A REGULAR MEETING OF THE BOARD OF
PUBLIC WORKS AND SAFETY OF THE CITY OF NEW HAVEN, INDIANA

The Board of Public Works and Safety of the City of New Haven met in the Council Chambers in the City Administration Building on the 7th of July 2020 at the hour of 9:00 a.m.

The meeting was called to order by Steve McMichael who presided. On checking the roll, the following members were shown to be present or absent as follows:

Present: Bob Byrd, Rob Gutierrez, and Steve McMichael
Absent: none

The claim registers for payroll and vendor checks written since the last regularly scheduled meeting were presented to the Board and signed by the Board. Vendor checks are dated July 8, 2020 and will be mailed out of July 8, 2020.

The Title VI Statement

Bob Byrd moved to approve the minutes of the previous meeting as presented. Rob Gutierrez seconded the motion and the motion was approved.

Clerk Treasurer Natalie Strock asked the Board if Utility Billing Office Manager Jill Cain could address the Board regarding outstanding utility bills. The Board agreed with the Agenda change. Utility Billing Office Manager Jill Cain said in the beginning, there was over 200 shut offs but the Utility Billing Office began phone calls to setup payment plans. The list is now 100 shut offs. Mayor McMichael and Clerk Treasurer Strock have agreed until the health emergency is over, there will be no shut offs. The Utility Billing Office will continue to contact the 100 other shut offs to setup a payment plan.

Under unfinished business Item A, Mayor Steve McMichael discussed the Meadowbrook 4-way stops. The board had asked at the prior meeting for Meadowbrook association members their opinion on each 4-way stop proposed. Meadowbrook Association President Stacey McDaniel said the members voted unanimously to have all three 4 way stops. The proposed 4-way stops are Brookwood Drive and Courtney Drive; Courtney Drive, Royalton Drive, and Melbourne Drive; and Melbourne Drive and Sherbrook Drive. Rob Gutierrez made a motion to approve of a 4-way stop at Brookwood Drive and Courtney Drive; Courtney Drive, Royalton Drive, and Melbourne Drive; and Melbourne Drive and Sherbrook Drive. Bob Byrd seconded the motion and the motion was approved.

Under new business Item A, Mayor Steve McMichael invited Josh Goodman from RQAW to discuss the proposal for long-term control plan review. This is a review of the long-term control plan Wessler had done previously. The contract will be subject to review from Attorney Steve Harants. Bob Byrd made a motion to approve the proposal for Professional Engineering Services on the Long-term Control Plan Review with The City of New Haven and RQAW for $45,000 subject to review from Attorney Steve Harants and change contract in reference to IDEM meetings not exceed two meetings. Rob Gutierrez seconded the motion and the motion was approved.

Under new business Item B, Mayor Steve McMichael and Fire Chief Josh Hale asked for approval of a proposal for New Haven Fire Station Addition with RQAW. This would add an EMS bay to the Hartzell Fire Station which could be used for emergencies in the case of a State of Emergency. This would be used by EMS regularly but can be shut off from the rest of the Fire Station in case of another health emergency like COVID-19. There has been COVID-19 testing done at Hartzell since June and this would benefit the
Northeastern part of Indiana. Rob Gutierrez made a motion to approve the contract with RQAW for New Haven Fire Station Addition. Bob Byrd seconded the motion and the motion was approved.

After further review, Mayor Steve McMichael declared an amendment to the previous motion. The contract will not exceed $50,000. Rob Gutierrez made a motion to approve the contract as amended for New Haven Fire Station Addition with RQAW will not exceed $50,000. Bob Byrd seconded the motion and the motion was approved.

Under new business Item C, Police Chief Jeff McCracken presented to the board for approval the updated New Haven Police Department Policy 6: Bicycle Patrol Policy. The following changes were proposed to the board: Add page numbers to the policy.

Remove the word “unit” and “BPU” throughout. When those are the only changes in a section, they will not be denoted below.

Page 1, Section I.
….to establish procedures for the operation of the Bicycle Patrol unit.

