



2019's Impact on 2020

Kicking Water Rates Down the Road

Brownsburg has never been good about managing the water rates for the town. Since 1981, the rates have been increased 3 times. In 2009, the town contracted an engineering firm to do a 20-year master plan to year 2029 and a proposed full build out to include White Lick Creek to the southwest and 500E to the West, Boone County line to the North, Marion county line to the East and 300N to the south. The Master plan suggested the following projects:

- Improvements for the near term (2009)
 - o Odell Road water main extension
 - o St Road 136 water main extension
 - o CR 800N water main extension
 - o Garner Road water main replacement
 - **Total 1.2M**
- Improvements for 20-year period (2029)
 - o Increase North well field to 5.0 MGD
 - o Increase water treatment plant 1 to 1.3 MGD
 - o Increase Water Treatment plant 2 to 2.0 MGD
 - o Construct a new water treatment plant 3.0 MGD in the north zone
 - o Construct a new 1.0 MGD elevated storage tank North
 - o Expand distribution system to 100N
 - **Total cost 7.956M** (MGD is Million Gallons per Day)

With the 2009 Master plan, the town contracted Umbaugh and Associates to look at Bonds and revenues to fund the needs outlined in the Master plan. In 2010, the town adopted a two-phase water rate hike and a Bond issuance to fund the needed projects.

The town took out two bonds totaling 5.2M for the purpose of the demolition and construction of WTP 1 3.2 MGD, a new well 9, a new 8" raw water main and a 16" finished main from Lucas drive to North Green.

Continued on page 3



How to Negate an Election Township Style



In 2018, the voters in Brown and Lincoln Township opted to change up the Township Trustee positions. Both township trustee republican primaries saw unknown newcomers overthrow established incumbents. In Brown Township Nate Mantlo won a tight race against Tom Kmetz and in Lincoln Township Joe Walsh won handily against Donovan Peoples.

The results of the main election saw Angela Delp, Dottie

McIntyre and Mike Farrell being elected to the Brown Township Board. In Lincoln Township Dana Carter, Kendall Hendricks and Emery Lencke were elected to the Township Board. By the end of 2019, those boards would look different.

In Indiana, if a person resigns their position that party precinct members elect the replacement. In Brown Township, this would happen at the beginning of the year. Mike Farrell moved out of the Township before being sworn in and vacated one of the Board positions. At the special caucus, the republican precinct members elected Tom Kmetz as the replacement Board member. Now, the past trustee was on the Board which oversees the current trustee in Brown Township.

Not to be out done, Lincoln Township had its own issues. Even though Dana Carter had checked with the election board and confirmed she was in Lincoln Township, a question arose in Lincoln Township if she was actually part of Lincoln. It was discovered that there was a clerical error at the county and she was really in Brown Township. The county election board stated that since it was their error she could stay on the board. However, Ms. Carter decided to resign her position on the board which gave an opening for a special caucus in Lincoln Township. Just as in Brown, the old trustee Donovan Peoples was elected to the Board to oversee the new trustee.

In Brown Township, Mr. Mantlo had spent time reading and learning the guiding Indiana code for the township trustee. Every time, Mr. Kmetz would try to thwart the work Mr. Mantlo was doing, Mr. Mantlo was able to move through the issue.

In Lincoln Township they took a unique approach, detailed in a separate article within this edition..

The Sentinel will be watching to see what happens over the next two years. This saga has only just begun. - *The Editor*

LETTER FROM THE EDITOR

2019 can be summarized as a year which the old was new again.

One obvious reality was made undeniable when the Indiana State Supreme court ruled a second time in favor of the remonstrators, ending involuntary annexation. A fight which cost Brownsburg taxpayers nearly 2+mil dollars in legal fees. This decision denied the town the ability to continue to cover up years of financial mismanagement by involuntary confiscation (annexation) of other lands. No access to a wealth of revenue streams - Assessed Value (A/V), property taxes, immediate population growth, and a prized straight forward pathway to their next annexation target- the Ronald Reagan corridor. The Ronald Reagan corridor's bounty is even greater than the plunders they sought in their failed attempted involuntary North Annexation. Many of the town's current circumstances can be traced to this loss as what was originally promised as "a slam dunk".

Starved from obtaining new sources of revenue by legalized theft, the town's fiscal realities became evident. Formerly ignored but well known projects- decades old replacement of aging infrastructure, expansion needed to meet current needs and future growth, became the "new" specter to strike fear into residents. The town council, with no other way to supplement their income shortfalls, think that the only way to solve the problem is by raising water rates. Odd these very issues were ignored earlier, when monies were readily available, instead they were redirected to a number of "shiny object" projects which became the sole focus of the town council's attention. Residents

also expressed concern how water and sewer monies were spent.

"Infrastructure" is the new specter used to raise water rates

At the town council meeting on July 11, 2019, then council president Brian Jessen said he would not "kick the can down the

road like their predecessors." Yet in October 22, 2019, Mr. Jessen did just that, and tabled the motion for 90 days, allowing BakerTilly to re-analyze data, and offer other solutions. The town council also directed BakerTilly to conduct a through review of the water billing system. While under their first review BakerTilly confirmed that detailed review of the accuracy of the billing calculations and practices were deemed outside of the scope of the original request.

Also in this edition, the detailed time line depicting the actions of the Lincoln Township Board. This level of reporting was provided so that you as the reader can draw your own conclusions. Many in the community have drawn an inescapable conclusion. Their actions were a failed "coup" attempt to remove the duly elected Lincoln Township Trustee. Three simple Internet searches would have answered their questions before their ill fated adventure began:

- (1) - What circumstances qualify removal of a public servant from office?
- (2) - What government agency is charged with removal of sworn public servants from office?
- (3) - How are public servants removed from office?

Clearly none of these questions were asked by the select but vocal few, nor by the members of the Lincoln Township Board.

