



## **Board of Public Works & Safety and Stormwater Board**

Regular Meeting Agenda

**2:00 p.m., October 2, 2023**

Goshen Police & Court Building, 111 East Jefferson Street, Goshen, Indiana

*To access online streaming of the meeting, go to <https://goshenindiana.org/calendar>*

**Call to Order by Mayor Gina Leichty**

**Approval of Minutes: September 25, 2023**

**Approval of Agenda**

- 1) Blue Knights IN VIII Law Enforcement Motorcycle Club presentation:** Recognition of retired Police Officer Jeff Schrock and donation to the Goshen Honor Guard
- 2) St. John The Evangelist Catholic Church request:** Approve the partial closure of 3rd Street on Oct. 7, 2023 for the church's annual parish fall festival
- 3) Frank Alfrey request:** Retroactive request for gravel driveway 1021 West Lincoln Avenue
- 4) Legal Department request:** Resolution 2023-32, Approving Certain Revised City of Goshen Police Department Policies and Repealing Certain Policies
- 5) Legal Department request:** Resolution 2023-33, Approving City of Goshen Small Unmanned Aircraft Systems Policy
- 6) Engineering request:** Approve/accept infrastructure at the Copperleaf Cove Apartments
- 7) Engineering request:** Approve the partial College Avenue sidewalk closure, Oct. 3-7, 2023
- 8) Engineering request:** Approve Amendment No. 1 with Roberts Environmental, LLC for soil sampling, lab analysis and preparation of a report for submittal to IDEM for \$40,450

**Privilege of the Floor**

**Approval of Civil City and Utility Claims**

***Adjournment***



**BOARD OF PUBLIC WORKS & SAFETY & STORMWATER BOARD  
MINUTES OF THE SEPTEMBER 25, 2023 REGULAR MEETING**

*Convened at 2 p.m. in the Goshen Police & Court Building, 111 East Jefferson St., Goshen, Indiana*

**Present:** Mayor Gina Leichty, Mike Landis, Orv Myers, Mary Nichols and Barb Swartley

**Absent:**

**CALL TO ORDER:** Mayor Gina Leichty called the meeting to order at 2:00 p.m.

**REVIEW/APPROVE MINUTES:** Mayor Leichty presented the minutes of the Sept. 18, 2023 Regular Meeting prepared by Clerk-Treasurer Aguirre. Board Member Mike Landis moved to accept the minutes as presented and the motion was seconded by Board Member Orv Myers. Motion passed 5-0.

**REVIEW/APPROVE AGENDA:** Mayor Leichty presented the meeting agenda as submitted by Clerk-Treasurer Aguirre. Board member Landis moved to approve the agenda as presented. Board member Myers seconded the motion. Motion passed 5-0.

**1) Fire Department request: Hire Noah P. Youngman as a Probationary Firefighter for the Goshen Fire Department effective today, Sept. 25, 2023**

**City Fire Chief Dan Sink** announced to the Board that **Noah P. Youngman** has passed all of the pension requirements for the State of Indiana. He requested that the Board hire Youngman as a Probationary Firefighter for the Goshen Fire Department, effective Sept. 25, 2023.

**Landis/Myers** moved to hire **Noah P. Youngman** as a Probationary Firefighter for the Goshen Fire Department, effective Sept. 25, 2023. Motion passed 5-0.

*After his approval, Mayor Leichty swore Noah P. Youngman into office as a Probationary Firefighter.*

**2) Fire Department request: Hire Dakota L. Miller as a Probationary Firefighter for the Goshen Fire Department effective today, Sept. 25, 2023**

**City Fire Chief Dan Sink** announced to the Board that **Dakota L. Miller** has passed all of the pension requirements for the State of Indiana. He requested that the Board hire Miller as a Probationary Firefighter for the Goshen Fire Department, effective Sept. 25, 2023.

**Landis/Myers** moved to hire **Dakota L. Miller** as a Probationary Firefighter for the Goshen Fire Department, effective Sept. 25, 2023. Motion passed 5-0.

*After his approval, Mayor Leichty swore Dakota L. Miller into office as a Probationary Firefighter.*

**3) Fire Department request: Hire John Z. Bacigal as a Probationary Firefighter for the Goshen Fire Department effective today, Sept. 25, 2023**

**City Fire Chief Dan Sink** announced to the Board that **John Z. Bacigal** has passed all of the pension requirements for the State of Indiana. He requested that the Board hire Bacigal as a Probationary Firefighter for the Goshen Fire Department, effective Sept. 25, 2023.

**Landis/Myers** moved to hire **John Z. Bacigal** as a Probationary Firefighter for the Goshen Fire Department, effective Sept. 25, 2023. Motion passed 5-0.

*After his approval, Mayor Leichty swore John Z. Bacigal into office as a Probationary Firefighter.*



**4) Fire Department request: Hire Colin D. Loe as a Probationary Firefighter for the Goshen Fire Department effective today, Sept. 25, 2023**

**City Fire Chief Dan Sink** announced to the Board that **Colin D. Loe** has passed all of the pension requirements for the State of Indiana. He requested that the Board hire Loe as a Probationary Firefighter for the Goshen Fire Department, effective Sept. 25, 2023.