Page 1, Section V., A.
3. Bicycle Patrol Unit Officers shall not be permitted are not required to ride under the following weather-related conditions: …

Page 2, Section B.

a. All officers interested in becoming Bike Patrol Officers must complete a twenty four (24) mile ride in one hundred eighty (180) minutes (3 hrs) to be eligible two (2) day riding/skills training course.

Page 2
Add:
VI. TRAINING
A. Required Training
1. Officer who work Bicycle Patrol operations must have completed an approved basic police bicycle training course consisting of a minimum of (16) hours formal training
2. Minimum training block of instruction:
   a. Physical Fitness
   b. Bicycle Injuries
   c. Mountain Bike Nomenclature
   d. Traffic Laws and Protocol
   e. Slow Speed Drills
   f. Fast Speed Drills
   g. Police Technical Skills
   h. Basic Mountain Bike Maintenance
   i. Firearms Training
3. Re-certification
   a. Officers who have qualified to ride should maintain a level of fitness that allows them to ride without an increase in injuries and other fitness related problems.

Page 3, Section C.
c. Tire pressure should be the maximum allowable for hard surfaces. Set within manufactures recommendations
1. 60 PSI is suggested.

Page 3 Section C., e.
1. Check to be sure the clamps are tight, there is no bare metal showing, and no forward tilt.

Page 3, Section C.
g. Chain should be well oiled, maintained
h. Spokes should be checked for tightness, well maintained

Page 5, Section B, 1.
e. Front and rear black fenders.
d. Two (2) At least one (1) water bottle cages with water bottles.

Page 6, Section C.
Add:
3. Optional zip off leg cycling pants

Page 6 & 7, Section D.
1. Shorts shall be navy blue in color and made of supplex nylon.
3. Shorts may shall have belt loops or belt keepers.

Page 7, Section E.
1. Shirts shall be light blue or white navy blue, three (3) button down “polo” type shirt of a cotton blend.
2. The shirt shall display the word “Police” in four (4) inch navy letters centered on the upper back of the shirt.
3. The shirt shall display a badge or badge patch in the proper location.

Page 7, Section F.
Remove:
1. Socks shall be white in color.

Page 7, Section H.
Add:
2. Outer vest carrier shall be worn when on duty

Bob Byrd made a motion to approve the updated New Haven Police Department Policy 6: Bicycle Patrol Policy. Rob Gutierrez seconded the motion and the motion was approved.

Under new business Item D, Police Chief Jeff McCracken presented to the board for approval the updated New Haven Police Department Policy 12: Conducted Electrical Weapon Policy. The following changes were proposed to the board:
Change Policy Name:
NEW HAVEN POLICE DEPARTMENT
CONDUCTED ELECTRICAL ENERGY WEAPON POLICY
Change X26 to X26P throughout the document.
Page 1, Section II:
A. As defined by law (35-47-8-3) a Taser is defined as any mechanism that is:
1. Designed to emit an electronic, magnetic, or other type of charge or shock through the use of a projectile: and
2. Used for the purpose of temporarily incapacitating a person.

B. The X26P Taser is a less lethal Conducted electrical Energy Weapon (CEW) that uses nitrogen propelled wires to conduct energy at 5 watts and 50,000 volts to a remote target, thereby controlling and overriding the central nervous system.

C. The human nervous system communicates by means of simple electrical impulses. The X26P Taser sends out short duration, high voltage electrical waves that overpower the normal electrical signals within the nerve fibers (Electro-Muscular Disruption).

D. Conducted Electrical Weapon The (CEW) is an electro-muscular disruption device system which overrides the central nervous systems and takes direct control of the skeletal muscles. The X26P Taser is an Electro-Muscular Disruption (EMD) system and affects the sensory and motor nervous system. The EMD system overwhelms the nervous system with signals. However, these systems go one step further by directly causing the muscles to contract. Hence, even someone whose sensory nervous system is impaired by drugs will have involuntary muscle contractions.

Page 1, Section III. A.:
1. The X26P Taser will be placed at the Hard Empty Hands level of the New Haven Police Department control continuum. The X26P Taser will be used when the subject’s actions constitute Active Resistance. The X26P Taser may be deployed whenever a situation arises where the other use of force techniques exposes.....

