ST. JOSEPH COUNTY

**Union Township Trustee Advisory Board**

**Meeting Minutes**

**Meeting Date:**  September 28, 2023 – 6:00 PM, Trustee’s Office

**Members Present:**  Kelly Carrico, Mike Wozney, Ryan Schafer

**Public Present:** Three members of the public.

The meeting was called to order at 6:00 PM by Ryan Schafer, Advisory Board Secretary.

Mike made motion to approve the minutes from August 22, 2023, and Ryan seconded. All in favor.

Mike made a motion to approve the meeting minutes for September 14, 2023 Budget Adoption meeting. Mike made a motion, Ryan seconded. All in favor.

**Award of Contract for parking Lot:**

Contract for bid for construction of parking Lot on township owned property at the Northwest corner of Main and Harrison Streets in Lakeville.

The Trustee stated that bid invites were sent to:

James Concrete

Langfeldt Concrete

Majority Builders

Martins Masonry

Per IC 36-1-12-4.7 states that if the project is expected to be less than $150,000.00 the bids could be by invite, and at least three invitees. Bids packages were sent out on September 15, with a seven (7) day window to receive quotes.

The following is the responses from the bidders:

James Concrete: No response

Langfeldt Concrete: Letter of Denial to bid.

Majority Builders: $98,385.00

Martins Masonry: No response

Ryan made a motion to accept the bid from Majority Builders, Mike seconded. All in favor, Motion passed.

Ryan stated that he feels that this project has been a long time coming. With the demolition of the house and addition of more parking for the Township and Fire Department, this shows good faith with the Code Enforcement in the Town of Lakeville.

There was some discussion as to the particulars of the project with telephone lines and curbing. There is a one (1) year warranty for the work performed by Majority Builders

Ryan will work as a liaison between the township and Majority Builders.

**Old Business:**

Ryan asked if there was anything new with the issues involving the structural integrity of the Fire Station building. Kelly stated that we do not have any warranty on the building anymore. The insurance carrier (Capstone Insurance) stated that they will not cover any structural defects.

Mike made a motion to hire a structural engineer and Ryan seconded. All in favor.

Ryan asked about the disposition of Ambulance Service Contract. Kelly stated that the State Board of Accounts (SBOA) will not allow any further payments to Union North Ambulance Service (UNAS) without a contract. Ryan stated that the Township funds the ambulance service for the township, and the town does not contribute but only benefits from this service. Kelly stated that at an Indiana Trustees meeting, attorney familiar with township government (IC 16-31-5.1 is what the attorney referenced) stated if a county provides ambulance service that providing ambulance service by township funds is double taxation. Kelly is looking further into this. The State Board of Accounts states that Ambulance and Fire should be under the same funding.

Ryan presented a thought of the Fire Territory contracting with the ambulance service. Then the township could pay to the Territory a one-time payment to fund the ambulance service in the same amount as has been in the past. Kelly stated that the Fire Territory and Township funds cannot intermingle because they are taxed differently. There was discussion about how to get the Ambulance under the Fire Territory. Also, there was discussion about offering a space for a South Bend Ambulance to be housed in Lakeville.

Mike asked why we cannot contract with Union-North Ambulance Service. Ryan stated that they are having staffing issues and have not had personnel to respond to calls for service.

Kelly made a point to be clear that we ***are*** going to contract with the Union-North Ambulance Service. She stated that the township is under audit by the State Board of Accounts (SBOA). She was requested to provide contracts between the Township and UNAS for the past four years. She said there are none, the last contract on file is from 2016. So technically the previous Trustee should have not made payment. Kelly was advised by the SBOA not to make payment. When the township enters into a contract it needs to specify what happens in a breach of contract, insurance, liabilities, how payments are to be made etc. We are past the point of a two-page contract as has been done in the past. This needs to be specified in the event anything was to happen. Kelly had the insurance company (Capstone) look into the policy that UNAS has, and Union Township is not responsible for the Ambulances service. Union-North Ambulance service is responsible for their own employees liability. Union and North Townships are covered as far as the equipment the townships own.

Mike was concerned as to how long this has been in process, and we are no closer to having a contract. Mike recommended that Kelly reach out to John Lampkins and that she give an ultimatum to UNAS for the requested information.

Kelly mentioned that she has reached out to the Township Attorney for a meeting at his earliest convenience to discuss going forward with a contract.

Ryan stated that he does not want to lose the ambulance service for this community. When you call for the ambulance, you want it to be there. We need a reliable service.

Ryan went on to say that Union Township and North Townships collectively pay UNAS over $200,000 for services. Yet their staff is leaving to go elsewhere to make a better wage. UNAS is banking this money and not providing a service to the community. And we as a board are allowing this to happen. Ryan mentioned that at a previous meeting Ryan asked John Lampkins (UNAS President) on July 13th what would it take to get the pay in line with other agencies in the area. And have yet to receive this information.

Ryan went on to state that there is also word that North township is wanting to form a territory with the Town of Lapaz and North township and encumber the Ambulance Service; and then contract with Union Township. What North township is failing to recognize is the fact that Union Township owns fifty percent of the equipment operated by UNAS. At the end of the day Union township owns one ambulance and associated equipment. The problem is explaining to the public why we pay UNAS over $100,000.00 a year and as we are aware UNAS is a not-for-profit entity. UNAS is setting on over $220,000.00 in excess funds and the pot keeps growing. Yet they have staffing issues. Why? What is going on?

**New Business**

Kelly stated that she had a gentleman stop by the office inquiring about a cemetery plot. She couldn’t find any recent record of any sale of plots for any of the three (3) township cemeteries. Kelly recited the Indiana Code 23-14-68.