**Landis/Myers moved to hire Colin D. Loe as a Probationary Firefighter for the Goshen Fire Department, effective Sept. 25, 2023. Motion passed 5-0.**

*After his approval, Mayor Leichty swore Colin D. Loe into office as a Probationary Firefighter.*

**5) Police Department request: Accept the resignation of Officer Kraig R. Caridine #211, effective Oct. 4, 2023**

**City Police Chief José Miller** asked the Board to approve the resignation of **Officer Kraig R. Caridine #211**. Officer Caridine's last day working will be Oct. 3 and the resignation will be effective Oct. 4, 2023.

**Chief Miller** said that several months ago, Officer Caridine notified police administrators that he was applying at a police agency close to the Illinois state line. Chief Miller said Officer Caridine felt he needed to move closer to his family that lives out of state. Chief Miller said Officer Caridine was forthright with the department during his application process and has now been offered a position as a police officer.

**Chief Miller** added, "Although we will greatly miss having Officer Caridine at the Goshen Police Department, we understand the situation he is in and support this move to benefit his family. I would like to thank Officer Caridine for the time and dedication to our department and our community and wish him only the best."

In his letter of resignation, **Officer Caridine** wrote, "I will always appreciate what this department has done for me and understand that this decision was not easy. I met some great people here from Goshen P.D. to Elkhart County that I will miss. I'll always be available if anyone wants to contact me for anything. Thank you once again for the opportunities provided to me during my time at the Goshen P.D."

**Mayor Leichty** asked the Chief to express the City's appreciation to Officer Caridine for his service.

**Landis/Myers moved to accept the resignation of Officer Kraig R. Caridine, effective Oct. 4, 2023. Motion passed 5-0.**

**6) Goshen First Church request: Approve closure of 12 parking lot spaces and parking spaces in front of the church for its annual "Trunk or Treat" event on Oct. 31, 2023**

**Loraine Troyer**, Mission Chairperson for Goshen First Church, came to the Board with a request to allow the partial use of a City lot and street parking spaces for the church's annual "Trunk or Treat" event on Oct. 31, 2023. She said the Church used to be known as Goshen First United Methodist Church, but disaffiliated with the United Methodist Church and is now affiliated with the Global Methodist Church.

**Troyer** said the 2022 Trunk or Treat event was successful, and most foot traffic came primarily from the downtown area, so the church was requesting the event be held this year on Oct. 31 during the downtown merchant's hours. Six to ten vehicles will be decorated and their trunks or backs of SUVs will be open with candy displayed and distributed to children. Church members expect 250 to 500 children to participate.

**Troyer** asked for the use of 12 parking spaces in the City lot on Fifth Street, between the Church and City Hall, and the parallel parking spaces in front of the church on Fifth Street from noon to 5 p.m.

**Landis/Myers moved to approve the request from First Church to allow the partial use of a City lot and street parking spaces for the church's "Trunk or Treat" event on Oct. 31, 2023 from noon to 5 p.m. Motion passed 5-0.**



**7) Waterford Villas II Homeowners Association request: Approve the partial closure of Newbury Street on Oct. 7, 2023 for a neighborhood block party**

**Jim Ramer, representing the Waterford Villas II Homeowners Association,** asked the Board to approve the partial closure of Newbury Street, from 4-8 p.m., on Oct. 7, 2023 for a neighborhood block party. Ramer asked for the closure of the east end of Newbury Street, from Regent to 100 feet west of the first curve, and the use of barricades. **Mayor Leichty** said the City's new neighborhood liaisons would likely come to the gathering to introduce themselves. **Landis/Myers moved to approve the partial closure of Newbury Street, from 4-8 p.m., on Oct. 7, 2023 and the use of street barricades for a neighborhood block party. Motion passed 5-0.**

**8) Cecil's Heating & Cooling request: Approve the closure of the alley and parking lot behind 211/213 South Main Street to change a rooftop unit for three hours, one day between Sept. 26-Oct. 13**

**Douglas Wagner, owner of Cecil's Heating and Cooling of Middlebury,** asked the Board to allow the closure of the City parking lot and alley behind 211/213 Main Street for approximately three hours, sometime between Sept. 26-Oct. 13, 2023, to replace a rooftop air conditioning unit. He said a large crane would be needed to lift the unit above power lines. He also requested the use of City barricades or cones and yellow tape to keep people and cars out of the area. He said the closure would take place starting about 8 a.m., Monday-Thursday.

**Board member Swartley** asked Wagner when he might know the precise time and date of the requested closures.

**Wagner** said it would depend on NIPSCO's response, but that the dates were flexible.

**Board member Landis** said his concern is knowing the closure will take place behind John Hall Hardware in an alley and parking lot that is very busy. He said it would be important to adequately communicate about the closure.

In response to a question from **Mayor Leichty, City Street Commissioner David Gibbs** said the City would need 24-hour notice of a requested closure. **Wagner** said he would arrive early to keep vehicles out of the area.

In response to a question from **Board member Landis, Wagner** said he would request that the entire parking lot be reserved for his use. He said that it would be possible to free up some parking spaces depending on the crane use.

**Board member Landis** said he understands that contractors need to have access to do their work, but he dislikes when they take more space than necessary. He asked that some parking spaces remain available. **Wagner** said he would try to do that. **Mayor Leichty** said she doesn't object to the closure, but noted that it is a busy area and asked that Wagner notify affected businesses. **Wagner** said he would, but noted that the work could be done by 9 a.m.