What started in March with limited fanfare and no substance, ended late November in disaster for all the board members. Please read the article in this edition and decide for yourself. *editorial cont. right*

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LETTER TO THE EDITOR



Brian Hartsell Former Brownsburg Asst. Town Mgr.

Comments provided to this publication by Town Employees

"He is good people, he will be missed."

"Even though he stopped by to see my boss, he always took a moment to stop and ask how I was doing, how things were going with me."

"He was one of a kind, there will be no replacing him."

"We would have never untangled the accounting spaghetti that was left behind when the town manager left. He literally saved us."

editorial cont. from left Many difficult decisions must be made by town council in the years to come. Brian Jessen: it is counter productive when you continue self promotion, spewing platitudes to the apathetic or time deprived, all the while acting on behalf of a minority of non-resident special interest groups willfully ignoring the fact that your actions exacerbate decades old problems. Focusing the spot light on yourself is a distraction at best, and misdirects your limited energies better used to collaborate transparently with your fellow members, seeking solutions which not only address your constituency, but Brownsburg as a whole. Obtaining success in these areas will provide you the public's favorable attention you so desperately crave, and will decrease your appetite to perform petty acts of retribution against those who speak the truth to public servants. --The Editor

Letter to Editor:

09/24 - Brownsburg Assistant Town Manager Brian Hartsell will be moving to Salt Lake City in October to continue his career as a professional local government manager. Brian has served the Town of Brownsburg with honor and integrity and his service to the Town of Brownsburg and the Hendricks County community is greatly appreciated. Thank you Brian for upholding the standards of professional local government management and best wishes to you and your family.

Tom Klein Avon Town Manager

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Publisher / Editor - David Weyant

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Kicking the Water Rates - *continued from 1*

The town also projected that the increased rates would fund the following:

- well surveying
- a new well, a truck replacement, a mower replacement, a tractor purchase
- the 56th street to 900 loop
- the Arbor Springs & Summer Ridge booster station,
- a water field office backup generator, storage pad shelter, WTP #2 backup generator
- the Railroad street 10" main, the Tilden road 10" water main, the Odell street 10" main, East Vermont street 6" main

With the rate increase, the town actually constructed a 12" water main loop on the east side of Brownsburg and two other new wells 7A and 11.

Fast forward to 2018, the town is running out of water capacity for new subdivision build out and started limiting the number of homes which could be built until improvements were completed. This led the town to request an intertie with Citizens water on 700N to furnish water to two new developments Cadence and Belle Arbor. This cost the town approximately 1.0M for the connection and water purchase.

The town first attempted to increase the water availability fees to cover the funding of the needed water improvements. After many objections from developers, a water availability fee was adopted but not at the amount the town needed to fund projects.

Next, the town contracted for an updated water master plan, the preliminary report was given to the town council on June 27, 2019. The updated plan changed the scope of the water system to Ronald Reagan Parkway to the east and assumed that most of the growth would be to the north of Brownsburg. The plan looked at near term which is the next 10 years and long term which 10-20 years out.

The plan proposed a short-term project which was the connection to Citizens Energy for water on CR700N. A five-year capital improvement plan which included:

- meter replacement and upgrade
- meter replacement computer upgrade
- North well field Generators
- North water treatment plant and water office generator
- replace well 3
- replace well 6
- Grant street water main replacement

o **Cost estimate of 3 Million dollars over the five year period.**

The plan proposed a large capital improvement project which included:

- CR700N/CR 900 Loop
- 1.0 MGD north tank w/booster (*MGD is Million Gallons per Day*)
- Main St./SR136 water Main replacement (Seumin toNorthfield)
- Water Main and Lead service line replacement between Main and Tilden from Grant to Green with an

o **estimated cost of 12.7 Million dollars.**

On top of those projects, the plan proposed long-range planning projects to include:

- new local water wellfield
- water treatment plant 1 expansion
- water treatment plant 2 rehabilitation

o **at approximately 7 million dollars.**

With the proposed projects in the preliminary plan, the town asked BakerTilly (Formerly Umbaugh) to perform a preliminary water rate analysis based on the updated Water Master Plan. The preliminary report was presented on July 11, 2019. The analysis utilized two capital plans which switched out the meters in 9 years using town employees and a plan which switched out the meters in 5 years using non-town employees. The 9-year plan showed a need for an average of \$605,000 a year over next five years to complete the improvements. The 5-year plan would need an annual capital improvement of 1.2 M a year over the next five years. Both of these plans added a New Water Tower which was not on the master plan but indicated by management to be needed within the 5-year period.

The proforma cash disbursements showed a need for an annual cash disbursement of 3.0 Million dollars over the five-year period. To reach the needed monies for the cash disbursement BakerTilly proposed a 47% increase in water rates over a three-year phase in for the 5-year plan or a 30% increase in water rates over a three-year period for the 9-year plan. The plan would also increase the minimum monthly charge for each meter size. The presentation was preliminary and BakerTilly asked for direction from the council on next steps. **At the Town meeting on July 11, 2019, Brian Jessen says not to "kick the can down the road like their predecessors"**. Looking at the last ten years, the cost of operations has increased 3.0% a year which matches the rate in the 9-year plan.

On August 8, 2019, the council approved the updated Water Master plan. The completed plan had updated project costs for the improvements suggested in the preliminary plan. The five-year capital improvement plan estimated cost was raised to 3.967 million. The large capital improvement project estimate was raised to 12.7 million which could be financed with state revolving loan funds. The long-range planning projects at 2.9 million dollars.

