

February 6, 2018

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 6th of February 2018 at the hour of 9:30 a.m.

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

Present: Terry McDonald, Wayne Doenges

Absent: Mickey Hill

The claim registers for payroll and vendor checks written since the last regularly scheduled meeting were presented to the board and also signed by the board. The vendor checks are dated February 7, 2018 and will be mailed February 7, 2018.

Title VI Statement

Wayne Doenges moved to approve the minutes of the previous meeting as presented. Terry McDonald seconded the motion and the motion was approved.

The first item on the agenda under unfinished business was discussion and/or approval of Special Event Permit EV-18-01 for New Haven Canal Days 2018. The requested dates for the festival are, June 5, through June 9, 2018, with road closure requests as listed on the permit application. Terry McDonald asked Police Chief Henry McKinnon if he had a chance to review the application. Police Chief Henry McKinnon said yes, and he doesn't feel there are any issues and the reserve force is ready for the event. Jim Symington of Rich's Café requested for Broadway to be kept open until at least 2:00 p.m. the first Sunday and he doesn't see any reason for it to be closed after 8:00 a.m. following the event. He said he is down 50 percent the week of the festival. Steve McMichael, Council President and Chairman of the New Haven Chamber of Commerce said we have made some ground with the festival committee who has reached out to the amusement operator and we have received permission for Rack N' Helen's and other businesses to sell food during the event. The cost the businesses pay for the New Haven Festival Committee to operate Canal Days is something we need to continue to look at. He said he objects to the parking lot behind the 1913 Building being used for amusement rides. He hopes talks in the future could be about moving the Canal Days rides to the greenspace which is being created by the school. Initial conversations with some East Allen Board Members and they seem favorable for as early as 2019 for the parking lot and 2020 for the greenspace to be used, as long as any damage would be repaired. Jim Symington of Rich's Café said the train tracks on Broadway make him nervous and he feels someone should be there all the time during the festival. Police Chief Henry McKinnon said the Reserve Officers are stationed there and the only reason they wouldn't be if there is a major event where back up is needed. Jim Symington said another problem is the railing in front of his restaurant, he would appreciate keeping kids off of it as one fell from it last year. He said he also puts a barricades up to keep cars out of his parking lot, but would appreciate if someone could check on it at night during the festival and said he's not against the festival just the location of it. Charlie Hatton of the New Haven Chamber of Commerce said he has spoken to most of the businesses downtown and the majority say they want a festival, and they want it on Broadway downtown, but think if the rides were moved to the park and the non-ride events were downtown it would be better for their businesses. Possibly with that the road might be able to stay open during the day so the businesses could open. Charlie said they have meet with John Stauffer of the Festival Committee and asked for two things, which were the local businesses could sell food and for the parking lot behind the 1913 Building and the Moose to remain open. Wes Anderson of Rack N' Helen's said they usually have a 40 percent loss of gross sales during Canal Days and those losses aren't easily made up, along with a negative impact on staff for hourly and especially those on tips which are usually down 50 percent. He commented the vast majority of businesses feel it has a negative impact on their business and feels New Haven should be a business friendly community given all the businesses do in the community. Wes said from his prospective we let a transient company set up who doesn't even support our community in terms of Police Department, Fire Department, senior lunches, property taxes along with food and beverage tax that New Haven gets some of. We've been contributing and why would we set this other company up to succeed and set our businesses up to fail. Terry McDonald thanked everyone for their input and comments and noted one point of clarification, the City of New Haven collects no money from the food and beverage tax. He said we have to go to the committee who controls it and beg for it and we have not received one dime from the CIB. He commented Canal Days has been downtown since the early 1990's and he understand it does have an impact on businesses and likes the suggestions which have been discussed today. Terry McDonald made a motion to approve Special Event Permit EV-18-01 for the 2018 Canal Days with the following provisions:

- The Festival Committee and the ride operator shall have no prohibition against any local business who wants to set up on the street or on the sidewalk in front of their business to sell their merchandise or their food, of course no alcoholic beverages are

allowed because it is an alcoholic free zone and they will not be charged for that space by the Festival Committee or the ride operator.

