen is our attorneys will submit their plea and their attorneys will submit their plea and the judge will read the two pleas and read the law and make a determination as to what the declaratory judgment should be in this case.

Dick: If there is some kind of hearing will you let the board members know?

Mark: Sure but there is not going to be a hearing.

Dick: I said IF there is going to be a hearing.

Mark: I'm just saying there is not going to be a hearing.

Dick: I'm still asking if there is a hearing.

Mark: I said yes.

Dick: Ok, I didn't hear you.

Mark: But I'm following that up with a comment there is not going to be hearing and we as a board don't want a hearing because if we have to have an attorney drive from Indianapolis to Franklin.

Dick: I'm still a little disturbed that you requested to have that put on the school board agenda and they would not even put it on.

Mark: You will have to talk to Carol Tumey about that.

Dick: You're not surprised?

Dave: No, not a bit. They are very difficult to deal with. Mr. Arkanoff has got the idea right now that he can do anything he wants to, when he wants to. He doesn't have to account to anyone. That is my opinion of what I think he thinks.

Dick: Who do you think decided to make the decision whether you could be put on the agenda or not put on?

Mark: I made my request to the chairperson Carol Tumey.

Dave: She is guided by Mr. Arkanoff.

Mark: I can't speak to anything more than I made the request to Carol Tumey. When I asked Carol when I saw their agenda why I wasn't on the agenda, if I was just going to be added to the agenda she indicated to me that I would not be speaking before the board.

Dave: Mark when was that 2 or 3 years ago maybe 4 I can't remember when this thing came up and we had attorneys here, do you remember that?

Mark: That was in 2012.

Dave: You would not believe how arrogant they were and they are today. I mean their attorneys them and everybody else they have a very poor, in my opinion I'm speaking for me now I'm not speaking for the board and I'm talking to you, they have a poor opinion of the trustees and what the trustees do. They will not cooperate, they will not cooperate, they don't even want to talk to you.

Mark: The problem at that time Dave was that the Center Grove Alternative Academy was in the building and there was no lease. The previous trustee did not have a lease. We had a lease with the sheriff but we didn't have a lease with the school. I asked two attorneys, I asked Stephen Watson and I asked Stephen Buschmann both what their feelings on that were. They both were very adamant about the fact that my duties required that they have a lease because they had to have a lease. The duties of the board required that they have a lease because the township manual says you cannot have space used by someone without a lease. You don't have to charge them anything but you have to have a lease which determines who if someone gets hurt or if there is a fight or something like that who is going to take care of the liabilities and they didn't ever want to do it. That went on for a year. As a matter of fact we got the lease signed in I think March or April and they moved out in June. We had to have it. At that time I challenged them and that is probably why I wasn't invited back to any of their board meetings because I went to one of their board meetings and I challenged them that they had a school manual, a school board manual presented by the SBA that talked about that particular fact. Here is what you do if you want to lease a spot from another government agency. Here is what you do if you want to put the county's gravel in your parking lot to save the county some money, you don't do a handshake you actually have a written agreement. Dr. Long doesn't like written agreements.

Dick: Dave what surprises me is that in years past I have asked to talk to the board for like 3 minutes about drugs or something and was put on the agenda and then something like this which to me is such a big deal, I don't know whether I should say as a citizen I'm going to go talk to Carol about this and find out why and you're going to say it is not worth the trouble.

Dave: Well you would have to go thru Carol, you would have to go thru Arkanoff and you would have to go thru Mr. Watson.

Mark: No their attorney is Quakenbush.

Dave: It is now well it was then too. But Watson was the one who was representing them when we were talking about this.

Dick: I'm just saying to let Carol know that as a citizen I'm disappointed that they would not put...

Mark: Dick right now since we have a request for a declaratory judgment she might be bound by their attorney not to talk to you.

Dave: Dick as a citizen you can do anything you want to, if you want to go ask them go ask them but you can't ask them as a board member, that wouldn't be right.

Dick: It just seems ridiculous that they wouldn't even consider it.

Mark: They may have considered but decided not, who knows. I wasn't given an explanation.

Dick: As a citizen I would like to know why.

Mark: As a citizen I don't like the fact that they have something on their agenda that I think is of question that I can't speak to that question with knowledge of what they are actually talking

about other than as a line item. They may have on their agenda let's say for example I hear that they have a field trip going on up somewhere in Indianapolis which I think is a dangerous field trip and we shouldn't do it but all it says on the agenda is field trip. I can't find out for sure if that is the field trip I need to speak to or not. I have to sign up before the meeting. I have to speak before they even come to that about that question and then have someone say well we are not even considering that.

Dick: You know what I did at a recent meeting? You had to sign up for some item that is on the agenda so I signed up for agenda because I wanted to talk about something that wasn't on the agenda and I got up and I said I want to talk about something that should be on your agenda but it is not on the agenda. They did let me speak for a couple of minutes on that.

Mark: You have no way of conferring with the school board in a logical manner. We have meetings, we have the public here and if they want to say something after we discuss something before we vote we let them talk. I think that is the best way to do it. In the years that I have been on the board or the trustee that is always the way it has been done.

Dick: They have made one important change though. Several years ago public comment was about the last thing on the agenda and I complained you know if the school board is going to consider item A and they are going to discuss it and vote on it and then a hour later it comes up for public comment what good is a public comment at that time when you have already taken action? So they have moved the public comment up a little bit.

Mark: Hopefully sometime in the next couple of months this thing will be settled. Are there any other things? We need to have a meeting in February. I would like a meeting for February 18th which is a Tuesday and because it is the annual report we customarily call that for 7 PM. I'm just telling you I'm putting you on notice that I'm calling a meeting for February 18th, 2020 at 7 PM here at our office. I will confer with Peggy to make sure that is a date that she can be here. I'll present the annual report at that time.

Dick: What else usually comes at that meeting?

Mark: Annual report that is it. Do I hear a motion to adjourn?

Dick: Aye.

Dave: Aye.

Mark: Meeting is adjourned at 9:57.