



MINUTES OF OCT. 11, 2021 REGULAR MEETING

Board of Public Works & Safety and Stormwater Board

Convened at 2:00 p.m. Goshen Police & Court Building, 111 East Jefferson Street, Goshen, Indiana

Present: Chair Jeremy Stutsman and members DeWayne Riouse and Barb Swartley

Absent: Board members Mike Landis and Mary Nichols

Call to Order: Mayor Stutsman called the meeting to order at 2 p.m.

Review/approval of Minutes: The minutes of the Sept. 20, 2021 and the Sept. 27, 2021 meetings of the Board of Works & Safety and Stormwater Board were presented. **Board member Swartley moved to approve both sets of minutes as presented and the motion was seconded by Board member Riouse. Motion passed 3-0.**

Review/approval of Agenda: Mayor Stutsman presented the Board agenda and suggested that item #17 be moved to the end of the meeting, becoming item #20. **Swartley moved to approve the agenda with the suggested change and the motion was seconded by Riouse. Motion passed 3-0.**

1) First Fridays street closure/no parking requests for Nov. 5 and Dec. 3 (Adrienne Nesbitt)

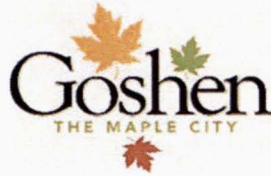
On behalf of Downtown Goshen, Inc., Adrienne Nesbitt, director of Events for Eyedart Creative Studio, made a series of requests for First Fridays in November and December. For Nov. 5, Nesbitt requested no parking from 4-10 p.m. in six spots in front of 216 S. Main St. and no parking from 4-10 p.m. in six spots in front of 232 S. Main St. (leaving handicapped spots available in both sections) For Dec. 3, Nesbitt requested no parking from 4-10 p.m. in six spots in front of 216 S. Main St. and no parking from 4-10 p.m. in six spots in front of 232 S. Main St. (leaving handicapped spots available in both sections), and the closure and no parking for the half block from Main Street west to the alley on West Washington Street from 2-10 p.m. for the tree lighting and Christmas market.

Swartley/Riouse moved to approve the First Friday requests for no parking in spaces for Nov. 5 and the requests for no parking and a partial street closure for Dec. 3. Motion passed 3-0.

2) Ten Thousand Villages no parking requests (Emma Eitzen)

Emma Eitzen, the store manager of Ten Thousand Villages, 206 South Main Street in Goshen, asked the Board for permission to block off and reserve five parking spots in front of the store on Oct. 26, from 3-6 p.m. and Oct. 31, from 3-6 p.m. A van will be delivering a heavy load of product that needs to come in the front of our store instead of the back for an event. And the parking spots will be needed again on the second date to reload the product.

Swartley/Riouse moved to approve the request of Ten Thousand Villages, 206 South Main Street, for permission to block off and reserve five parking spots in front of the store on Oct. 26, from 3-6 p.m. and Oct. 31, from 3-6 p.m. Motion passed 3-0.



3) Horner Roofing and Siding right of way and no parking request

Derek Newland of Horner Roofing and Siding of Mishawaka said the company is installing a new roof at Goshen First United Methodist Church, 214 South Fifth St., and will be using all parking spots behind the church by the alley for supplies and its dumpsters. Horner asked permission to use the parking spaces and for permission from the Board to occasionally place lifting equipment on the sidewalk adjacent to Jefferson Street for a month, starting Oct. 12. Horner plans to use cones and caution tape during the work. In response to a request from Mayor Stutsman, City of Goshen Director of Public Works and Utilities Dustin Sailor said the church owns the parking spaces, but City employees use the spaces due to an agreement with the City. In response to a question from the Mayor, City Attorney Bodie J. Stegelmann said that even though the church owns the parking area, it would be a good idea for the City to approve the request. In response to a question from Swartley, Newland said Horner primarily would like permission to sometimes have its equipment blocking the sidewalk on Jefferson Street.

Swartley/Riouse moved to approve Horner Roofing & Siding's request to use the parking spaces next to the alley behind First United Methodist Church and the sidewalk adjacent to Jefferson Street while replacing the roof at the church for a month. Motion passed 3-0.