- That the 1913 parking lot, behind the Moose Lodge, the 1913 Building, Navy Club and the Fire Station is prohibited to be used by the festival for the setting up of rides.
- Effective 2019 the Festival Committee will be required to find an alternate space for their rides, preferably someplace close to downtown, but not using Broadway or Main Street for that purpose.
- They are prohibited from closing the street on June 3rd, the only part of Broadway that can be closed on June 3rd is that part of Broadway between Lincoln Highway and Park Avenue for the setting up of the merchant's tent and the street must be completely open and ready to go, absent street sweeping, the rides and trailers have to be off the street by 6:00 a.m. on Sunday, June 10th.
- The parking lot next to Rich's Café is prohibited from public parking.

Wayne Doenges seconded the motion and the motion was approved. Terry McDonald said he understands this won't make everyone happy, but feels it is a win, win for all. Steve McMichael commented he believes the support is there and is going to offer an ordinance that states as of January 1, 2019 that Broadway North of Lincoln Highway cannot be closed for 24 continuous hours at any time. It would allow Brew Haven, the Car Cruise In and the Fire Muster, but would solve the problem of a multiday event. It would open that stretch for cultural events at 5:00 p.m.

Superintendent of Utilities Dave Jones brought to the board for discussion and/or approval a reimbursement for sewer repair work at 552 Montclair Drive in the amount of \$2,500.00. Dave explained the new owner at 552 Montclair Drive has been having sewer issues and it was discovered there was damage done by a City contractor in 2003 or 2004 to their sewer lateral. The homeowner Jessten Heimer is requesting to be reimbursed for the work A-1 Sewer has done to repair their sewer from the damage in the amount of \$2,500.00. Wayne Doenges made a motion to approve reimbursement for sewer repair work done at 552 Montclair Drive in the amount of \$2,500.00. Terry McDonald seconded the motion and the motion was approved.

Utility Office Manager Jill Cain asked for approval of a 90 day pay step increase for part time Utility Office employee Margaret Driver in the amount of 75 cents per hour, for a new hourly rate of \$14.78, effective January 10, 2018. Wayne Doenges made a motion to approve a 90 day pay step increase for part time Utility Office employee Margaret Driver in the amount of 75 cents per hour, for a new hourly rate of \$14.78, effective January 10, 2018. Terry McDonald seconded the motion and the motion was approved.

Superintendent of Utilities Dave Jones presented a sewer adjustment request for Vera Laurent at 325 Benseman Avenue in the amount of \$52.73. Terry McDonald made a motion to approve sewer adjustment request for Vera Laurent at 325 Benseman Avenue in the amount of \$52.73. Wayne Doenges seconded the motion and the motion was approved.

Police Chief Henry McKinnon asked for approval for Police Officer Landon Sell to be promoted to Officer First Class effective February 8, 2018 at a new yearly pay rate of \$49,429.00. Wayne Doenges made a motion to approve for Police Officer Landon Sell to be promoted to Officer First Class effective February 8, 2018 at a new yearly pay rate of \$49,429.00. Terry McDonald seconded the motion and the motion was approved.

Police Chief Henry McKinnon asked for approval to purchase five new tasers in the amount of \$5,780.00 and to purchase cartridges for the tasers in the amount of \$1,590.00 both from Taser International. Henry explained this is Part 4 of a four year plan to replace outdated tasers with the new models. Wayne Doenges made a motion to approve to purchase five new tasers in the amount of \$5,780.00 and to purchase cartridges for the tasers in the amount of \$1,590.00 both from Taser International. Terry McDonald seconded the motion and the motion was approved.

