

**CITY OF BEECH GROVE, INDIANA
BOARD OF PUBLIC WORKS AND SAFETY
MEETING MINUTES
MONDAY, AUGUST 4th, 2014**

Mayor Dennis Buckley called the meeting to order at 6:09 p. m.

ROLL CALL: Board of Works Members, Ed Bell, Sandy Seward, and Mayor Dennis Buckley were present. Also in attendance, were Clerk Treasurer Dan McMillan and City Attorney Craig Wiley.

MEETING MINUTES: The meeting minutes from the July 21st, 2014 meeting were presented to the Board. Ed Bell moved to approve the minutes as presented; Mayor Buckley seconded the Motion; which was approved by unanimous voice vote.

APPROVAL OF CLAIMS:

- **Corporate Claims** – claims in the amount of **\$797,161.99** were presented to the Board for approval.

Ed Bell asked about the claim for Google accounts; are they listed monthly, quarterly, or yearly. Clerk Treasurer McMillan explained that Google accounts are listed on a yearly basis. One Google charge is for email, while the other charge is for archiving. Previously, we were not compliant with state statute, as our server would only store 6 months' worth of emails. The Google cloud will hold 10 years' worth of email. Sandy Seward asked about the amounts for Wood Works Landscapes, as they are pretty costly. Clerk Treasurer McMillan responded that he believes these charges are related to the fountain in the park that was redone.

Sandy Seward also commented about a much-needed leaf machine that was purchased. City Attorney Wiley asked about a charge for an attorney; Clerk Treasurer McMillan responded that this is the attorney he contracted with to represent his office during the investigation of the Clerk-Treasurer's office and a lawsuit brought against the Clerk Treasurer. City Attorney Wiley asked how there could be a \$2500 charge already when the lawsuit was filed last Wednesday. Clerk Treasurer McMillan stated that this charge is related to the investigation that the City Council has spent \$10,000 on. City Attorney Wiley asked why Clerk Treasurer McMillan would spend \$2500 on an attorney when he was under no legal jeopardy. City Attorney Wiley said that before the taxpayers, pay any legal invoices as the City's chief legal officer, he wants to see what those legal invoices are. His recommendation is to table this until he can inspect the invoices and then bring them up at the next meeting. Clerk Treasurer McMillan stated that under his Professional/Attorney Services, he is allowed to retain an attorney. ([IC 36-4-10-5.5](#)) [page 4, section 3](#)

Mayor Buckley asked about a charge from Mager Enterprises for curb and sidewalks for \$10,483.87. DPW department head Brad Meriwether confirmed that he attached two quotes from other bidders to that invoice. Ed Bell questioned a charge for Leads Online.

Police Chief Swartz explained that this is a program the police department detectives use to gather information on different people. Sandy Seward asked Clerk Treasurer McMillan if he could have used City Attorney Wiley for legal advice, and Clerk Treasurer McMillan responded that he definitely could not have done that. City Attorney Wiley stated that he is more concerned that the attorney that Clerk Treasurer McMillan has retained is providing counsel on other City-related matters that are entirely City legal issues. That is why he feels he is entitled to inspect the invoices. Clerk Treasurer McMillan assured the BOW that his attorney is only performing duties related to the investigation of the Clerk-Treasurer's office started by the City Council. He confirmed that these legal expenses are budgeted as they come from the Clerk Treasurer's Professional Services. Mayor Buckley recommended that the BOW approve the Corporate claims in the amount of \$797,161.99 and then however many invoices are generated from Clerk Treasurer McMillan's representation will be reviewed and upon consultation with the City Attorney they will be paid. Sandy Seward moved to accept the claims as presented; Ed Bell seconded the Motion; which was approved by unanimous voice vote.

OLD BUSINESS:

None.

NEW BUSINESS:

Step Increase, Fire Department—Fire Chief Cheshire requested approval for a pay increase for Leah Barnes to the position of third year Civilian Paramedic. Leah has completed her second year. If approved, Leah's pay will increase to \$1,945.75 per pay period. This will take effect August 7th, 2014. The increase for position pay is in the 2014 budget. Ed Bell moved to approve the step increase. Sandy Seward seconded the Motion; which was approved by unanimous voice vote.

Step Increase, Fire Department—Fire Chief Cheshire requested approval for a pay increase for Ryan Maddigan to the position of third year firefighter. Ryan has completed his second year. If approved, Ryan's pay will increase to \$2,157.19 per pay period. This will take effect August 7th, 2014. The increase for position pay is in the 2014 budget. Sandy Seward moved to approve the step increase. Ed Bell seconded the Motion; which was approved by unanimous voice vote.