**Landis/Myers moved to approve the closure of the alley and parking lot behind 211/213 South Main Street with the conditions that the applicant work with the City Street Department to arrange for barricades and that as soon as a date of the event is confirmed, sometime between Sept. 20 and Oct. 13, 2023, that area businesses be notified and that the applicant use as much of the parking lot as necessary but not the entire parking lot. Motion passed 5-0.**

**9) Legal Department request: Approve the agreement with Schrock Real Estate, LLC for drainage along Reliance Road**

**Shannon Marks, the Legal Compliance Administrator for the City Legal Department,** said that attached to the meeting agenda packet for the Board's approval and execution was an agreement allowing Schrock Real Estate LLC's connection to a Storm Water Facility. The agreement permits alternate surface water drainage for Schrock Real Estate, LLC.



**Marks** said the alternate drainage was necessary due to the construction and relocation of Reliance Road as a result of the roadway project associated with the new County Courts building. The agreement has already been executed by Schrock Real Estate, LLC

**Landis/Myers moved approve the agreement with Schrock Real Estate, LLC for drainage along Reliance Road, as presented. Motion passed 5-0.**

**10) Legal Department request: Ratify the agreement between Goshen Parks and Recreation and Stone Ridge Landscaping**

**Shannon Marks, the Legal Compliance Administrator for the City Legal Department,** said that attached to the Board's agenda packet is an agreement for parking line replacement for the Dam Pond parking lot.

**Marks** said the agreement was previously approved by the Goshen Parks and Recreation Board, per requirement of state statute, and has been executed by Tanya Heyde, Parks Superintendent, per that approval. Pursuant to the City's Small Purchase Policy, the work qualifies as a public works project, and the agreement must also receive approval or ratification from the Board of Works

**Landis/Myers moved ratify the agreement between Goshen Parks and Recreation and Stone Ridge Landscaping as presented. Motion passed 5-0.**

**11) Legal Department request: Approve the agreement for the Completion of the Construction Project with Greenwood Rentals, LLC relative to the construction of the Indiana Avenue Apartments**

**City Attorney Bodie Stegelmann** said City staff was asking the Board to approve the agreement provided in the Board's agenda packet and authorize the Mayor to sign the agreement.

**Stegelmann** said Greenwood Rentals LLC constructed apartments near the intersection of Indiana Avenue and Plymouth Avenue. All work on the apartments is complete, except NIPSCO has not been able to install meters on certain, individual apartment units due to the meters not being currently available. The agreement provided with this memorandum would allow Greenwood Rentals LLC to lease the units for which electric meters have been installed.

**Landis/Myers moved approve the agreement for the Completion of the Construction project with Greenwood Rentals LLC relative to the construction of the Indiana Avenue Apartments, and authorize Mayor Leichty to sign the agreement on behalf of the Board of Public Works and Safety. Motion passed 5-0.**

**12) Water Department advisory: Public notification of the fall hydrant flushing program, beginning Monday, October 9, 2023 through Friday, Oct. 13, weather permitting**

**Marvin Shepherd, City Water Quality Manager,** informed the Board that Goshen Utilities will start the fall hydrant flushing program beginning Monday, Oct. 9 through Friday, October 13, 2023, weather permitting.

**Shepherd** said from Oct. 9 through Oct. 13, City crews we will be flushing during daylight hours from 8:30 a.m. to 3:30 p.m. in the upper pressure zone, which is everything northeast of U.S. 33 and the Norfolk Southern tracks. Also, on October 9, crews will start the city's night-time flushing from 9 p.m. to 6 a.m. at Madison and 10th streets, heading south to the City limits and between the Norfolk Southern tracks and U.S. 33 to the City limits south.

**Shepherd** said on October 10, the City will start flushing from 9 p.m. to 6 a.m. between Cottage Avenue and 10th Street, between the Norfolk Southern tracks south to the City limits, and between Lincolnway East and the Norfolk Southern tracks heading east to the City limits.



**Shepherd** said on Oct. 11, the City will start flushing from 9 p.m. to 6 a.m. between Pike Street and the City limits south and between North Greene Road and Cottage Avenue. On Oct. 13, from 9 p.m. to 6 a.m., the City will be flushing between Norfolk Southern and the City limits to the south, between North Greene Road to the City limits to the west.

**Shepherd** said residents can go to the city's website, type in their addresses on an interactive map and learn when work will take place in their neighborhoods. In a memo to the Board, Shepherd also asked that City residents avoid doing laundry on the day City crews are close to their homes, due to the rust that crews are removing from the water mains. If residents have a problem with their laundry, they should call the Utilities Office at 574-534-5306 and the City will provide some special soap to use.

**There was no action or Board action because this was an informational agenda item...**

**13) Engineering Department request: Approve the placement of school zone speed limit signs on South Greene Road for Goshen Intermediate School**

**City Director of Public Works & Utilities Dustin Sailor** told the Board that the Engineering Department received a request to place school zone speed limit (25 mph) signs on Greene Road for the intermediate school. The end of school zone signs are already in place. **Sailor** said the request was considered at the September Traffic Commission meeting. Commissioners voted unanimously in support of the placement of the signs.

**Landis/Myers moved to approve the placement of school zone speed limit signs on South Greene Road for Goshen Intermediate School. Motion passed 5-0.**

**14) Engineering Department request: Approve the placement of a speed limit sign on Ridgeview Drive at the entrance of the neighborhood**

**City Director of Public Works & Utilities Dustin Sailor** told the Board that the Engineering Department received a request for a speed limit sign at the entrance of the neighborhood on Ridgeview Drive. Currently, there are no speed limit signs within the neighborhood.