4) Unfinished Business: Memorandum of Understanding between the City of Goshen and Goshen Community Schools for School Resource Officers

Mayor Stutsman reminded the Board that this matter came before the Board at the Sept. 27, 2021 meeting and that he asked for it to be tabled so he could review the Memorandum of Understanding. The Mayor added that he fully supported the request. At the Sept. 27 meeting, Brandy L. Henderson, a paralegal with the city Legal Department, asked the Board approve a Memorandum of Understanding (MOU) between the City of Goshen Police Department and Goshen Community Schools for the School Resource Officer Program. She said the MOU memorialized the mutual understandings between the parties regarding the role of School Resource Officers within the schools. Henderson said this would be the first MOU for the School Resource Officer Program. Henderson previously reported that the MOU was requested by the Police Department based on what other school corporations have done and to clarify the roles of the parties.

Swartley/Riouse moved to approve the Memorandum of Understanding between the City of Goshen Police Department and Goshen Community Schools for the School Resource Officer Program. Motion passed 3-0.

5) Biebs & Ash: Grease trap variance request (David Lucchese and Ashley Robinson)

David Lucchese and Ashley Robinson, owners of Biebs & Ash, a new restaurant opening at 133 South Main St. in Goshen, asked the Board to grant an appeal to the requirement to install a 1,000-gallon interceptor for a Category A food service establishment (FSE). The appeal is requested on the grounds the restaurant is located in the downtown business district, and the building occupies the entire parcel. Lucchese indicated the lack of private property precludes the installation of a 1,000-gallon interceptor per the ordinance. In place of the interceptor, Biebs & Ask will install a Big Dipper mechanical grease trap with the capability to process 50 gallons per minute of flow with 108 pounds of grease retention. In response to question from Mayor Stutsman, City of Goshen Environmental Compliance Administrator Mick Reese said the previous business at 133 South Main Street had a grease trap, but it is now gone, and that its absence and the change in ownership requires a new variance. Mayor Stutsman said this type of variance has been granted in the past as there is no workable alternative.



Swartley/Riouse moved to approve an appeal to the requirement to install a 1,000-gallon interceptor for a Category A food service establishment and to allow the installation and use of a Big Dipper mechanical grease trap. Motion passed 3-0.

6) Police Department: Resignation of Police Officer Joshua M. Owens

Goshen Police Chief José Miller asked the Board to approve the resignation of Police Officer Joshua Owens effective Sept. 29, 2021. Owens was hired on Dec. 17, 2007 and submitted his resignation from the Police Department on Sept. 29, 2021.

Swartley/Riouse moved to accept the resignation of Police Officer Joshua Owens effective Sept. 29, 2021. Motion passed 3-0.

7) Agreement for IT and Cybersecurity Assessments with Baker Tilly Municipal Advisors, LLC

Goshen City Attorney Bodie J. Stegelmann asked the Board to enter into an agreement with Baker Tilly US, LLC for its services in conducting IT and Cybersecurity Assessments at a cost not to exceed \$50,000.00, and to authorize Mayor Stutsman to sign on behalf of the Board of Public Works and Safety. By way of background, the objectives of this engagement include: Assisting the City of Goshen in performing a cybersecurity assessment using the NIST Cybersecurity Framework to identify areas for improvement to the City's cybersecurity program and capabilities; performing a security review of the City's SCADA and Industrial Control Systems (ICS); and performing a review of the City's payment processing processes and solutions against the PCI Data Security Standard to identify gaps that should be remediated. Baker Tilly anticipates completing its work by Feb. 28, 2022. Mayor Stutsman said the City suffered a cyberattack earlier in the year, but the City's IT staff detected it quickly and there were no losses. The Mayor added that the City has wanted a cybersecurity assessment for a while.

Swartley/Riouse moved to enter into an agreement with Baker Tilly US, LLC for IT and Cybersecurity Assessments at a cost not to exceed \$50,000.00, and to authorize Mayor Stutsman to sign on behalf of the Board of Public Works and Safety. Motion passed 3-0.

8) Leaf Storage Agreement with Ozinga Ready Mix Concrete, Inc.