With the Water Master Plan approved, BakerTilly was given the go ahead to finalize the budgetary needs of the water department and how that might affect water rates and fees. On October 22, 2019, BakerTilly presented an updated report. The report was accompanied with a proposed ordinance to update the water fees over the next five years and add a cost of living annual increase between 2025 and 2029. The longer phase in period and the annual increase after the phase in were the changes to the report from BakerTilly. The proposed phase in was as follows:

- 2020 15% increase
- 2021 10% increase
- 2022, 10% increase
- 2023 5% increase
- 2024 5% increase
- 2.5 % each year until 2029
- The other fees such as fire protection and minimum charge would increase at the same percentages

Brian Jessen says not to "kick the can down the road like their predecessors"

cont. to pg. 7

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How to Negate An Election - Lincoln Township's Approach

March 2019

During the month of March, people unhappy with the Nov. 2018 Lincoln Township Trustee election results, began spreading a false narrative via social media, by insinuating the newly elected trustee was unfit for office. This small yet vocal group of people whose numbers were 7 or less, continued to pepper social media with ever more enticing questions, hearsay, and innuendo.

Believing they'd hit "pay dirt" they posted less than flattering publicly available summaries of information nearly 10 years old. As time passed, these people continued their dogged pursuit by releasing selected details of the same information out of context on social media. Failing to receive the expected public outcry for the Trustee's resignation, this small group of like minded individuals turned their attention to members of the Lincoln Township Board; demanding they promptly address the matter.

March 26th

Friends of the Lincoln Township Trustee provided him with a legal opinion from Steve Carter Attorney General State of Indiana official opinion 2006-4, regarding statute Indiana Code Section 3-8-1-5 "Regarding Disqualification from Assuming or Being a Candidate for Elected Office". This material was easily found by performing a simple Google Search. The opinion unequivocally renders all "social media accusations" baseless and without merit. Clearly no one advancing their ideas, nor Lincoln Township Board Members who said they felt "pressured to act", cared enough to seek the truth.

June 9th

The Chair of Lincoln Township Board, Emory Lencke, requested that the Trustee (Joe Walsh) post two meeting notices (1) for an executive session on June 17, 2019 held at the clerk/treasurer's office Town of Brownsburg Town Center at 5:30pm. (2) a regular township board meeting held at 6:00pm Lincoln Township Trustee's office at BFT Fire station 131. The "executive session" was held with only board members in attendance, the trustee was specifically told by the board not to attend. **NOTE:** Indiana statutes governing township matters does not provide for township board "executive sessions".

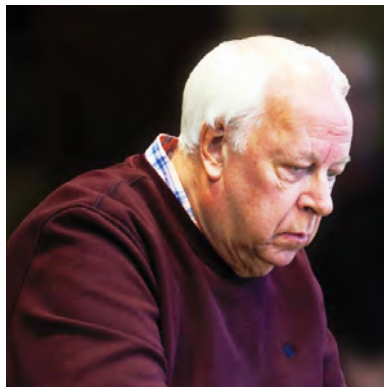
June 17th

The Board (Emory Lencke, Donovan Peoples and Kendall Hendricks) held an executive session on June 17, 2019 at 5:30pm, no meeting minutes were taken. After which a regular township meeting was held at 6:00pm. The minutes to the regular meeting stated that Donovan Peoples was elected as secretary, and the board voted to request a legal review from the Hendricks County Election Board to investigate the Trustee's ability to hold office.

2019 Lincoln Township Board



Kendall Hendricks



Donovan Peoples



Emory Lencke

June 18th

Emory Lencke sent an U.S. Postal paper letter to the Hendricks County Election Board formally requesting an investigation into the Lincoln Trustee's ability to hold office.

June 19th

On June 19th Mr. Peoples sent an electronic copy of the draft minutes for the June 17th regular township board meeting to Emory Lencke, Kendall Hendricks, and Joe Walsh. The minutes stated that on June 17th Mr. Peoples was elected as board secretary and that there was a motion to send the letter to the Hendricks County Election Board to review the qualifications of Lincoln township trustee Joe Walsh.

June 21st

Emory Lencke sent an electronic copy of the letter sent to the Hendricks County Election Board to the Lincoln Township Trustee and the two other board members (Donovan Peoples and Kendall Hendricks). In this email Emory stated that he had received a call from the Hendricks County Clerk, who serves as the secretary for the Hendricks County Election Board notifying Emory of receipt of his formal request, and it would likely be several weeks before he could expect a response. Mr. Lencke attached an electronic copy of this letter to the email. Inspection of the meta data contain within the electronic copy, showed the letter was drafted and last printed on June 9th by Emory Lencke. The document also stated that Mr. Peoples was the secretary for the Lincoln township board. **NOTE:** Election of officers took place on June 17th.

June 24th

Mr. Walsh queried Mr. Emory Lencke as to when the township board vote to send the letter to the election board. Since Mr. Walsh did not remember any discussion or vote at the regular 6:00pm meeting held on June 17th.

June 26th

The Brown Township Trustee (Nate Mantlo) file a formal complaint with the Indiana State Public Access Counselor Office alleging an open door violation along with other complaints regarding the conduct of the Lincoln Township Board on June 17th. *cont. to pg. 5*

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How to Negate An Election - Lincoln Township's Approach- *continued from page 4*

Late June, 2019

Brownsburg Sentinel Toured Station 131 identified 7+ rooms met the criteria of a secure and private meeting space, well away from the trustee's office.

The Brownsburg Sentinel met face to face with Donovan Peoples, and Kendall Hendricks. Both said their letter to the Hendricks County Election Board was in no way meant to harm the Lincoln Township Trustee, rather than to confirm he was in fact "fit for office". Both concurred they were acting as a result of less than 7 citizen complaints. They had no answers when asked,

- "Why did you feel compelled to act on these complaints? The public is easily able to file petitions on their own."
- "Why did you wait from March until June to act on the citizens complaints? What was the reason for the delay, if you were so concerned?"
- "Why did you feel compelled to hold an executive meeting in town offices across the street, when there are more than 6 office areas on the first floor alone in the main fire house (station 131), which accommodated 3 people in total isolation away from the trustee?"