Police Chief Henry McKinnon asked for approval of the following changes to the New Haven Police for Off-Duty Employment Policy:

II. POLICY

New Haven Police Officers and Reserve Police Officers will be permitted to engage in police related activity while Off-Duty from the New Haven Police Department. Officer's requesting Off-Duty Employment will need to submit a written request to ~~the Chief of Police for his~~ "their immediate Supervisor for approval prior to engage engaging in the Off-Duty Employment."

IV. RESPONSIBILITY

- a) All Off-Duty Employment shall be conducted during off-duty hours.
- b) Officers shall be permitted to wear their duty uniform and carry their handgun.
- c) While engaged in Off-Duty Employment the Officer is subject to all the rules and regulations currently in effect at the New Haven Police Department.

- d) Any Officer required to testify in court regarding their Off-Duty Employment, must testify in an Off-Duty status. They shall not receive paid overtime or compensatory time for such court appearances from the City of New Haven.
- e) No Officer shall work as a bartender in any public bar or tavern. This shall not apply to private parties or private clubs.
- f) ~~“No Officer shall engage in Off-Duty Employment in any adult oriented business or activities with an adult theme (e.g. message parlors, adult book stores, lingerie stores, strip clubs, bachelor/bachelorette parties’ etc.).”~~
- g) ~~“No Officer shall engage in Off-Duty Employment at public bars or night clubs. An exception to this rule may only be made by the Chief of Police or his/her designee.~~
- h) ~~Whereas it is not possible to list every type of Off-Duty Employment opportunity, the Chief of Police reserves the right to deny any Off-Duty Employment request that he/she feels is inappropriate or could reflect negatively on the department.”~~
- i) ~~“No Officer shall engage in Off-Duty Employment if that detail prevents them from getting at least eight hours of sleep between calling off-duty and calling on-duty for their normal scheduled shift.”~~
- j) ~~Liability: The Off-Duty Employer and Officer must sign an agreement indemnifying and holding harmless the City of New Haven, the New Haven Police Department and its employees for any activities of the Officer while employed by the Off-Duty Employer.~~
- k) ~~Off-Duty employment needs to be approved by the Chief of Police prior to working the Off-Duty detail and returned to the Chief of Police after being signed by the Off-Duty Employer.~~ ~~“Approval for Off-Duty Employment will be administered by the Officer’s immediate Supervisor. In cases where an Officer’s immediate Supervisor will not be available for an extended period then the request shall be submitted to the Deputy Chief or Chief of Police following the Chain of Command.”~~
- l) ~~“The (Request to Engage in Off-Duty Employment) form must be filled out completely and approved by the Officer’s Supervisor prior to engaging in Off-Duty Employment. Only forms with original signatures will be accepted (no faxed or electronic signatures will be accepted.”~~
- m) ~~“It shall be the requesting Officer’s responsibility to submit requests for Off-Duty Employment to their immediate Supervisor in a timely fashion, so as to leave time for proper review.”~~
- n) ~~“For Off-Duty Employment opportunities that come about last minute, the request shall go through an On-Duty Supervisor or Command On-Call if no Supervisor is working. This procedure is only for Off-Duty Employment opportunities that come about last minute and is not intended for Officers who forgot to fill out their request in a timely fashion. The Request to Engage in Off-Duty Employment form will still need to be filled out completely and signed for Off-Duty Employment opportunities that come about last minute prior to working the detail.”~~
- o) ~~No Officer will be permitted to use their Home Fleet vehicle for details outside the City of New Haven unless approved to do so by the Chief of Police.~~
- p) Officers engaging in Off-Duty Employment must notify dispatch by radio when they are On-Duty for their Off-Duty Employment and provide the location of that detail. Offices engaged in Off-Duty Employment will also notify dispatch by radio advising when they have completed their Off-Duty Employment. This rule will apply for Off-Duty Employment worked inside and outside of City limits.

Wayne Doenges made a motion to approve the above changes to the New Haven Police Department Off-Duty Employment Policy. Terry McDonald seconded the motion and the motion was approved.