Brandy L. Henderson, a paralegal with the city Legal Department, asked the Board approve and authorize the Mayor to execute a Leaf Storage Agreement with Ozinga Ready Mix Concrete, Inc. Effective Jan. 1, 2022, the City plans to lease space at 1700 Egbert Avenue to store leaves. The rental is \$10.00 per month. Mayor Stutsman said this is a great drop-off site for the City and it saves staff time to use it during citywide leaf pickups.

Swartley/Riouse moved to approve and authorize the Mayor to execute a Leaf Storage Agreement with Ozinga Ready Mix Concrete, Inc. Motion passed 3-0.

9) Agreement with Ivy Tech Community College of Indiana

Brandy L. Henderson, a paralegal with the city Legal Department, reported that the Board approved this agreement at its Aug. 23, 2021 meeting. After the Board approved the agreement, it was discovered by Ivy Tech that some terms to its insurance had changed. Henderson said the new agreement reflects these changes and the Goshen Fire Department asked that the Board approve the revised agreement.



By way of background, on Aug. 23, Henderson requested approval of an agreement with Ivy Tech Community College for the Student Ride-Along Program for another four-year term through and including Dec. 31, 2025. Henderson indicated that Ivy Tech Community College, through its emergency medicine program, wishes to continue the partnership with the City's Fire Department to provide ride along opportunities for their students.

Swartley/Riouse moved to approve the amended agreement with Ivy Tech Community College for the Student Ride-Along Program for another four-year term through and including Dec. 31, 2025. Motion passed 3-0.

10) Agreement with Borntrager Enterprises, Inc.

Brandy L. Henderson, a paralegal with the city Legal Department, reported that on Sept. 20, 2021, the Board approved an agreement with Borntrager Enterprises Inc. to replace the roof of the Administration Building of the Wastewater Treatment Plant located at 1000 W. Wilden Ave., in Goshen. Under the terms of the agreement, work on the project was to be completed by Dec. 15, 2021. However, Henderson said Borntrager Enterprises Inc. was informed by manufacturer of an insulation shortage and that the material needed to complete this project will not be available until after January 2022. So, the parties wish to extend the completion due date to and including March 15, 2022 and brought to the Board an amendment to the agreement for its approval.

Swartley/Riouse moved to enter into an amended agreement with Borntrager Enterprises Inc. to replace the roof of the Administration Building of the Wastewater Treatment Plant located at 1000 W. Wilden Ave., in Goshen. Motion passed 3-0.

11) Resolution 2021-25: Authorizing the purchase of a Police Officer Training Simulator

Shannon Marks, a paralegal with the city Legal Department, asked the Board to pass and adopt Resolution 2021-5 authorizing the purchase of a Police Training Simulator for interactive crisis intervention, de-escalation, and force options training. The Police Department wants to make this special purchase of an Apex Officer Training Simulator, including equipment and software, from Govred Technology, Inc. Marks said the purchase price is \$62,500, which is at a substantial savings to the City, and that Govred is the only company that offers this simulator. Mayor Stutsman said that he attended a presentation to police by Apex earlier in the year and was impressed by the virtual reality system. By becoming the first community in Indiana to purchase the system, the Mayor said the City will be saving \$30,000 on the purchase. Mayor Stutsman added that the simulator would help in the training of police officers.

Swartley/Riouse moved to pass and adopt Resolution 2021-5 authorizing the purchase of a Police Training Simulator from Govred Technology Inc. for \$62,500. Motion passed 3-0.

12) Resolution 2021-26: Authorizing preapproved payments for certain expenses

Shannon Marks, a paralegal with the city Legal Department, asked the Board to adopt Resolution 2021-26, Authorizing Preapproved Payments for Certain Expenses. Marks reported that the City Council recently passed an ordinance to authorize the Clerk-Treasurer to make claim payments for certain general categories of types of expenses prior to receiving the Board's allowance on an as-needed basis. The Board must also approve the general categories of types of expenses that the Clerk-Treasurer is authorized to make prior to the Board's allowance of the claim payment. The general categories of types of expenses listed in the Board resolution are the same as those listed in Ordinance 5095. Marks said the Board will review claims at the Board's next scheduled meeting.



Swartley/Riouse moved to adopt Resolution 2021-26, Authorizing Preapproved Payments for Certain Expenses. Motion passed 3-0.