Emory Lencke outright refused multiple invitations to meet face to face, and in a phone call said "*I have determined a phone interview will meet your needs*". Emory's position falls flat given the immediate accommodation extended to the Sentinel by Donovan and Kendall to meet.

June 28th

Brownsburg Sentinel submitted a Public Records Request asking to view and/or receive copies of videos from all security cameras internal and external within Town Center from June 17th from 5:00: to 6:00. In an attempt to determine who attended Lincoln Township Board Meeting "executive session".

July 3rd

Brownsburg Sentinel - The town of Brownsburg sent their reply to our June 28th request it reads in part "In response to your request, the Town has located and exported footage from two first-floor cameras for the time period requested (front door entry and first floor lobby/elevator area). Please note that the cameras are not all routed to the same NVR—there is more than one storage location. Only one storage location had footage for the time period requested, and that is what is being made available". The cameras showed the three Lincoln Township Board members entered through the front door. No information was provided by the town to prove or disprove anyone else gaining access to the building, and potentially attending a township "executive session".

July 7th

Luke Britt the Indiana State Public Access Counselor sent his opinion regarding the public access complaint filed by Mr. Mantlo on June 26th. In his remarks Mr. Britt concluded that the actions of the Lincoln Township Board constituted an open door violation via non-compliance with the open door law and the title 36 provisions regarding township meetings.

July 10th

Hendricks County Election Board notifies Lincoln Township Board saying "... regarding Lincoln Township Trustee Thomas J. Walsh. The Election Board does not have authority over this matter and therefore respectfully declines to take action. You may of course seek the independent legal guidance of an attorney. I have also enclosed a pamphlet with some publicly-available, informational materials for your review. Again, the Election Board will not take any action on this matter." The letter included a pamphlet titled "Referendum, Recall, Impeachment and Initiative in Indiana", published by the Indiana Election Division.

Aug. 28th

Mr. Lencke responded to the findings of Luke Britt the Indiana State Public Access Counselor. In Mr. Lencke's letter he conceded that he should not have called the meeting an "executive session" rather he should have called it a "special meeting".

Oct. 21st

Kurt Disser (a Brownsburg area resident) said during the regular township meeting he would submit a public records request for the meeting minutes from the newly described "special meeting" held June 17th at 5:30pm by the Lincoln Township Board. As special meetings (unlike executive meetings) are required by statute to be documented. In Mr. Disser's opinion during the special meeting held at 5:30 all evidenced indicated that decision and votes were taken. Mr. Disser asked Mr. Lencke for his public email address. Mr. Lencke refused to provide his public email address and Mr. Lencke stated he would ignore any public records request for this information, as the board considered the matter closed.

Early November 2019

Kendall Hendricks resigns as Lincoln Township Board member.

Nov. 6th

Indiana State Public Access Counselor Office Luke Britt rules on a complaint submitted to his office by Mr. Disser alleging an open door violation against the Lincoln Township Board. For their failure to provide minutes to the June 17th "special meeting" a meeting where a quorum formed. His opinion reads in part "I believe the Board knows that minutes or memoranda will be required at all meetings going forward from that opinion". Mr. Britt concludes by stating in part "... it is the opinion of the Public Access Counselor that the Lincoln Township Board of Hendricks County develop a consistent process to acknowledge and process public records requests".

Nov. 16th

The Republican party holds a Lincoln Township precinct meeting and elects Mark Tieken to replace the vacancy caused by Kendall Hendricks resignation.

Nov. 18th

Emory Lencke responds to Indiana State Public Access Counselor Luke Britt's Nov 6th opinion by saying that he was confused by the complaint from Mr. Disser. As determined earlier, the board mistakenly treated their "special meeting" as an executive meeting and failed to create minutes of the meeting. However, Mr Lencke continued to assert that no motions, votes or decisions were made at the executive meeting - *The Editor*



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Minimum Housing Standards

As the Town of Brownsburg began to consider and develop plan to bring Brownsburg into the 21st Century, the town asked the Developmental Service committee to draft a new set of development standards for the town. According to the ordinance, the new standards were initiated to encourage positive development throughout the town of Brownsburg to promote the health, safety, convenience, and general welfare of the community, to prevent overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements.

The new ordinance which established the Unified Development Ordinance (UDO) for the town to coincide with the Town's Comprehensive Plan. The UDO would repeal and replace Title 15, Chapter 155 of the Brownsburg Municipal code entitled "Zoning", it would also repeal and replace Title 15, Chapter 154 entitled "Subdivision Control Regulations" and Chapter 155 of the Brownsburg Municipal Code entitled "Zoning Ordinance" excluding the incorporated zoning maps. The new UDO would have 11 Articles to include: ordinance foundation, zoning ordinances, overlay districts, planned developments, Development standards, Subdivision types, Design standards, nonconformances, processes, enforcement and definitions and three appendices which include Land Use Matrix, recommended plant material and amendment tracking table. The UDO went into effect October 2015. (Information gathered from Ordinance 2015-8).

In the summer of 2016, the town of Brownsburg hired a new code compliance employee, Daniel Whitaker. As Mr. Whitaker settled into his position, it became apparent to the town that the rules governing code violations needed to be refined. In August of 2017, the Town Council approved an ordinance establishing the process for invoking and appealing code violations. The general process is the code compliance officer collects the evidence of the violation, delivers a written notice to the property owner with a timeframe for compliance. If the situation is not rectified on time then a fine is levied to the property owner and the fine is levied every day the notice is not rectified. Appeals are taken through the Brownsburg Town Court.

Over the last three years, several ordinances have been approved to amend the UDO specifically housing standards and code violations. Each time the changes are proposed there is a public outcry over what seems to many as the town trying to become a Homeowner's Association for the entire town. In 2019, Developmental services brought forward ordinance 2019-17.