Kelly asked the board as to how to proceed.

Ryan stated that the last sale he was aware of was a few years ago for he thought $150.00.

The Board suggested asking Palmer Funeral Home as to a valuation and see what the neighboring townships charge for the same. Plot pricing should be similar. This matter was tabled until more information could be gathered.

Kelly asked about the disposition of the storage container at the fire station. The township owns this, and it was decided to take sealed bids for the same. Mike made a motion to take bids, Ryan seconded. All in favor.

Also discussed was putting out for bid for snow removal at the Fire Station.

There was discussion about spalding of the concrete in front of a service door of the Fire Station. Ryan will reach out to Martins Masonry to see if there is a solution as they did that job.

**Trustees Report**

The State Board of Accounts (SBOA) is doing a preliminary audit of the office. This is a four (4) year audit. Basically, the former trustee failed to upload files from 2019 to 2022. This includes monthly reports, annual reports, contracts, employee compensation forms, and nepotism polices. Kelly is looking thru boxes and files trying to get this information to the SBOA. They will take this information and do a preliminary audit, and then decide from that any other information they may need. She was able to upload all the meeting minutes for the past four years. Kelly has had some assistance from the Township Clerk when she is available. Hopefully all this information will be uploaded to SBoA shortly. They have been very patient during this process.

Landfill tipping monies have been requested from the County. Second and Third Quarter are in the rears. This money is paid from Prairie View Landfill to the County then dispersed to local Fire Services as specified.

Kelly stated that some of the reason that it has taken time to respond to the SBOA is that she has received numerous phone calls from state authorities regarding the status of Lakeville Volunteer Fire Department Inc. She had to explain to them that we, Union Township, are the provider agency for the Lakeville/Union Fire Territory and not associated with Lakeville Volunteer Fire department Inc. (LVFD) There have been whistleblower complaints, and complaints to other State agencies. Union Township must provide the request for information, or we will be seeing a subpoena from the court. Kelly has been working to provide the requested information. Also, it was asked if the Township has any knowledge of any bank accounts LVFD. Inc have used. Also, it was asked of any knowledge of the status of any monies that would have been donated to LVFD. Kelly told the SBoA that the township has no records for LVFD, and they are separate entities. Union Township as provider unit for the Lakeville Union Fire Territory contracted with the Lakeville Volunteer Firemen Inc to provide labor for the Fire Territory. Kelly, as Trustee did not execute any contract, and that it was under the former Trustee that agreements were executed. It is that with Kelly becoming the new Trustee problems were discovered. Kelly went on to say that there were many efforts to resolve these problems, to no avail. Ultimately things exploded into the media. That is when legal counsel advised the Township that as an elected official, she had to disclose that she has knowledge of what is happening. She can only provide the authorities with what she does know and what records she has access to.

*Public Question*: Do the records that you were required provide to authorities state the persons who were given monies that were not reported on tax records? Kelly stated that records were provided that show who had received an amount. How the individual reported this on their tax records she has no record of.

Kelly stated that she will not issue a check without a W9 and verification of the status of a Federal ID number. At the end of the year, she must run a report and determine who requires a 1099 form. This safeguards the Township from fines from the Internal Revenue Service. When she came into the office in January, the previous trustee did not finish out 2022. She had to get all the W2 forms to the employees of the Township, and 1099’s to those that require them. She stated there was no records for Lakeville Volunteer Firemen Inc. That was one of the questions from the SBoA. The SBoA is not the one to audit LVFD, it will likely be the Attorney General, The Secretary of State, the IRS and the Indiana Department of Revenue. The question was asked is what information does the Township have that proves that LVFD was a non for profit, and what was their Federal ID number? The township has no documentation of this. Kelly stated as far as herself as a new trustee she is not responsible, since the problem was not a fault of hers, but the error goes against the Township.

Ryan called for the meeting to adjourn. Failed for lack of a second.

*Public question*: If you couldn’t find an EIN (Employee Identification Number) did they ever have one?

Kelly responded that she does not know.

Ryan stated that he believes there was one at one time.

Mike states that there was one at one time, but it does not currently exist.

Ryan stated that this was brought to the attention of Lakeville Volunteer Firemen Inc a little over a year ago.

*Public Question*: Does Lakeville Volunteer Firemen Inc. still exist?

Mike answered that as far as the state of Indiana is concerned, they do as a not for profit, but not with the IRS.

Kelly stated that the Federal ID numbers that were provided, and she has two, are not active with the IRS. She went on to say that in checking on some past grants to Lakeville Volunteer Firemen Inc that at that time the ID number for the Township was used, and she does not know why.

*Public Question*: How did Lakeville Firemen Inc have bank accounts without a federal ID number?

Kelly responded that she does not know and that it is not something that the Township would have knowledge of.

Ryan explained that these issues were brought up many times in past meetings and Lakeville Volunteer Firemen Inc was fully aware. Things came to a head when the new insurance carrier would not insure the men under Lakeville Volunteer Firemen Inc since they did not have a valid Federal ID number.

So now the question is why did we change insurance carriers? The reason is because of better coverage for the Township. Ryan explained that we went from an actual value on equipment to a replacement value. For instance, if a twenty year old fire truck is valued at $50,000 and it is totaled in an accident. The replacement, as we know since we have a new fire engine on order, is nearly $400,000. That is a huge deal.

Furthermore, there is an additional benefit of life insurance, lost wages and disability coverage that was not provided before. And the cost is less.

At 7:40 PM a motion to adjourn was made by Mike Wozney, Second by Ryan. All in favor.

Minutes approved \_\_\_\_ Day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 2023

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