13) Amendment to the Agreement with Teamsters Local Union 364

Shannon Marks, a paralegal with the city Legal Department, asked the Board to approve and authorize the Mayor to execute the Amendment to the Agreement with the Teamsters Local Union No. 364 to increase the hourly rates 3.5% in 2022 and 3.5% in 2023. By way of background, the City and Teamsters Local Union No. 364 entered into an agreement on Dec. 19, 2020, for the term beginning Jan. 1, 2021 through Dec. 31, 2023. The parties negotiated a 2.0% increase in wages for 2021 and agreed that either party could request to open negotiations for wages only for 2022 and/or 2023. Negotiations on wages for 2022 and 2023 have concluded, and the parties have agreed to increase the hourly rates 3.5% in 2022 and 3.5% in 2023.

Swartley/Riouse moved to approve and authorize the Mayor to execute the Amendment to the Agreement with the Teamsters Local Union No. 364 to increase the hourly rates 3.5% in 2022 and 3.5% in 2023. Motion passed 3-0.

14) Awarding of contract for quote for decorative crosswalk materials

Shannon Marks, a paralegal with the city Legal Department, asked the Board to award a contract to Geveko Markings, Inc. as the lowest responsible and responsive offeror and authorize the issuance of a Purchase Order for the purchase of decorative crosswalk materials for a cost of \$41,635. Marks reported that the City solicited quotes for the purchase of preformed thermoplastic decorative crosswalk materials in accordance with Indiana Code § 5-22-8-3. These materials will be installed in the downtown area by the Street Department next spring. Geveko Markings, Inc., 1883 New Harvest Rd, Gainesville, GA, 30507, submitted a quote for \$41,635. Ennis Flint, Inc., 4161 Piedmont Pkwy., Greensboro, NC 27410, submitted a quote for \$60,500. In response to a question from Swartley, Marks said the decorative crosswalk materials will make the crosswalks more visible and will have a brick pattern. She added that the materials will be installed in crosswalks between Pike and Madison streets.

Swartley/Riouse moved to award a contract to Geveko Markings, Inc. as the lowest responsible and responsive offeror and authorize the issuance of a Purchase Order for the purchase of decorative crosswalk materials for a cost of \$41,635. Motion passed 3-0.

15) Award Quote for Purchase of a Single Axle Dump Truck and Approve Agreement with Gates Chevy World, Inc.

Carla Newcomer, a paralegal with the city Legal Department, asked the Board to award the quote for purchase of a 2023 Single Axle Dump Truck for a total purchase price of \$65,100.00 from Gates Chevy World, Inc. as the lowest responsible and responsive bidder. She further asked the Board to approve and execute the agreement with Gates Chevy World, Inc. for the purchase of a Single Axle Dump Truck in the amount of \$65,100.00. Newcomer reported that the City solicited quotes for the purchase of a Single Axle Dump Truck in accordance with Indiana Code § 5-22-8-3. Gates Chevy World, Inc. of Mishawaka submitted a bid of \$65,100.00 and McCormick Motors Inc. submitted a bid of \$82,238.64. The City of Goshen Central Garage, on behalf of the Cemetery Department, would like to purchase the 2023 Single Axle Dump Truck in the amount of \$65,100.00 from Gates Chevy World, Inc.



Swartley/Riouse moved to award the quote for the purchase of a 2023 Single Axle Dump Truck for a total purchase price of \$65,100.00 from Gates Chevy World, Inc. as the lowest responsible and responsive bidder and to approve and execute the agreement with Gates Chevy World, Inc. for the purchase of a Single Axle Dump Truck in the amount of \$65,100.00. Motion passed 3-0.

16) Award Quote for Purchase of two (2) Single Axle Dump Trucks and Approve Agreement with Truck Centers Inc.

Carla Newcomer, a paralegal with the city Legal Department, asked the Board to award the quote for the purchase of two (2) 2022 Single Axle Dump Trucks for a total purchase price of \$360,948.00 from Truck Centers, Inc. as the lowest responsible and responsive bidder and to approve and execute the agreement with Truck Centers, Inc. for the purchase of two (2) Single Axle Dump Trucks in the amount of \$360,948.00. The City solicited sealed bids for the purchase of two (2) Single Axle Dump Trucks in accordance with Indiana Code § 5-22-8-3. Truck Centers, Inc. submitted a bid for \$360,948.00 and Selking International Trucks submitted a bid for \$385,972.48. The Street Department would like to purchase the two trucks from Truck Centers, Inc. of South Bend.