Page 2, Section III. B.:
1. Only those officers designated by the Chief of Police and the designated Taser Instructor(s) and who have successfully completed the approved certified training would will be authorized to use the X26P Taser.
2. To be certified in the use of the X26P Taser, it is optional and, but recommended, that officers take a “hit” experience a live probe deployment to themselves during the training.
3. Re-certification for end-users shall occur annually. Re-certification for instructors shall occur every two (2) years. It is not required that officers take a “hit” after initially taking a “hit” submit to an additional live probe deployment after doing so in their initial in an approved certified training program.
4. Once the DPM (Digital Power Magazine) Extended Power Performance Magazine (XPPM) reaches a level of 20% the DPM XPPM should be turned over to a Taser Instructor for replacement.

Page 2, Section III. C.:
3. The X26P Taser used by the New Haven Police Department will be marked carried in such a fashion so that it isn’t not mistaken for a handgun.
   a. Worn opposite the firearm and past the midline of the body and cross-drawn with the dominant hand.
   b. Worn same side as and drawn by non-dominant hand.
4. The X26P Taser is programmed to give a 5-second “electrical current.” The operator can shorten or extend this time. The probes should not be touched during this time period, as you would also receive the same “electrical current.” In addition, officers should avoid stepping on or tripping over the wires.
5. NEVER aim the X26P Taser at the eyes or the face. It is laser sighted. The top probe will follow the front and rear sights and the laser sight.; The bottom probe will travel at an 8-degree downward angle below the…
Page 3, Section III. C.:

...aim point. The rule of thumb for the bottom probe (due to the 8-degree drop) is that it will drop 1 foot for every seven feet of travel. The X26P Taser has a range of 215 feet. Optimum distance for deployment is 7-15 feet.
6. Keep hands away from the front of the unit at all times unless the safety slide switch is forward in the safe position and the X26P Taser is deactivated. **Handle the X26P Taser like you would a loaded handgun.
7. Replace air cartridges by their expiration date and use for training only once expired.
8. **DO NOT** fire the X26P Taser near known flammable liquids or fumes. The X26P Taser can ignite gasoline or other flammables. Some self-defense sprays are flammable (Freeze +p has shown to be flammable) and would be extremely dangerous to use in conjunction with the X26P Taser. Do not deploy in known highly flammable environments such as meth labs, etc.
9. Prior to the use of the X26P Taser, if practical, broadcast “Taser, Taser, Taser” indicating the use of the X26P Taser is imminent to prevent unintentional shootings, warn other officers, or to provide suspect a last opportunity to surrender.
10. The Taser X26P can function in drive stun mode after the probes have been fired as a backup weapon deployment. Drive weapon aggressively into nerve or motor points for best effectiveness: **Drive Stun.** If only the drive stun mode is used, the Taser becomes a pain compliance technique with limited threat reduction. The Taser will always fire a live cartridge when activated if an unfired cartridge is present. To use the drive stun without firing problems probes, remove the live cartridge.

Page 3, Section IV. A.:

2. Any subject who is known to be saturated with or in the presence of known highly flammable or combustible materials and liquids.
4. Avoid the facial area of the head, neck, groin and female breast, if possible.
7. Excessive use of the X26P Taser in subduing a subject is forbidden and may be considered excessive force.

Page 4, Section V. A.:

1. After securing the subject in handcuffs, the officer will immediately assess for injuries and call for an ambulance to respond to assess the subject and transport as necessary, the Taser officer will remove the probes using the prescribed methods. However, if the probes are imbedded in soft tissue such as the neck, face, groin, the officer shall require the subject to be treated at a hospital by medical personnel. Removal from other areas will be at the discretion of the shift commander or OIC. NOTE: the probes are #8 straightened fishhooks that only penetrate a maximum of ¼ inch.
2. The Taser officer will remove the probes using the prescribed methods. However, if the probes are imbedded in soft tissue such as the neck, face, groin, the officer shall require the subject to be treated at a hospital by medical personnel. Removal from other areas will be at the discretion of the shift commander or OIC. NOTE: the probes are #8 straightened fishhooks that only penetrate a maximum of ¼ inch.
3. The officer shall wear latex gloves for probe removal.
4. Puncture site shall be treated with antibiotic cream and adhesive bandages as soon as available by ambulance personnel.
8. After deployment on a suspect, the Taser officer will document its use on the New Haven Police Department use of force report along with a detailed written report. 9 Ambulance personnel shall be called to make the scene for an initial assessment and transport to a hospital emergency room if required by the Allen County Jail.
9. Photos shall be taken of the subject(s) stun Taser affected areas.