Police Chief Henry McKinnon handed out to the board for information sake the new Release/Hold Harmless Agreement for the Police Department for Off-Duty Employment, which has been updated by Attorney Steve Harants.

Police Chief Henry McKinnon asked for approval of the following Policy Changes to the New Haven Police Department Home Fleet Vehicle Policy:

VI. OPERATIONAL GUIDELINES, OFFICER AND PASSENGER APPEARANCE

- L. ~~“To promote wellness and safety, Officers may utilize their home fleet vehicle within Allen County to travel to and from a gym or other fitness/wellness type centers. This privilege will be extended to those Officers with take home vehicles who reside outside of city limits. This privilege will be subject to change at the discretion of the Chief of Police, based on current gas prices or other budgetary considerations”~~

VII. OFF DUTY USE CONDITIONS

Home Fleet vehicles assigned to officers who are residents of New Haven may drive the vehicle off duty for personnel use. Resident officers of New Haven shall be required to reimburse the gasoline usage outside the City of New Haven based upon the previous established formula of nineteen (19) mpg.

Home Fleet vehicles assigned to officers who are residents outside the city limits of New Haven are only permitted to drive their assigned vehicle to and from work, "to and from a gym or fitness/wellbeing type center" or to and from approved off-duty employment.

In the event there becomes a shortage of fleet vehicles due to collision or extensive repairs, non-resident fleet vehicles will be ~~the~~ "given" first "consideration" to be utilized as "pool" vehicles. "There may be circumstances, based off of scheduling, on-call status or other events unforeseen where a resident vehicle may be used as a pool vehicle before a non-resident vehicle."

Wayne Doenges made a motion to approve the above changes to the New Haven Police Department Home Fleet Vehicle Policy. Terry McDonald seconded the motion and the motion was approved.

Police Chief Henry McKinnon asked for approval to purchase an evidence tracker and bar code printer for the Police Department from Progressive Microtechnology Inc. (PMI) in the amount of \$5,730.00. Henry explained this system would replace an outdated handwritten paper system currently in use for the evidence room and eliminate humor error in the tracking process. Henry gave credit to Detective James Krueger who put a lot of time and effort in looking for an evidence tracking system. Terry McDonald made a motion to approve an evidence tracker and bar code printer for the Police Department from Progressive Microtechnology Inc. (PMI) in the amount of \$5,730.00. Wayne Doenges seconded the motion and the motion was approved.

Director of Engineering Keith Schlegel brought to the board for discussion and/or approval of Special Event Permit EV-18-02 for New Haven Girls' Softball Opening Day Parade. The event would take place on May 5, 2018 from 8:00 a.m. to 8:30 a.m. starting at the Middle School and ending at Havenhurst Park using Broadway to Rose to North Rufus Street. Wayne Doenges made a motion to approve Special Event Permit EV-18-02 for New Haven Girls' Softball Opening Day Parade on May 5, 2018, with route as noted on the permit. Terry McDonald seconded the motion and the motion was approved.

Director of Engineering Keith Schlegel asked for approval of invoice #31375 to Wessler Engineering in the amount of \$1,919.79 for the Long Term Control Plan Update, SSIP-2012-03. Wayne Doenges made a motion to approve invoice #31375 to Wessler Engineering in the amount of \$1,919.79 for the Long Term Control Plan Update, SSIP-2012-03. Terry McDonald seconded the motion and the motion was approved.

Director of Engineering Keith Schlegel asked for approval of invoice #0170080.00-3 Etica Group in the amount of \$20,085.00 for the Community Crossings Project CC-2017-01 Lakes of Scarborough CC-2017-01. Keith said bidding for this project will hopefully be the first part of March 2018. Wayne Doenges made a motion to approve invoice #0170080.00-3 Etica Group in the amount of \$20,085.00 for the Community Crossings Project CC-2017-01 Lakes of Scarborough CC-2017-01. Terry McDonald seconded the motion and the motion was approved.