Request for Block Party—Clerk Treasurer McMillan read a request from Tom Wade and the residents of the 100 block of N. 3rd Avenue from Albany to Bethel for a block party on Saturday, August 9th, from noon until 4 p. m. Attached was a copy of the invitation. Upon approval, the residents would like the invitation to be extended to Mayor Buckley and other community leaders. Sandy Seward asked if there were any safety concerns from the police or fire departments, of which there were none. Ed Bell moved to approve the request to hold a block party. Sandy Seward seconded the Motion; which was approved by unanimous voice vote.

Request for Fall Festival Parade and Fall Festival, Promoters Club--Clerk Treasurer McMillan read a request from the Beech Grove Promoters Club to hold the annual Fall Festival and Fall Festival parade on the streets of the City into the record. The Festival dates are Wednesday, September 10th through Saturday, September 13th with set-up to be Tuesday, September 9th, 2014. They request Main Street be closed on Tuesday from 3rd to 7th Avenues, with 4th, 5th, and 6th Avenues closed from Main Street to the alleys, both north and south, from 5 p. m. until set-up is complete. Main Street will be open to traffic during business hours but 4th and 5th Avenues will be permanently closed. On Wednesday – Friday, the above-listed streets will be closed from 6 – 11 p. m. On Saturday, the above-listed streets will be closed from noon to 11 p. m. In addition, Main Street between 2nd and 3rd Avenues from noon – 6 p. m. and Main Street between 6th and 7th Avenues from 6 a. m. – 11 p. m. For the parade, they request Main Street from 17th Avenue to 8th Avenue be closed for the parade route starting at noon and Main Street from 17th to 25th Avenues for the parade line-up starting at 10 a. m. The carnival rides will again be contracted through Poor Jack Amusements and proper certificates of insurance will be provided prior to set-up. Sandy Seward asked if the police or fire departments have any concerns; none were stated. Sandy Seward moved to approve the request for the Fall Festival. Ed Bell seconded the Motion; which was approved by unanimous voice vote. Sandy Seward moved to approve the request for the Fall Festival parade. Ed Bell seconded the Motion; which was approved by unanimous voice vote.

Request to use Frequency Channel, Promoters Club—Derek Blice with the BG Promoters Club explained that their group recently acquired hand-held radios for use at their events. The radios need a FCC-licensed frequency in order to operate. The process to obtain a frequency is very lengthy and expensive. The Promoters Club is requesting to use the DPW's frequency during their 2 annual events. DPW department head Brad Meriwether has no issue with this. Ed Bell asked if there is any issue with a group other than DPW using the frequency license. Brad responded that he had no idea. Sandy Seward moved to approve the request by the Promoters Club to use the DPW frequency channel during the Fall Festival. Ed Bell seconded the Motion; which was approved by unanimous voice vote.

Request to Hire Crossing Guard, Police Department—Police Chief Swartz requested to hire Colleen Treat as a crossing guard. Mrs. Treat will be used as a fill-in crossing guard; she will only be working and paid when a full-time crossing guard is not working. Clerk Treasurer McMillan asked about her hourly rate (\$15 per hour) and who oversees the crossing guards (Lieutenant Treat oversees the crossing guards). Clerk Treasurer McMillan stated that under the nepotism policy, he didn't think this request would not pass because you cannot have a spouse in the direct line of overseeing her duties. Police Chief Swartz replied that she does not get paid through the police department or Lt. Treat, all crossing guards are paid through the MVH. Clerk Treasurer McMillan pointed out that Lt. Treat would still be her direct supervisor and that is where the nepotism comes in. ([IC 36-1-20.2-10](#)) Mayor Buckley recommended approving this request provided that there is no conflict with her supervision; if her husband would be her supervisor, she could not be hired. The chief confirmed for Mayor Buckley that a full-time crossing guard would probably supervise her. The crossing guards supervise themselves and the police officers do not get involved unless a crossing guard is unavailable.

City Attorney Wiley believes the nepotism policy applies to hiring a spouse rather than supervising a spouse, but he will go along with the Mayor's recommendation. City Attorney Wiley agreed that it makes sense for Mrs. Treat not to be supervised by her husband. The police chief does all the hiring and discipline, and he confirmed that if there were an issue, it would come directly to the chief. Sandy Seward moved to approve the request to hire a crossing guard. Ed Bell seconded the Motion; which was approved by unanimous voice vote.

COMMENTS FROM MEMBERS:

None.

ADJOURNMENT:

Ed Bell moved to adjourn. Sandy Seward seconded the Motion. The meeting was adjourned at 6:32 p. m.

The next Board of Works Meeting will be held on Monday, August 18, 2014, at 6:00 p.m. at City Hall Council Chambers.

Dennis Buckley, Mayor

Dan McMillan, Clerk Treasurer

Prepared by: Mary Duffer