This current attempt to establish Minimum Housing standards stemmed from some recent proposals to come through the Advisory Planning Commission. In May 2019, the APC began hearing a proposal for a new subdivision to be called Phillips Point. The property is located on the Northeast corner of 136 and N CR 628. The Phillips Point subdivision is a 37-acre plot of land where the developer planned on building 115-120 homes and meant to be a transitional community. The homes will be one story and two-story homes starting

at 250,000. Mr. Lacy recused himself from this conversation. After three meetings with the APC, over three hours of discussion and several tied votes of 2-2, the APC decided to send the issue to the Town Council with no recommendation from the APC.

In September, the BZA and APC took up discussions for Main Street Lofts which is a three-acre plot of land on East Main street to become a 17+ apartment complex. Again, there was much public outcry to the location and type of housing as it was mentioned it would be workforce housing. Lastly, the Redwood which is a multi-family housing complex on 22 acres containing 120 multi-family homes at 56th street and 900 East. This originally went through Hendricks County and moved to the town of Brownsburg. This again took many hours of time at both the BZA and APC meetings.

As Developmental services saw the trend of zoning and housing standard modification coming through BZA and APC, it was decided to put forward ordinance 2019-17 establishing a new chapter to the UDO for minimum housing standards. That ordinance was put forward on the same day that the Phillips Point non recommendation for zoning changes was also brought to the council. That discussion on Phillips Point was almost 2 hours long with a vote of 4-1 the zoning request was denied at Town Council.

The first reading of Ordinance 2019-17 followed right after the denial of the Phillips Point rezoning. After the two hours of discussion, the Council quickly passed the First Reading of 2019-17 understanding that on second reading there would be a public

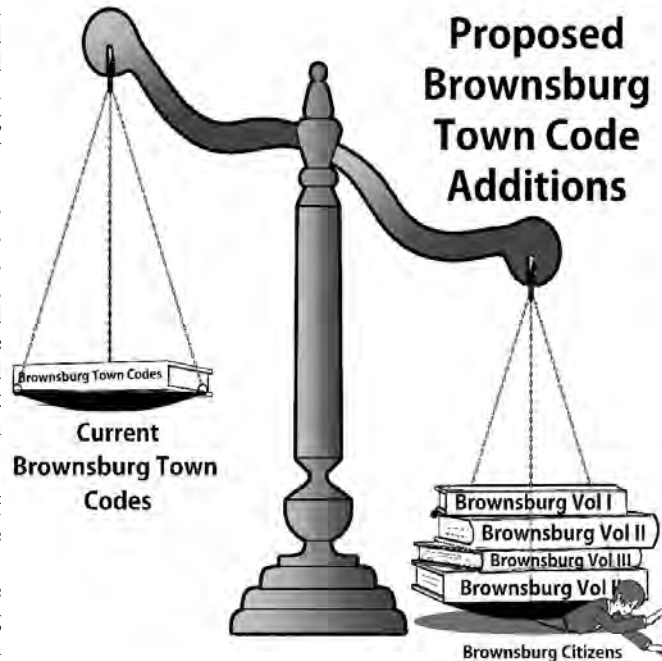
hearing. It was another 30 minutes of discussion; it was decided to table the ordinance until September 12th so that Development Services can answer some of the citizen comments. On September 12th, the Ordinance was tabled to the September 26th. At the September 26th meeting, Mr. Tschaenn proposed a committee to explore the standards to a period of six months with revised minimum housing standards until 1st meeting of April 2020. The committee will consist of 1-2 town council members, developmental services and town citizens.

At the October 24th meeting, the minimum housing standard committee was formed to include: Mr. Tschaenn, Mr. Dawes, Todd Barker, the new code compliance officer (if named), Mike Western, Tina Butiker, Cindy Hohman, Stan Comer and Dawn Spivey. The committee will be named the Property Maintenance Committee. This is another example of kicking the can down the road and into 2020 as the recommendation from the committee is not due until April 2020 -- *The Editor*

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Why are increased water rates needed?

The town's Master Water Plan that was approved in 2019 recommended almost 20 million dollars of projects that are needed by the town between immediate needs, large capital projects and long-range planning. The analysis of BakerTilly showed that while expenses have been increasing at an average rate of 3% a year, water rates have stayed constant and the town tax rate has steadily decreased.

There are three issues at play here. First, the water rate for the town has not increased since 2010 while expenses have increased an average of 3% a year. Most towns that control their own water rate have built in to their rate ordinance a yearly cost of living increase to cover that average rise in expenses.

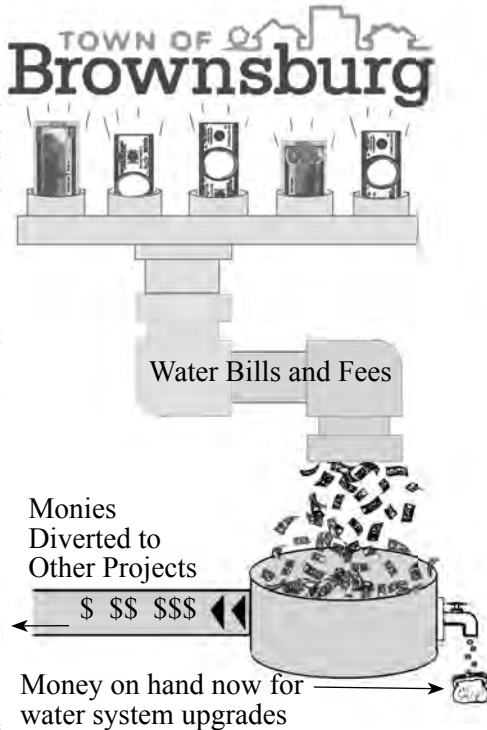
The second issue is the use of the water and sewer funds. According to Indiana Code 8-1.5-3-8, the rates and charges for an utility should be sufficient to pay all the legal and necessary expenses to include maintenance, operating charges, upkeep, repairs, depreciation, and interest. The rate should also cover any debt service reserve, capital outlays, repairs and any taxes. Indiana Code 8-1.5-3-11 does state the

town may transfer surplus earnings to the general fund through a cash reserve fund which is considered revenue in lieu of taxes. It can only be made in the calendar year and can not be transferred except through the cash reserve fund. An email received by Mr. Jessen from the State

Board of Accounts in November, 2019 stated "the State Board of Accounts has not taken audit exception to the use of pro-rating expenses that serve or cover town and utility functions, provided that some proration is reasonable and documented...-only expenses paid using utility funds could be subject to audit exception as we'd expect town-only expenses to be paid from town funds."