**Sailor** said the request was considered at the September Traffic Commission meeting. Commissioners voted unanimously in support of a speed limit sign being installed at the entrance of the neighborhood.

**Landis/Myers moved to approve the placement of a speed limit sign on Ridgeview Drive. Motion passed 5-0.**

**Privilege of the Floor (opportunity for public comment for matters not on the agenda):**

**Mayor Leichty** opened Privilege of the Floor at 2:34 p.m. There was no comments from the public.

**Mayor Leichty** announced that the City of Goshen's official trick-or-treat hours will be from 5:30-8 p.m. on Saturday, Oct. 28. However, she said the Chamber of Commerce Goshen Chamber of Commerce will host its annual Trick or Treat on Main Street from noon to 5 p.m. on Oct. 31, 2023.

**Approval of Civil City and Utility Claims**

**As all matters before the Board of Public Works & Safety were concluded, Mayor Leichty/Board member Landis moved to approve Civil City and Utility claims and adjourn the meeting. Motion passed 5-0.**



**Adjournment**

Mayor Leichthy adjourned the Board of Works meeting at 2:36 p.m.

**APPROVED:**

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Mayor Gina Leichthy

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Mike Landis, Member

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Orv Myers, Member

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Mary Nichols, Member

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Barb Swartley, Member

**ATTEST:**

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Richard R. Aguirre, City of Goshen Clerk-Treasurer



**James Ballard**  
President  
P.O Box 2703  
Elkhart, Indiana 46516

Chief J. Miller,

The Blue Knights IN VIII Law enforcement Motorcycle Club would like to honor Retired Goshen Police Officer Jeff Schrock. Jeff has coordinated the annual Riding to Remember Fallen Police, Firefighter & Veteran Charity Motorcycle Ride Memorial Service held in Goshen for many years. He has done an amazing job and will be handing over those duties to a new coordinator in 2024.

The Blue Knights would like to honor Jeff by donating \$1000 in his name to the Goshen Police Department Honor Guard as a token of our appreciation. We would also like to recognize the Goshen Police Department Honor Guard in this year's event by awarding a certificate of appreciation and challenge coin. I would like to make the presentation of the donation, certificates, and challenge coins during a Goshen Board of Works meeting. Please let me know at your earliest convenience if this can be arranged. Thank you for your time and anticipated cooperation.

Ride with Pride,

*James E. Ballard*

James E. Ballard  
President  
Blue Knights IN VIII  
Law Enforcement Motorcycle Club

Chairman  
Riding to Remember  
Fallen Police, Firefighter & Veteran  
Charity Motorcycle Ride





# St. John the Evangelist Catholic Church

109 West Monroe Street • Goshen, IN 46526 • 574.533.3385

September 28, 2023

City of Goshen  
Board of Public Works and Safety  
Goshen, IN 46526

Dear Members of the Goshen Board of Public Works and Safety:

St. John the Evangelist Catholic Church respectfully submits for your review the following request.

Our plans are for our annual parish festival on October 7, 2023 to build fellowship, and to be held on the grounds of St. John the Evangelist Church (school parking lot). In order to safely allow our parishioners to enjoy the festival; we are requesting the Board's permission to block part of 3<sup>rd</sup> street. We ask that it be blocked from 10:00 am until 10:00p.m. when the event is completed.

I have included for your convenience a diagram of our parish grounds that indicates the area that we hope to have blocked with the Board's approval.

Thank you for your time and consideration.

Sincerely,

Jonathan Evangelista  
Pastoral Associate  
St. John the Evangelista Catholic Church  
109 W. Monroe St. Goshen, IN 46526  
574-533-3385 ext. 1216  
jevangelista@stjohncatholic.com

WEST MADISON STREET

North PARKING LOT

FALL FESTIVAL AREA

School

Pre-school

Parish Center/Gym

ALLEY

PARKING LOT

Chase Bank

St. John the Evangelist  
Catholic Church

WEST MONROE STREET

WEST MONROE STREET

ST. JOHN'S  
GROTTO

114 W. Monroe St.  
Rectory

GARAGE

ALLEY

SOUTH MAIN

SOUTH THIRD  
AREA TO BE BLOCKED

**St. John the Evangelist Catholic Church, 109 W. Monroe Street, Goshen, IN 46526  
PARISH FALL FESTIVAL — October 7, 2023 At 3PM-10pm**



**Richard Aguirre, City Clerk-Treasurer**  
**CITY OF GOSHEN**

202 South Fifth Street, Suite 2 • Goshen, IN 46528-3714

Phone (574) 533-8625 • Fax (574) 533-9740

[richardaguirre@goshencity.com](mailto:richardaguirre@goshencity.com) • [www.goshenindiana.org](http://www.goshenindiana.org)

**To:** City of Goshen Board of Works & Safety  
**From:** Clerk-Treasurer Richard R. Aguirre  
**Date:** Oct. 2, 2023  
**Subject:** Retroactive request for gravel driveway 1021 West Lincoln Avenue

***The Clerk-Treasurer received the following request:***

**Sept. 18, 2023**

From: Frank Alfrey <[integrityremodeling11@gmail.com](mailto:integrityremodeling11@gmail.com)>