Page 4, Section B.:

1. The air cartridges and probes used shall be tagged packaged and placed into evidence. Since the probes will probably have blood on them (biohazard) Deployed probes should be considered a biohazard and the...

Page 5, Section B.:
…officers should wear latex gloves when handling. The wires shall be wound around the cartridge. The probes shall be inverted into the portals, which they were fired from side of the spent cartridge (this will prevent sharp ends from penetrating the evidence envelope). Tape should be placed over the portals to secure the probes in the cartridge. Place into appropriate evidence envelope packaging.

2. The X26 Taser shall then be turned over to the Taser Administrator(s) or his/her designate for downloading of information from the Taser.

3. The Taser Administrator or his/her designate will retain all records and downloaded information. This shall be done on an annual basis or on request.

VI. RECORD KEEPING AND MAINTENANCE

A. DOWNLOADS AND UPDATES

1. A certified Taser Instructor will download each Taser X26P when:
   a. The Taser X26P was armed and sparked/arced.
   b. The Taser X26P was armed and pointed at a subject.
   c. The Taser X26P was fired at a subject.
   d. The Taser X26P was used in drive stun mode.

2. Each Taser X26P should be downloaded and updated to the latest firmware at least once per year.

3. Taser Instructor(s) will maintain all download records.

B. USAGE REVIEW

1. At the request of the Chief of Police, Deputy Chief, supervising Sergeant or a Taser Instructor(s), a review board consisting of the listed individuals will review any questionable usage or deployments of the Taser X26P.

2. The Taser Instructor(s), Chief of Police and Deputy Chief reserve the right to review any department video and audio recordings, related to Taser usage, at any time.

Bob Byrd made a motion to approve the updated New Haven Police Department Policy 12: Conducted Electrical Weapon Policy. Rob Gutierrez seconded the motion and the motion was approved.

Under new business Item E, Police Chief Jeff McCracken presented to the board for approval the updated New Haven Police Department Policy 48: Vehicle Operations Policy. The following changes were proposed to the board:

Add page numbers to the policy

Page 2
Remove:
P.I.T.: (Pursuit Intervention Techniques) Intentional acts of using a law enforcement vehicle to physically force a fleeing vehicle from a course of travel in order to stop it. P.I.T. is a specific technical maneuver that requires advanced practical training prior to use.

Page 4
Remove:

1. Any law enforcement officer in a department vehicle with operable emergency vehicle equipment and a radio may initiate a vehicular pursuit provided the officer conducts the pursuit within the limitations of this policy. Vehicular pursuits are authorized for the following:
   a. On-sight pursuit of known or suspected felon.
      i. On-sight pursuit of misdemeanor violators.

2. Pursuits for infraction only violations will not be permitted
a. Any law enforcement officer in a department vehicle with operable emergency vehicle equipment and a radio may initiate a vehicular pursuit provided the officer conducts the pursuit within the limitations of this policy. Vehicular pursuits are authorized for the following:
  b. Potentially life-threatening motor vehicle violations such as reckless driving, etc.
  c. In the event of a homicide, seriously injured person or aggravated assault including acts with a motor vehicle.
  d. Kidnapping or a hostage present in the vehicle.
  e. Violent sexual assault or rape.
  f. Terroristic or active shooter incident.
  g. Armed or aggravated robbery or other imminent life-threatening activity.
  h. Felony theft including theft of a motor vehicle.
  i. Reported or suspected violent felon.
  j. If suspect remains at large there is serious threat to the public.
There shall be no pursuit for infraction violations only. The decision to pursue is not irreversible and officers must continually question whether the seriousness of the crimeJustifies continuing a pursuit. A pursuit shall be discontinued when there is clear and unreasonable danger to the officer and/or other motorists on the roadways. All officers involved in a vehicular pursuit will be held accountable for the continuation of the pursuit if circumstances indicate that it should have been discontinued.