The Indiana code and the guidance from the State Board of Accounts does mean that a % of the fund can go to overhead expenses like HR, accounting and fleet maintenance but only to the percentage utilized by the water and sewer funds. Currently

those costs are split into thirds which is probably high based on other departments within the town. However, analysis of the consent items over the last year shows that there are expenses coming out of the



Over the last 5 years an average of 55% of the water fund has went to other services and charges while money for water dept. for supplies, personnel and capital outlay have stayed the same or decreased

water fund that do not seem appropriate i.e. the new chair and desk for the town manager or signs for the Farmer's market. Some people doing the analysis have estimated that the town has utilized 7 million dollars of funds over the last few years to keep the town solvent and fund other projects outside of the water and sewer.

Why did they need to utilize the water and sewer fund? The third factor is the town tax rate. As residents, we all like a decrease in taxes and since 2012 the town tax rate went from 1.1498 down to 0.9251. That is great, right? Well how did they accomplish that by utilizing water and sewer funds for normal day to day expenses of the town. Those expenses are hidden in the part of the Indiana Code that states they can utilize water and sewer funds for normal overhead associated with the normal operation of water and sewer departments.

Over the last 5 years, an average of 55% of the water fund has went to other services and charges while money for supplies, personnel and capital outlay have stayed the same or decreased. In 2018, out of a 4.2-Million-dollar budget only 35,000 dollars went toward capital outlay. So as the town council members have touted that they have lowered taxes by 20% over the last 8 years that translates into what will amount to a 73% increase of the water and sewer combined utility bill over the next 5 years. I wonder how the water fund would look if taxes would have stayed the same over that time –would we need a rate increase or at least not as big of one.

This is something that bears watching by all members of the public -- town residents, and township residents receiving town water and sewer services over the next year. We suggest no rate increases are approved until the use of enterprise funds (water & sewer) is clarified. And the results are effectively communicated to the public -- *The Editor*

Kicking the Water rates down the road

cont. from pg. 3 Brian Jessen read an email to the council into the record which expressed his concern about the rate increase. He thinks more options need to be researched and treat with the seriousness it needs. Brian made a motion to table the 1st reading of the ordinance for 60 days and seconded by Ashley Bascu. Because of the holidays, a motion was made to change the motion to 90 days by Travis Tschaenn. Tricia Leminger, the town attorney was very specific during the discussion noting the motion would appear on the January 23rd Town Council Agenda, for review. Mr. Jessen also called out to Matt Simpson, and Jeff Gracey 2020 Council members elect for their respective wards and asked if they were o.k. to move the ordinance to January 23, 2020. Mr. Jessen acknowledged that these remarks goes against the July 11th statement of not "kicking the can down the road".

BakerTilly rate increase is a pay as you go plan with no financing which is not what was proposed in the Master Water Plan. The analysis did not assume any growth in users and did include a 2.5% increase per year in expenses. Mr. Dawes asked if the phases had to be implemented if changes were needed up or down in the future. Mr. Dawes asked how BakerTilly could help the town in figuring out the billing issues and other financing options to marry up to the water rates.

After much discussion, the motion was amended to table the ordinance for 90 days which moves it to the second meeting in January 2020. The motion was approved 4-1. A second motion was brought forward by Mr. Dawes to allow BakerTilly to start exploring the answers to the questions and other options that can be utilized. The second motion was approved 5-0.

The can was kicked 90 days to Jan. 23rd, 2020

Article continues to the right column top of this page

This is a story that will continue into 2020. -- *The Editor*

What's in a Name?



Nate Mantlo - Brown Township Trustee

On Monday October 21, 2019, the monthly Executive Board Meeting of the Brownsburg Fire Territory took up the issue of "What's in a Name?". On that evening, the Brownsburg Fire Territory took up a discussion for Resolution 2019-08 -A resolution adopting the assumed name "Northeast Hendricks Fire Territory". The resolution was brought forward by Brown Township Trustee Nate Mantlo. The resolution would change the alias or assumed name of the Fire Territory to reflect the geographic and participating area of the Fire Territory.

The Brownsburg Fire Territory was established as the first fire protection territory in the state of Indiana in September 1995. Based on the interlocal agreement the territory consisted of Brown Township, Lincoln Township and Brownsburg. The Executive Board consists of the Trustee from Brown Township, the Trustee from Lincoln Township and an appointed Brownsburg town council member.

This was not the first time a resolution had been brought forward to change the alias of the Brownsburg Fire Territory. In 2013, then council member Dave Richardson brought forward this idea. At that time, the town was trying to annex several areas around Brownsburg. The resolution did not pass at that time. On June 5, 2019, the Indiana Supreme Court ruled in favor of the residents in the North annexation area ending Brownsburg's attempt to annex 4500 acres of land North of the town.

The resolution 2019-08 was announced when the agenda for the October 21, 2019 meeting was posted on October 17, 2019. It did not take long for the resolution to make it to social media where it immediately created a firestorm of conversation. It was also obvious from the conversation that two members of the Executive Board were caught off guard as both Brian Jessen and Joe Walsh stated in social media, they were gathering information.