Riouse/Swartley moved to award the quote for the purchase of two (2) 2022 Single Axle Dump Trucks for a total purchase price of \$360,948.00 from Truck Centers, Inc. as the lowest responsible and responsive bidder. Motion passed 3-0.

17) Downtown Arches-Geotechnical Services-Parking Stall Restrictions (JN: 2016-0038)

City of Goshen Director of Public Works and Utilities Dustin Sailor asked the Board to approve the one-day closure of parking spaces on North Main Street and South Main Street on Oct. 13 to allow for soil borings. Sailor said JPR is working to design the proposed gateway arches for downtown and that soil borings need to be taken to complete the design. Closure of four parking spaces on North Main Street in front of the Elks Lodge and three parking spaces on South Main Street on either side of the road in front of Reith, Rohrer and Ehret Funeral home are requested.

Riouse/Swartley moved to approve the one-day closure of parking spaces on North Main Street and South Main Street on Oct. 13 to allow for soil borings. Motion passed 3-0.

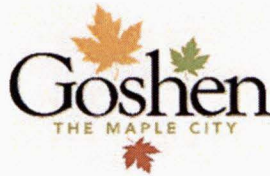
18) Release of maintenance bond posted by Selge Construction for Concrete Road Repair (2020-0002)

City of Goshen Director of Public Works and Utilities Dustin Sailor asked the Board to release the one-year bond and accept the concrete roadway repair (2020-0002). Sailor said final inspection of the project has taken place and the infrastructure (concrete, curb, sidewalk and pavement) has been found to meet city standards and specifications. So, Sailor recommended that the City release the one-year maintenance bond, which was posted by Selge Construction Co., Inc. of Miles, Michigan, for the infrastructure project in the amount of \$75,420.85.

Riouse/Swartley moved to release the one-year bond posted by Selge Construction Co. Inc. and to accept the concrete roadway repair (2020-0002) for permanent maintenance. Motion passed 3-0.

19) Wilden Avenue Reconstruction Project No. 2014-0035

City of Goshen Director of Public Works and Utilities Dustin Sailor asked the Board to approve allowing Mayor Stutsman to send a letter to the Indiana Department of Transportation (INDOT) requesting a utility exception in order to bid the Wilden Avenue Reconstruction.



Sailor said Abonmarche, the city's consultant for the Wilden Avenue Reconstruction, has been working to relocate utilities along the corridor in advance of the project and has developed a schedule that will have all utilities out of the way by the end of April 2022. However, there is no guarantee that the utilities will adhere to the proposed schedule. Sailor said a utility exception is needed because several utility companies affected by the project will not have their facilities relocation by the letting date of Jan. 12, 2022. The City of Goshen understands that it will be responsible for 100% of the costs associated for delays caused by utility relocations not completed by the start of the construction scheduled to begin in spring 2022.

Riouse/Swartley moved to approve allowing Mayor Stutsman to send a letter to the Indiana Department of Transportation requesting a utility exception in order to bid the Wilden Avenue Reconstruction. Motion passed 3-0.

20) Matters related to appeal hearing of Scott McCrindle

According to City Attorney Bodie J. Stegelmann, and by way of background, the Goshen Fire Department took disciplinary action against Fire Capt. Scott McCrindle on Sept. 14, 2021. McCrindle appealed this disciplinary action to the Board of Public Works and Safety, and a hearing on his appeal is scheduled for Oct. 25, 2021.

Today's proceeding was a pre-hearing conference to discuss and decide requests McCrindle made in advance of his Oct. 25 hearing. Present today was a quorum of the Board of Public Works, City Attorney Bodie J. Stegelmann and attorney Don Shuler, representing the city Fire Department. McCrindle was not present. Stegelmann told the Board that he had informed McCrindle of today's hearing via a letter and email sent to him on Oct. 1. (*Exhibit A*)

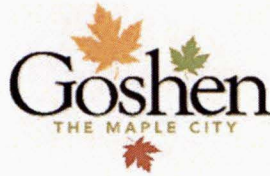
On Sept. 30, 2021, according to Stegelmann, Goshen City Court Judge Mehl provided to the City Attorney a copy of documents sent to him by Scott McCrindle. In the documents, Mr. McCrindle sought the issuance of subpoenas, an order to compel the production of evidence, and an order to suppress certain evidence. Judge Mehl explained to the City Attorney his inability to act in response to McCrindle's request as he had no case open under which he could take the actions requested and he was otherwise without jurisdiction to act pursuant to the request.