Date: Mon, Sep 18, 2023, 2:01 PM

Subject: Board of works

Hi Richard,

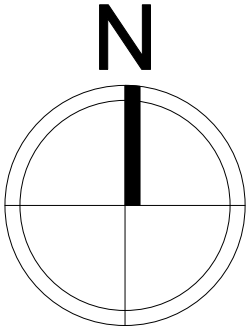
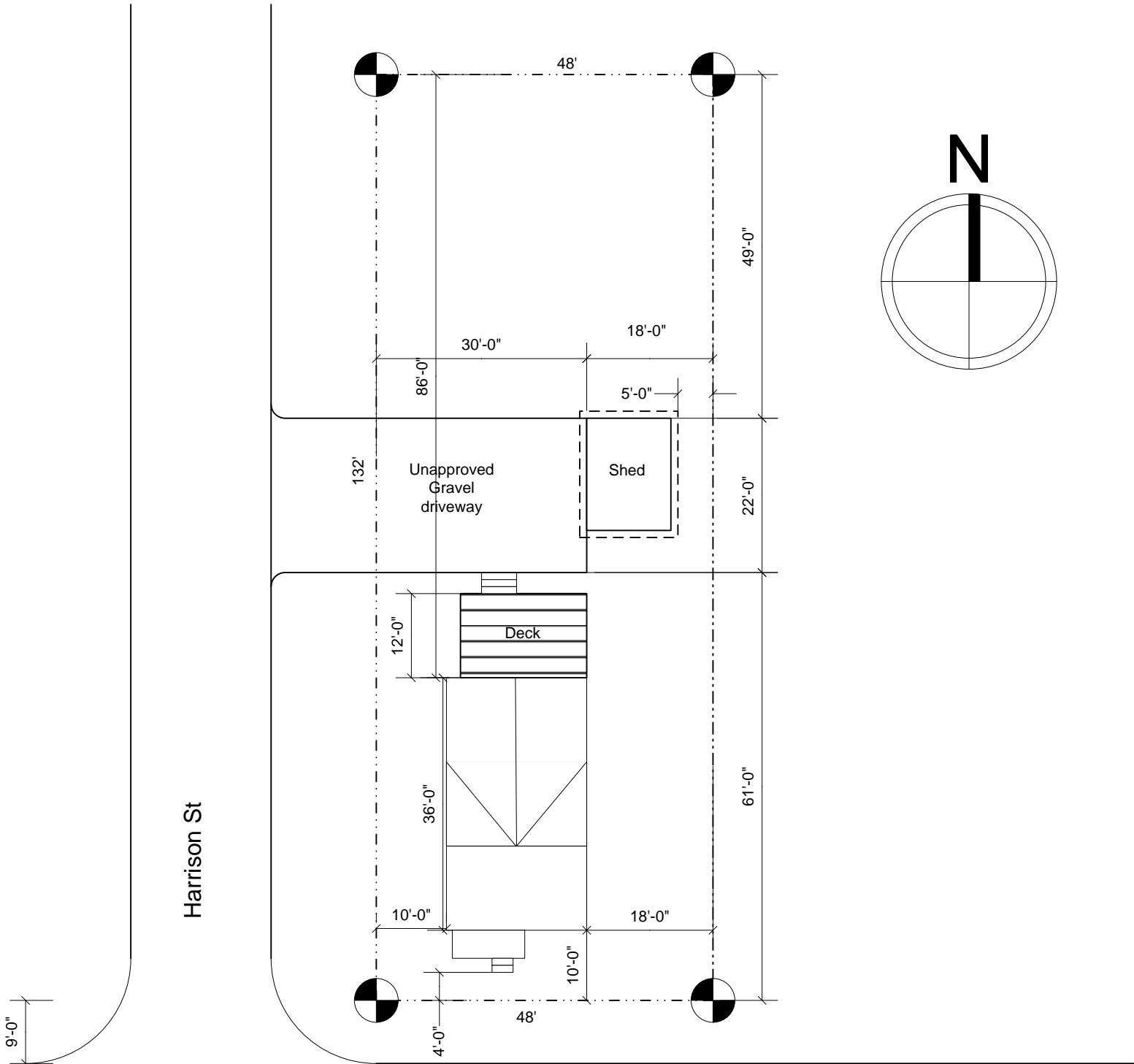
My name is Frank Alfrey with Integrity Remodeling & Construction.

Rossa Deegan said to contact you for starting the process of an unapproved gravel driveway I put in for my son, Chase Alfrey, at 1021 W Lincoln Avenue.

Attached is the site plan. If you could let me know where we go from here, I'd appreciate it.  
Thank you.

Frank Alfrey

574-536-2274



Harrison St

Lincoln Ave



## CITY OF GOSHEN LEGAL DEPARTMENT

City Annex  
204 East Jefferson Street, Suite 2  
Goshen, Indiana 46528-3405

Phone (574) 537-3820 • Fax (574) 537-3817 • TDD (574) 534-3185  
[www.goshenindiana.org](http://www.goshenindiana.org)

**To:** Board of Public Works and Safety  
**From:** Bodie J. Stegelmann  
**Date:** October 2, 2023  
**Subject:** Resolution 2023-32 – Approving Certain Revised City of Goshen Police Department Policies and Repealing Certain Policies

The Board of Public Works and Safety previously approved City of Goshen Police Department Policies developed in coordination with Lexipol, LLC. The Police Department and Lexipol LLC staff have identified certain additional revisions to policies deemed appropriate due to legislative or other changed circumstances.