Unmarked police vehicles may initiate a pursuit

n. If the vehicle is not equipped with emergency lights and siren it cannot pursue.
Department motorcycles will not be allowed to initiate or engage in a pursuit but may assist in clearing intersections.

o. The initiating unit will proceed in accordance with traffic law to the scene in the event of an apprehension.

p. At no time shall more than 2 police vehicles two (2) New Haven police vehicles be in pursuit of another vehicle unless specifically ordered to do so by the dispatch center, or the supervisor in charge;

  1. The second vehicle involved in the pursuit shall keep dispatch advised of all pertinent information relating to the pursued and pursuing vehicle, when in position to do so.

  2. The second vehicle Any Police vehicle may take over the actual pursuit only after being requested to do so by the initial pursuing unit, or supervisor.

Rob Gutierrez made a motion to approve the updated New Haven Police Department Policy 48: Vehicle Operations Policy. Bob Byrd seconded the motion and the motion was approved.

Under new business Item F, Police Chief Jeff McCracken asked for approval to auction the following 3 police department fleet vehicles:

2011 Dodge Charger with approximately 73,800 miles (VIN 2B3CL1CTXBH540116)
2011 Chevy Tahoe with approximately 116,002 miles (VIN 1GNLC2E0XBR308520)
2013 Dodge Charger with approximately 105,851 miles (VIN 2C3CDXATXDH672754)

Bob Byrd made a motion to approve the auction of 3 police department fleet vehicles. Rob Gutierrez seconded the motion and the motion was approved.

Under new business Item G, Police Chief Jeff McCracken asked for approval to hire Captain Aaron Ginder as a part-time dispatcher at $21.02/hr beginning July 6, 2020. Captain Aaron Ginder has been part of the reserves for 20 years and has 23 years’ experience being a dispatcher with the last 10 years in a supervisor
role. Rob Gutierrez made a motion to approve hiring Aaron Ginder as a part-time dispatcher at $21.02/hr beginning July 6, 2020. Bob Byrd seconded the motion and the motion was approved.

Under new business Item H, GIS Director Dave Schabb asked for approval of final invoice from Sidwell in the amount of $8,129.10. This is the final payment of Accela which the City will be parting ways with. The City will have another document service that will be presented at the next Board of Works meeting. Bob Byrd made a motion to approve the final invoice from Sidwell in the amount of $8,129.10. Rob Gutierrez seconded the motion and the motion was approved.

Under new business Item I, City Engineer Darrin Good asked for a discussion of renaming Adams Center Road, between State Road 930 and just south of Seiler Road, to Maplecrest Road, effective December 1, 2020. Mayor Steve McMichael mentioned the county is considering Maplecrest Road will go from 469 to 469 in the future. Bob Byrd made a motion to approve renaming Adams Center Road, between State Road 930 and just south of Seiler Road, to Maplecrest Road, effective December 1, 2020. Rob Gutierrez seconded the motion and the motion was approved.

Under new business Item J, City Engineer Darrin Good asked for approval of installation of street lighting at Green Road and Seiler Road. Rob Gutierrez made a motion to approve the installation of street lighting at Green Road and Seiler Road. Bob Byrd seconded the motion and the motion was approved.

Under new business Item K, Fire Chief Josh Hale asked for approval of training room equipment from Baker Street Office Furnishings at Hartzell Road Fire Station in the amount of $15,700.00. The Board asked Fire Chief Hale to get additional bids. Steve McMichael made a motion to table the approval of Training Room Equipment from Baker Street Office Furnishings at Hartzell Road Fire Station in the amount of $15,700.00 till additional bids are gathered. Rob Gutierrez seconded the motion and the item was tabled.

Under new business Item N, City Engineer Darrin Good asked for approval of Special Event Permit Ev-20-05 for 2020 New Haven Fire Muster on August 22, 2020. The permit states the event will be 7:00 AM to 6:00 PM with road closures as noted on the permit application. Rob Gutierrez made a motion to approve Special Event Permit Ev-20-05 for 2020 New Haven Fire Muster on August 22, 2020. Bob Byrd seconded the motion and the motion was approved.