So, on Oct. 1, Stegelmann said he informed McCrindle – via a letter and email (*Exhibit A*) – that today's hearing had been scheduled so he could make his pre-appeal hearing requests personally to the Board of Works. Stegelmann told the Board of Public Works and Safety that it has the power to issue subpoenas and to make other pre-hearing decisions. The City Attorney also provided the Board with McCrindle's written requests.

Don Shuler, an attorney who is representing the Fire Department in McCrindle's appeal, told the Board that McCrindle had requested to the city Legal Department and to Judge Mehl that he wanted certain documents as well as subpoenas issued to compel the testimony of various City employees. Shuler said he was attending today's hearing to object to the majority of McCrindle's requests.

Shuler said that the notice of disciplinary action McCrindle received was specific and that documents requested should be limited to matters related to it. Shuler said McCrindle's request for documents was beyond the scope of the Oct. 25 hearing. Shuler said that because of his due process rights, McCrindle will be provided with copies of documents related to his disciplinary action before the hearing. Otherwise, Shuler said he would recommend the Board deny McCrindle requests because he had not attended today's hearing to formally make his requests.

Mayor Stutsman said that he understood that the majority of documents McCrindle requested of City employees and elected officials were documents McCrindle had provided them and that McCrindle should have copies of those documents.



Shuler confirmed the Mayor's understanding. Mayor Stutsman also said McCrindle had requested copies of state statutes. He said that information was available on state websites and was not in the custody of the city and that McCrindle could gather that information himself. Shuler agreed, adding, "It's not our job to do his work."

Mayor Stutsman asked Shuler his opinion on how to proceed – whether to not act or to issue some subpoenas or all of those requested by McCrindle. The Mayor said McCrindle had requested subpoenas for more than 20 city Fire Department personnel as well as some elected officials.

Shuler responded it's possible that some of the Fire Department personnel McCrindle would like to subpoena would be relevant witnesses, but that McCrindle's stated reasons for seeking their testimony were unclear. Shuler said that if McCrindle is seeking testimony of some witnesses to challenge the credibility to other witnesses, McCrindle can always do so during cross examination. Shuler said McCrindle may have the right to do so, but McCrindle was not present today to officially make his requests.

City Attorney Stegelmann said that for a number of people McCrindle asked to be subpoenaed, McCrindle stated reason was duplicated for about 20 people. Generally for a trial, Stegelmann said, a judge or a hearing officer will limit the testimony of witnesses who will provide duplicative information. Without McCrindle being present today to explain his request for subpoenas, Stegelmann said he would advise the Board against issuing subpoenas for people it would choose. Further, Stegelmann said there's also an issue of whether the documents and witnesses McCrindle has requested are relevant to the hearing. And without McCrindle being present to discuss the relevancy of witnesses, Stegelmann said he would also advise the Board against issuing subpoenas.

In response to a question from Mayor Stutsman, Stegelmann said even if subpoenas aren't issued, McCrindle would still be free to invite witnesses to testify.

Asked by the Mayor about his opinion about issuing subpoenas both the City and McCrindle might want to call, Shuler said subpoenas are usually requested when there is a question about whether a person will appear to testify. Shuler said he doesn't expect that will be an issue for his witnesses and he was not requesting subpoenas for the Fire Department's case. But if this becomes an issue, Shuler confirmed the Board could later issue subpoenas.

Asked by the Mayor how best to proceed, Stegelmann said he would announce the appeal to McCrindle's disciplinary action was scheduled for 2 p.m. on Oct. 25, 2021, but no further orders were being issued.

In response to a question from the Mayor, Stegelmann confirmed McCrindle had been given notice of today's hearing by mail and by email. Stegelmann said McCrindle was informed of the Oct. 25 hearing in person and McCrindle confirmed his availability.