Attached to Resolution 2023-32 are redlined portions of policies to show the revisions suggested. If Resolution 2023-32 is approved, the redlines will be removed and the policies will be put in final form.

**Suggested Motion:** Move to approve Resolution 2023-32 - Approving Certain Revised City of Goshen Police Department Policies and Repealing Various Policies, effective October 9, 2023.

## **Goshen Board of Public Works and Safety Resolution 2023-32**

### **Approving Revisions to Certain City of Goshen Police Department Policies and Repealing Certain Policies**

WHEREAS, on December 7<sup>th</sup>, 2020, the Board of Works and Safety approved an agreement with Lexipol LLC to review, revise, and keep up-to-date the City of Goshen Police Department's policies;

WHEREAS, the Board has previously approved new Police Department policies developed and suggested by Lexipol LLC, as well as revisions thereto;

WHEREAS, as part of the process of keeping its policies up-to-date, the Police Department and Lexipol LLC staff have identified certain revisions to current policies deemed appropriate due to legislative or other changed circumstances; and

WHEREAS, the Goshen Board of Public Works and Safety finds that it is appropriate to approve the revisions to policies identified below, and to repeal policies previously approved, separately identified below.

NOW, THEREFORE, BE IT RESOLVED by the Goshen Board of Public Works and Safety finds that the following revised City of Goshen Police Department Policies, red-line versions of which are attached hereto and made a part hereof, are hereby approved, as amended October 2, 2023, effective October 9, 2023:

- 431 School Resource Officers
- 601 Sexual Assault Investigations
- 602 Asset Forfeiture
- 802 Records Maintenance and Release

BE IT FURTHER RESOLVED by the Goshen Board of Public Works and Safety that, upon the approval of the above-described Policies, the following current City of Goshen Police Department policies are hereby repealed, effective October 2, 2023:

- 431 School Resource Officers
- 601 Sexual Assault Investigations
- 602 Asset Forfeiture
- 802 Records Maintenance and Release

PASSED and ADOPTED by the Goshen Board of Public Works and Safety on October 2, 2023.

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Gina M. Leichty, Mayor

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Michael A. Landis, Member

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Orv Myers, Member

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Mary Nichols, Member

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Barb Swartley, Member

## School Resource Officers

### 431.1 PURPOSE AND SCOPE

This policy describes the Goshen Police Department School Resource Officer (SRO) program.

### 431.2 POLICY

The Goshen Police Department is committed to enhancing the safety of students and faculty on campuses located in the department's jurisdiction by forming a partnership with school administrators, faculty members and students.

### 431.3 SCHOOL RESOURCE OFFICER PROGRAM

The Chief of Police should appoint SROs to serve in public elementary and secondary schools upon agreement with local school corporations or charter schools. The agreement should cover paid services, where applicable. The agreement should also include the SRO's duties and responsibilities as outlined below (I.C. § 20-26-18.2-2).

The goals and objectives of the SRO program include but are not limited to (I.C. § 20-26-18.2-1):

- (a) Assisting with the development and implementation of a school safety plan in accordance with the requirements of I.C. § 10-21-1-10.
- (b) Protecting the school against external threats to the safety of the students, preventing unauthorized access to school property, and securing the school against a natural disaster or other violence.
- (c) Creating respect for law and order in the public school system and minimizing criminal activity.
- (d) Identifying students at risk of becoming involved in the criminal justice system and guiding them toward more positive and socially acceptable ways to behave.
- (e) Reducing criminal activity on or near a school campus.
- (f) Enhancing communication and understanding between students, their families, district staff, and the Department.
- (g) Assisting with the coordination of security measures for school activities such as sports events, dances, and other large gatherings.
- (h) Auditing security measures, at least annually, throughout the school and making recommendations to enhance safety and reduce risk.

### 431.4 SCHOOL RESOURCE OFFICER DUTIES

The Chief of Police or the authorized designee should appoint members as SROs whose duties and responsibilities include:

- (a) Responding to calls and the preliminary investigation of criminal offenses that occur on student-occupied property while the SRO is on-duty or during school hours.



# Goshen Police Department

## Policy Manual

### School Resource Officers

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- (b) Conducting follow-up investigations of misdemeanor offenses that occur on student-occupied property during school hours.
- (c) Assisting the Investigation Division with follow-up investigations that originate on student-occupied property or involve a student.
- (d) Providing education for students, faculty, and administrators as requested and when available regarding law enforcement functions.
- (e) Assisting faculty and administrators in establishing policies that contribute to the safety of school staff and students.
- (f) Participating in student conferences, as requested and appropriate.
- (g) Providing youth gang task force intelligence as appropriate.
- (h) Assisting the school corporation's or charter school's school safety specialist and safe school committee with the development and implementation of a school safety plan ~~that will address security and protection~~ in accordance with the requirements of I.C. § 10-21-1-10 (I.C. § 20-26-18.2-2).
- (i) Participating in the development and implementation of programs designed to identify, assess, and provide assistance to ~~troubled~~-youth who are at high risk of experiencing a mental health crisis or becoming juvenile offenders (I.C. § 20-26-18.2-2).
- (j) Participating as a member of the school corporation's or charter school's multi-disciplinary threat assessment team (I.C. § 10-21-1-1).