Under new business Item O, City Engineer Darrin Good asked for approval of Special Event Permit Ev-20-06 for Impact Church in the Street on July 12, 19, and 26, 2020. Mayor Steve McMichael stepped out of the discussion as he is a member of the church. This is a COVID-19 situation, so they are not congregating indoors. Bob Byrd made a motion to approve Special Event Permit Ev-20-06 for Impact Church in the Street on July 12, 19, and 26, 2020. Rob Gutierrez seconded the motion and the motion was approved.

Under new business Item P, City Engineer Darrin Good asked for approval of API Construction Change Order #5 Correction and Approval for Green Road (CC-2018-01). The original Change Order #5 was not correct because the amount of $4,462.50 was skipped. This change order corrects a mistake and adds an additional change order which will be addressed in the next item. Bob Byrd made a motion to approve the API Construction Change Order #5 Correction and Approval in the amount of $4,462.50 for Green Road (CC-2018-01). Rob Gutierrez seconded the motion and the motion was approved.
Under new business Item Q, City Engineer Darrin Good asked for approval of API Construction Change Order #6 Approval for Green Road (CC-2018-01). This change order is for $12,284.24 increase. Rob Gutierrez made a motion to approve the API Construction Change Order # 6 in the amount of $12,284.24 for Green Road (CC-2018-01). Bob Byrd seconded the motion and the motion was approved.

Under new business item R i 1, City Engineer Darrin Good asked for approval of A & Z Engineering invoice #20-2237 in the amount of $7,750.80 for Meadowbrook Trail Project. Bob Byrd made a motion to approve the A & Z Engineering invoice #20-2237 in the amount of $7,750.80 for Meadowbrook Trail Project. Rob Gutierrez seconded the motion and the motion was approved.

Under new business item R i 2, City Engineer Darrin Good asked for approval of A & Z Engineering invoice #20-2238 in the amount of $6,495.00 for Green Road Improvements (CC-2018-01). Rob Gutierrez made a motion to approve the A & Z Engineering invoice #20-2238 in the amount of $6,495.00 for Green Road Improvements (CC-2018-01). Bob Byrd seconded the motion and the motion was approved.

Under new business item R i 3, City Engineer Darrin Good asked for approval of A & Z Engineering invoice #20-2222 in the amount of $7,472.12 for Landin Road Improvements (Des #1400694). Bob Byrd made a motion to approve the A & Z Engineering invoice #20-2222 in the amount of $7,472.12 for Landin Road Improvements (Des #1400694). Rob Gutierrez seconded the motion and the motion was approved.

Under new business item R ii 1, City Engineer Darrin Good asked for approval of Sturtz Public Management Group invoice #4 in the amount of $5,000.00 for New Haven Community Center Park Project. Rob Gutierrez made a motion to approve the Sturtz Public Management Group invoice #4 in the amount of $5,000.00 for New Haven Community Center Park Project. Bob Byrd seconded the motion and the motion was approved.

Under new business item R ii 1, City Engineer Darrin Good asked for approval of Wessler invoice #35333 in the amount of $3,100.00 for Tanglewood Sanitary Sewer Project (SSIP-2019-01). Bob Byrd made a motion to approve the Wessler invoice #35333 in the amount of $3,100.00 for Tanglewood Sanitary Sewer Project (SSIP-2019-01). Rob Gutierrez seconded the motion and the motion was approved.

Under other items that might come before the board, City Engineer Darrin Good asked to approve Victoria Lakes design standards variations. The variations Victoria Lakes would like to change is adding rebar to the curbs of the neighborhood association. Rob Gutierrez made a motion to approve Victoria Lakes design standards variations which is adding rebar to the curbs of the neighborhood association. Bob Byrd seconded the motion and the motion was approved.

Rob Gutierrez made a motion to adjourn the meeting. Bob Byrd seconded the motion and the meeting was adjourned.

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Steve McMichael
Presiding Officer

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Natalie Strock
Clerk-Treasurer