On the evening of the Executive Board meeting, the room was filled with concerned citizens and Brownsburg Fire Territory personnel. The crowd was large enough that the meeting was moved to the biggest room at the Fire Territory Headquarters. The tone of the evening was set when the Brown Township Trustee entered the room wearing a No Annexation T-shirt. It was also evident that the large crowd present that evening was a very different audience than usual.

Mr. Mantlo called the meeting to order and after the Pledge of Allegiance and moment of silence, roll call saw that all members were present. At the Brownsburg Fire Territory Executive Board, any resolution must pass 3-0. (This would come into play later in the evening). The board made quick work of approving the minutes and expenses even though the expenses were scrutinized by both Trustees.

With no old business, the board looked at new business. First up was Resolution 2019-07 a resolution regarding the non-transfer of vehicles by the Brownsburg Fire Territory. In 2011, a resolution of the Town of Brownsburg after consultation with the BMV that the vehicles owned at that time should be titled in the name of the Town of Brownsburg. The resolution did not say anything about future purchases of vehicles by the Territory. Mr. Jessen asked for an amendment to the resolution to add specific wording from the 2011-44 resolution that noted that



Artist Rendering

the interlocal agreement still gave the executive Board the power of disposition of vehicles and that the 2011 resolution was also approved by Brown and Lincoln Townships. With a motion to approve the amended document, it was passed 3-0. However, Mr. Jessen would not sign the resolution until he saw a copy with the amended wording.

“The Town of Brownsburg sought to weaponize the name “Brownsburg Fire Territory” in the litigation against the north annexation”. -

Nate Mantlo

After that conversation, the Executive Board moved on to resolution 2019-08 which was the reason for the big crowd on this evening. Mr. Mantlo started the conversation by stating that he wrote the resolution that was on the agenda. Mr. Mantlo started by saying that the resolution was posted on Facebook (*late Thursday evening before the Monday meeting - Ed.*) and many in the room had read it. He clarified that the resolution was to adopt an assumed name, it was not to change the legal entity name of the Fire Territory. The resolution provides for the advertised name to be changed trucks, signs, patches, and t-shirts. Mr. Mantlo conceded that not all of the changes would be feasible in the beginning because of cost to the department and the firemen.

Next, Mr. Mantlo described why he brought forward the resolution. The Brownsburg Fire Territory was formed between three taxing entities in the summer of 1994. This was the only time that the Fire Territory was named. Unfortunately, the two trustees did not elect to name the territory also in the township's names. Naming in all three names or all participants names is done in many places—it can be an acronym or individual names or something more symbolic. Mr. Mantlo stated that he thought it was a mistake that has been going on for over 25 years and in his view has been incorrect. He went on to say that changing the name to Northeast Hendricks Fire Territory is not a new proposition. It was made in 2013 by the Town of Brownsburg when the Fire protection area was thinking about taking on another entity which was Pittsboro. The resolution was brought forward by Dave Richardson. He suggested that because of some discussions that at the time were not public that it was a good time to look at the name change again. He stated that if the Fire Territory expands, he did not think it was in the best interest of the townships to leave the name of the Fire Territory as it is now.

He went on to state that he represents on the Fire

cont. to pg. 9

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What's in a Name? - *continued from page 8*

Territory Board 1/3 of the Board but he also represents the non-annexed part of Brown Township. The municipal part of Brown Township Brian Jessen represents. The non-annexed part of Brown Township are the people who fought the annexation and it is the reason he was wearing the no annexation t-shirt. Mr. Mantlo went on to state "The Town of Brownsburg sought to weaponize the name "Brownsburg Fire Territory" in the litigation against the north annexation. It was a point of litigation to win against us "so when the wolf is at your door-take moves" and also, I am representing my constituents"

He stated he had seen the comments and a lot of people were concerned about cost. He proposed to postpone the resolution until there was a cost estimate at the next meeting. Joe Walsh seconded the motion and went on to say "That there is a lot of stuff to this. There is a lot of information that needs to come up about this money and everything else. I don't like the fact that it was thrown in my lap Thursday night via email. So, if we are going to look into this I want to understand how much money it is actually going to cost."

Mr. Mantlo then stated that people needed to remember that the Board voted not to purchase two personal vehicles on the

order of 90, 000 dollars. He went on to say that whatever this cost, he was sure it would not affect the taxpayers because of money the Board had saved over the year.

Mr. Jessen then asked for more discussion. Mr. Jessen stated that a change of the alias would have to be considered by the three governing bodies of the Fire Territory and not something that the Board could do by itself. He stated that the resolution does not fall into the section of the interlocal that governed the powers of the Executive Board. Mr. Jessen went on that to slowly change the name of the Fire Territory is not the highest priority of the Board and that they should be worrying about things like pensions and fire trucks and equipment etc. If the Township wish to change the name, they should bring forward a resolution through the proper channels. Mr. Jessen went on to say, "to come forward because Brownsburg tried to stick it to us is a waste of time, a waste of taxpayer dollars. At the same time, the matter was resoled by the courts, the town has not done anything since then with that. I consider the annexation matter closed and we are moving on. I am not going to sit back and let the Fire Territory be used as a

pawn in a revenge game against the Town of Brownsburg." "If this is something you want to pursue, I suggest that you bring up at your township board and let it go through the proper channels"

Mr. Walsh said this is only a temporary name because it would need to change the interlocal to change the name legally to which Mr. Mantlo agreed. Mr. Walsh stated then why are we wasting the time and energy on it.

Mr. Mantlo then called a vote for the motion to postpone until the next meeting which failed 1-2. Then, Mr. Mantlo called for a vote on the main resolution which also failed 1-2.

The conversation did not end there as citizens comments brought up the issue of the name change again. First to the microphone was Fred Arkanoff who stated that Mr. Jessen had it right that all of our addresses end in Brownsburg and there was not reason to change the name on anything and the Board needed to spend their time on more important matters.