#### 431.4.1 CHAIN OF COMMAND

Officers should follow their assigned department chain of command during investigations of criminal activity.

#### 431.5 SCHOOL RESOURCE OFFICER QUALIFICATIONS

Members appointed as SROs should be selected using criteria that includes, but is not limited to:

- (a) The ability of the appointee to foster an optimal learning environment and educational community.
- (b) Whether the candidate has specialized training in:
  1. Child and adolescent development.
  2. De-escalation and conflict resolution techniques with children and adolescents.
  3. Behavioral health disorders in children and adolescents.
  4. Alternatives to arrest and other juvenile justice diversion strategies.
  5. Behavioral threat assessment methods.

The selection should not be based solely on seniority. The performance of SROs should be reviewed annually by the school district superintendent and the Chief of Police or the authorized designee.

# Goshen Police Department

## Policy Manual

### *School Resource Officers*

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#### **431.6 TRAINING**

Prior to assignment as an SRO, officers shall complete required SRO training through the Indiana Law Enforcement Training Board, the National Association of School Resource Officers or another school resource officer training program approved by the Indiana Law Enforcement Training Board (I.C. § 20-26-18.2-1).

# Sexual Assault Investigations

## 601.1 PURPOSE AND SCOPE

Best Practice

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notification requirements are addressed in the Child Abuse and Adult Abuse policies.

### 601.1.1 DEFINITIONS

Best Practice MODIFIED

Definitions related to this policy include:

**Sexual assault** - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in I.C. § 35-42-4-1 et seq.

**Sexual Assault Response Team (MDT)** - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

## 601.2 POLICY

Best Practice

It is the policy of the Goshen Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

## 601.3 QUALIFIED INVESTIGATORS

Best Practice MODIFIED

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates and support for the victim.
- (f) Participate in or coordinate with the Elkhart County MDT or other multidisciplinary investigative teams as applicable.

## *Sexual Assault Investigations*

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### **601.4 REPORTING**

**Best Practice**

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

### **601.5 VICTIM INTERVIEWS**

**State** **MODIFIED**

The primary considerations in sexual assault investigations, which begin with the initial call the victim or report source makes to Elkhart County 911 Center or the Indiana Department of Child Services Hotline, should be the health and safety of the victim, the preservation of evidence and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a Goshen Detective trained in sexual assault crimes should conduct the initial victim interviews.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a Goshen Detective trained in sexual assault crimes.

No opinion of whether the case is unfounded should be included in a report.

An investigator shall not require a victim to submit to a polygraph or other truth telling device examination (34 USC § 10451; I.C. § 35-37-4.5-2). An investigator shall not refuse to investigate, charge or prosecute a sexual assault offense solely because the victim has not submitted to a polygraph or other truth telling device examination (I.C. § 35-37-4.5-3).

Victims shall be notified that biological samples will be removed from secured storage and may be destroyed if the victim does not report the sexual assault offense to a law enforcement agency within one year after the sample is placed in secured storage (I.C. § 16-21-8-10).

Victims shall not be compelled to provide testimony during any judicial, legislative or administrative proceeding that would identify the name, address, location or telephone number of any facility that provided emergency shelter to the victim (I.C. § 35-37-6-9).

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

### **601.6 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE**

**State** **MODIFIED**

Whenever possible, a sexual assault forensic nurse examiners (SANES) should be involved in the collection of forensic evidence from the victim.

## *Sexual Assault Investigations*

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When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable. Suspected drug-facilitated sexual assaults require more extensive testing and hospital staff will need to be informed of suspicions.

Biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately according to I.C. § 16-21-8-10.

### 601.6.1 COLLECTION AND TESTING REQUIREMENTS

**Best Practice** **MODIFIED**

Within 24 hours of receiving notification that a sample has been collected, officers shall receive the sample and secure the sample in accordance with the Evidence Room Policy (I.C. § 16-21-8-10).

### 601.7 DISPOSITION OF CASES

**Best Practice** **MODIFIED**

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Investigation Division Chief.

Classification of a sexual assault case as unfounded requires the Investigation Division Chief to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

### 601.8 CASE REVIEW

**Best Practice** **MODIFIED**

The Investigation Division Chief should ensure cases are reviewed on a periodic basis. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

### 601.9 RELEASING INFORMATION TO THE PUBLIC

**Best Practice** **MODIFIED**

## *Sexual Assault Investigations*

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In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Investigation Division Chief should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

### **601.10 TRAINING**

**Best Practice** **MODIFIED**

Subject to available resources, periodic training will be provided to:

- (a) Members who are first responders. Training should include:
  - 1. Initial response to sexual assaults.
  - 2. Legal issues.
  - 3. Victim advocacy.
  - 4. Victim's response to trauma.
- (b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
  - 1. Interviewing sexual assault victims.
  - 2. Interviewing suspects / sexual deviate.
  - 3. Medical and legal aspects of sexual assault investigations.
  - 4. Serial crimes investigations.
  - 5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
  - 6. Techniques for communicating and conducting interviews with victims to minimize trauma.
  - 7. Participate in the Elkhart County Multidisciplinary Team (MDT) or other multidisciplinary investigative teams.

#### **601.10.1 QUALIFIED INVESTIGATOR TRAINING**

*State*

Members assigned to investigate sexual assaults should complete sexual assault training offered by the Law Enforcement Training Board within one year of assignment (I.C. § 5-2-1-9).