Director of Engineering Keith Schlegel asked for approval of an LPA Consulting Contract between the City of New Haven and DLZ for Right of Way Acquisition Services for the Ryan Road Utility Relocation, Designation #1383353. Keith explained the contract is in the amount not to exceed \$8,165.00, but Appendix D in the contract for the right of way donation without offer, the amount could possibly be \$5,880.00. Terry McDonald made a motion to approve an LPA Consulting Contract between the City of New Haven and DLZ for Right of Way Acquisition Services for the Ryan Road Utility Relocation, Designation #1383353 in the amount not to exceed \$8,165.00, with approach it will probably not exceed \$5,880.00. Wayne Doenges seconded the motion and the motion was approved.

Director of Engineering Keith Schlegel asked for approval of a City/County Utility Reimbursement Agreement for the Relocation of the Water Main along Ryan Road, Designation #1383353 in the amount of \$346,106.16. Keith explained this quantifies the reimbursement dollars for the water line contained in the existing easement to be placed in the new easement, which we are in the process of securing. Terry McDonald asked if this money will come from the County to reimburse us for moving the water line. Keith responded that is correct. Wayne Doenges made a motion to approve a City/County Utility Reimbursement Agreement between the City of New Haven Board of Public Works and the Board of Commissioners of the County of Allen for the Relocation of the Water Main along Ryan Road, Designation #1383353 in the amount of \$346,106.16. Terry McDonald seconded the motion and the motion was approved.

Director of Engineering Keith Schlegel asked for approval of an Interlocal Agreement between the City of New Haven and the Allen County Redevelopment Commission for the Ryan Road/ Bruick Road Project. Keith explained there are certain items which are deemed not reimbursable. He said he has been working with the New Haven Public Works Department and on page 2 of the agreement there is a figure quoted for the sanitary sewer non-reimbursable cost of \$163,486.03. After speaking with the Public Works Superintendent there were some problems which are outside of the scope that should probably be addressed. Keith said Superintendent Dave Jones has received two of the three quotes, so the sanitary sewer costs will be increasing \$40,000.00 to \$50,000.00 above and beyond the \$292,000.00. He said until he receives the third quote it's difficult to give an exact amount on the value of the pumps. Terry McDonald asked if they sign the document saying \$292,000.00 is that contingent on the additional \$40,000.00 to \$50,000.00 and replace page 2,

with the correct number. Keith said he should know the amount today. Terry McDonald said instead of waiting until the end of the month, so we can keep this project going, let's approve with the contingency and asked Keith to inform the Board of the extra cost at the next meeting. Terry McDonald made a motion to approve Interlocal Agreement between the City of New Haven and the Board of Commissioners of Allen County Concerning the Allen County Redevelopment Commission for Ryan Road Bruick Phase I, Designation #1383353 and Phase II Designation #1040826 Improvements Project dated February 6, 2018; Page 2 of the Construction Estimate reflects a number that is not yet solid and it could increase \$40,000.00 to \$50,000.00. Wayne Doenges seconded the motion and the motion was approved.

Superintendent of the Parks Mike Clendenen asked for approval to purchase in the amount of \$26,620.00 from the Jury Park Bond Fund, the down payment in the amount of \$13,310.00 from Spear Corporation for repair to the knee walls for the pool. The second is in the amount of \$17,890.00 for the down payment of \$8,695.00 for a reconditioned ice cream machine from Taylor Distributors. Mike said there is no competing quotes for the ice cream machine and the other option for pool repairs was pouring concrete with a cost of \$31,000.00 and the Park Board has approved both purchases. Wayne Doenges made a motion to approve the down payment for the repair to the knee walls from Spear Corporation in the amount of \$13,310.00 and the down payment for an ice cream machine from Taylor Distributors in the amount of \$13,310.00. Terry McDonald seconded the motion and the motion was approved

Terry McDonald made a motion to adjourn the meeting. Wayne Doenges seconded the motion and the meeting was adjourned.

Brenda Adams
Clerk Treasurer

Terry McDonald
Presiding Officer