Next up was Steve Chapman who addressed his comments to Mr. Mantlo saying that using the Fire Territory as your way to get back at Brownsburg. He stated that Mr. Mantlo admitted that the resolution was the proper thing to do in his position. Mr. Chapman called for Mr. Mantlo to resign. Mr. Mantlo responded by saying duly noted and "over my dead body".

Mr. People's was next to the microphone. Commended Mr. Walsh and Mr. Jessen for their stand at the meeting and voting against the resolution. Mr. Gracey then came to the microphone. He stated that the Trustees were elected and the councilman appointed to represent the entire Fire Territory and not bring forward personal agendas. He then brought up the fact that the firemen might have been threatened not to show up at the meeting. He hoped that it was not true.

Last up on the subject was David Weyant. He stated that his support for public safety is unwavering. Mr Weyant also mentioned, while Brian Jessen said it was abhorrent to hold public safety hostage or use it as a political pawn, he reminded those present (which included not only Town Councilman Brian Jessen, but Town Manager Jeff Eder, Clerk/Treasurer Ann Hathaway, Town Councilman Chris Worley), the town had recently conducted themselves in a similar manner. Just weeks before the council approved the submission of an emergency appeal to the Department of Local Government Finance asking permission to maximize a tax levy to generate an additional \$150K in monies. Under the guise the monies would be used to fund 3 police officers and a town planner. He stated that if the rumors of threatening the firemen were true he said in a forceful and unforgiving voice "that Mr. Mantlo should never do that again".

What's in a name? For the firemen and women of the Brownsburg Fire Territory –it is their identity –their livelihood –it is their pride. To change the name because of a perceived wrong that is 25 years old or the Fire Territory was used in the annexation suit is disrupting to the very fabric of the Fire Territory. I am sure that 25 years ago when they were naming the Brownsburg Fire Territory—they took into account that the Brownsburg Fire Department had been serving Brown and Lincoln Township under the name of Brownsburg since 1945. There are two take aways from this (1) The department has a long history of serving this part of the county and until there is a valid reason to change the name, we should leave well enough alone (2) - Whenever a change is clearly required, it is properly socialized, time is given to reflect, adjust, and offer alternatives. - *The Editor*

**What's in a name?
for the firemen
and women of
the Brownsburg
Fire Territory –
it is their identity–
their livelihood –
it is their pride.**

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9/11 Memorial Dedication



9/11 Memorial at
Arbuckle Commons

On September 11, 2019, Brownsburg Fire Territory dedicated the Brownsburg 9/11 Memorial. The day started at 10am at Arbuckle Common with a dedication ceremony. At the ceremony, Chief Alcorn discussed the reason and the importance of the Brownsburg 9/11 Memorial. "You know on that shocking day when our country was attacked, we lost over 2700 individuals at three sites. The World Trade Center North Tower, the World Trade Center South Tower, and the Pentagon. And on four different flights American Airlines Flight 11 and 77, United Airlines 175 and 93. The overall count includes 37 Port Authority officers, 343 fellow fire fighters from New York's Fire

Department, and 23 New York Police officers. For whom number of deaths continue to rise from toxic exposure. We must never forget the sacrifices made." Chief Alcorn. The Chief went on to thank the Firefighters who came up with the idea-- Ryan Miller, Jim Miller, Donnie Ross, and Alex Brand.

The Chief ended his remarks asking the question "Why a memorial, what is the purpose?" "This artifact speaks not of September 11th but of September 12 as we woke from the fire and ash. Here we see a steel bone raised again to the sky our symbol barer of fortitude, a reminder that we are not who we once were, but we are not undone. So, take a lesson that can be taken that can only be found in such memories as those shared here today, carry them in your lives be inspired to rise and go forth." — Brownsburg Fire Territory Chief Larry Alcorn speaking at the 10 am Brownsburg 9/11 Memorial Dedication.

The day did not end with the dedication ceremony. Brownsburg Fire Marshall Steve Jones, Deputy Fire Marshall Tony Smith, Jim Miller and others stayed at the memorial site to answer questions from those who visited the memorial during the day.

At Sunset, a second ceremony was held to retire the Flag. The firefighters brought the US flag with them to retrieve the artifact. The flag was draped over the artifact when they loaded it on to the trailer and it stayed on the artifact in some part for the next ten years. The flag was not removed from the artifact until a few months ago when the artifact arrived at the monument site. At that time, the flag stood watch at the memorial site. This evening after the National Anthem was performed. A sole bagpiper played Amazing Grace as the flag was lowered and retired-its work for the memorial completed. The flag is now on display at the Brownsburg Fire Territory headquarters.- *The Editor*

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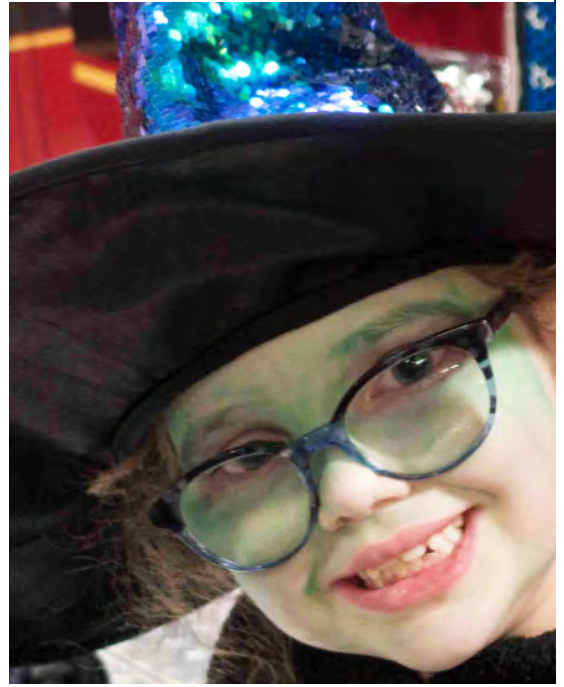
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The Year In Pictures July 4th and Halloween



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