Asked the procedures if McCrindle didn't attend the Oct. 25 appeal hearing, Stegelmann said the Board should still hear the evidence presented and then make a decision based on that evidence.

Mayor Stutsman concluded today's hearing by announcing that the appeal to McCrindle's disciplinary action would begin after other agenda items had been decided after 2 p.m. on Oct. 25, 2021.

Privilege of the Floor: No one asked to speak

Stutsman/Swartley moved to approve Civil City and Utility claims and adjourn. Passed 3-0.

Mayor Stutsman declared the meeting adjourned at 2:41 p.m.

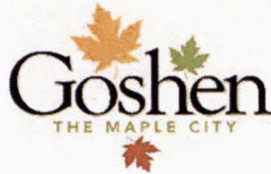


EXHIBIT A: City Attorney email and letter to Scott McCrindle informing him of the Oct. 11, 2021 Board of Public Works meeting on McCrindle's pre-hearing requests for subpoenas, documents and compelling of witnesses.

APPROVED

Jeremy Stutsman, Chair

A handwritten signature in blue ink that reads "Michael A Landis".

Michael Landis, Member

Mary Nichols, Member

A handwritten signature in blue ink that reads "Barb Swartley".

Barb Swartley, Member

A handwritten signature in blue ink that reads "DeWayne Riouse".

DeWayne Riouse, Member

ATTEST

A handwritten signature in blue ink that reads "Richard R. Aguirre".

Richard R. Aguirre, Clerk-Treasurer



**Legal Department
CITY OF GOSHEN**

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October 1, 2021

Scott McCrindle
1463 Firestar Drive
Goshen, IN 46526

RE: Materials Provided to Honorable Richard L. Mehl, Judge Goshen City Court

Dear Mr. McCrindle,

On September 30, 2021, Judge Mehl provided to me your letter received by him, dated September 27, 2021, and asked me to respond to such as Attorney for the City of Goshen. Judge Mehl explained to me his inability to act in response to your request. Judge Mehl has no case open under which he could take the actions you request and he is otherwise without jurisdiction to act pursuant to your request. Judge Mehl asked me to respond to you and to communicate his lack of authority to satisfy your requests.

Consistent with your Request for a Public Hearing, dated September 14, 2021, your appeal is to the Goshen Board of Public Works and Safety. The Board of Public Works and Safety has the authority to issue Subpoenas, order the production of documents, and to compel witness testimony. I will provide to the Board of Public Works and Safety a copy of the materials you sent to Judge Mehl and I will schedule a hearing in front of the Board for you to make your formal request for the relief you seek. The Board of Works meeting scheduled for October 4, 2021, has been cancelled due to a lack of the minimum required number of members able to attend, so I will schedule a hearing October 11, 2021, at 2:00 pm, at which you can present your request. I am providing to attorney Don Shuler, Mayor Stutsman, and to Chief Dan Sink a copy of your materials dated September 27, 2021. Mr. Shuler will be representing the Fire Dept. relative to the October 25, 2021 Board of Works hearing, and Mayor Stutsman is the presiding officer of the Board of Public Works and Safety.

Respectfully,

A handwritten signature in blue ink, appearing to read "Bodie J. Stegelmann".

Bodie J. Stegelmann

Cc: Mayor Jeremy Stutsman
Don Shuler, 118 N. Main St., Goshen IN; drs@goshenlaw.net
Chief Dan Sink
Hon. Richard L. Mehl, Judge Goshen City Court

From: Stegelmann, Bodie
Sent: Friday, October 1, 2021 2:32 PM
To: 'scottmccrindle@comcast.net'
Cc: Stutsman, Jeremy; Don Shuler; Sink, Danny; Rick Mehl (judgemehl@goshencity.com)
Subject: Board of Public Works and Safety
Attachments: 2021-10-01 bjs-Scott Allen McCrindle.pdf; 2021-09-28 McCrindle-Judge Mehl_BOW materials.pdf

Mr. McCrindle,

Please see attached letter. I will put the original in the U.S. mail, but I wanted you to receive the correspondence prior to you leaving town for the trip you mention in your materials.

Bodie J. Stegelmann
City Attorney
574-537-3854



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