# Goshen Police Department

Policy Manual

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# Asset Forfeiture

## 602.1 PURPOSE AND SCOPE

### Best Practice

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

### 602.1.1 DEFINITIONS

#### State MODIFIED

Definitions related to this policy include:

**Fiscal agent** - The Elkhart County Prosecutors Office approves and coordinates the responsibilities in securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Goshen Police Department seizes property for forfeiture or when the Goshen Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

**Forfeiture** - The process by which legal ownership of an asset is transferred to a government or other authority.

**Forfeiture reviewer** - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and acting as the liaison between the Department and the forfeiture counsel.

**Property subject to forfeiture** - Property that may be subject to forfeiture includes (I.C. § 34-24-1-1):

- (a) A vehicle used or intended for use to transport or facilitate the transportation of:
  1. A controlled substance used to commit specific offenses. (~~I.C. § 35-48-4-1 et seq.~~)
  2. Stolen or converted property if the retail or repurchase value of that property is \$100 or more. (~~I.C. § 35-43-4-2; I.C. § 35-43-4-3.~~)
  3. Hazardous waste in violation of ~~I.C. § 13-30-10-1.5.~~ to an unpermitted treatment, storage, or disposal facility.
  4. A bomb or weapon of mass destruction used to commit or attempt an act of terrorism.
- (b) Money, weapons, cell phones, or other property used to commit, attempt to commit, or conspire to commit an act of terrorism under ~~I.C. § 35-50-2-18 or an offense under Article 47 of the Criminal Procedure Law (Weapons and Instruments of Violence relating to an act of terrorism.~~ or a weapons offense committed to further an act of terrorism.
- (c) Money, weapons, cell phones, or other property used as consideration to ~~commit certain for a violation of certain~~ offenses relating to controlled substances (~~I.C. § 35-48-4-1 et seq.~~).



# Goshen Police Department

## Policy Manual

### Asset Forfeiture

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- (d) Real or personal property purchased with money that is traceable as a proceed of a violation of a criminal statute.
- (e) A vehicle that is used to commit, attempt to commit, or conspire to commit **or escape from**: murder, dealing in a controlled substance resulting in death, kidnapping, criminal confinement, rape, child molesting, child exploitation, or terrorism.
- (f) Real property owned by a person who has used it to commit **a specified Level 1, Level 2, Level 3, Level 4, or Level 5 felony involving controlled substance felonies offenses. involving controlled substance** offenses.
- (g) Equipment and recordings used by a person to commit fraud in violation of ~~I.C. § 35-43-5-4 (10)~~. I.C. §35-43-5-0.1 et seq.
- (h) "Bootlegged" recordings sold, rented, transported, or possessed ~~in violation of I.C. §24-4-10-4~~ by a person.
- (i) Property or an enterprise that is the object of a corrupt business influence violation.
- (j) Unlawful telecommunications devices and plans, instructions, or publications used to commit an unauthorized use of telecommunications services.
- (k) Equipment, including computer equipment and cellular telephones, used for or intended for use in preparing, photographing, recording, videotaping, digitizing, printing, copying, or disseminating matter ~~in violation of specific sex crimes (I.C. §35-42-4-1 et seq)~~ to commit specific sex crimes.
- (l) Destructive devices used, possessed, transported, or sold in violation of I.C. § 35-47.5-5-2.
- (m) Tobacco products that are sold or attempted to be sold in violation of ~~I.C. §24-3-5-0.1, et seq.~~ Indiana law, and other personal property owned and used to facilitate such violation.
- (n) Property used by a person to commit counterfeiting or forgery.
- (o) Property used or intended to be used to commit, facilitate, or promote the commission of a prescription drug offense or facilitate such an offense, and where there has been a conviction ~~(I.C. §25-26-14-26(b))~~. pursuant to I.C. § 25-26-14-26(b), I.C. § 35-43-10-3, or I.C. § 35-43-10-4.
- (p) A vehicle operated by the owner or spouse of the owner while intoxicated or with suspended driving privileges after being convicted of two or more ~~related offenses driving-while- intoxicated offenses~~ within the previous five years.
- (q) Real or personal property used or intended to be used to commit or derived from fraud related to **the provision of** funeral or cemetery services.
- (r) Real or personal property, including a vehicle, used or intended to be used to commit, facilitate, or escape from a violation of human trafficking or promoting prostitution.

**Seizure** - The act of law enforcement officials taking property, cash, or assets that have been used in connection with or acquired by specified illegal activities.

# Goshen Police Department

## Policy Manual

### *Asset Forfeiture*

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#### **602.2 POLICY**

##### **Best Practice**

The Goshen Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential of revenue shall not be allowed to jeopardize the effective investigation and prosecution of criminal offenses, officer safety, the integrity of ongoing investigations or any person's due process rights.

It is the policy of the Goshen Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeitures.

#### **602.3 ASSET SEIZURE**

##### **State**

The following property may be seized for forfeiture as provided in this policy:

##### **602.3.1 PROPERTY SUBJECT TO SEIZURE**

##### **State**

The following property may be seized upon review and approval of a supervisor and in conjunction with the forfeiture reviewer (I.C. § 34-24-1-2):

- (a) Property subject to seizure as identified in a court order
- (b) Property that is not identified in a court order when an officer has probable cause to believe there is a nexus between the property and the underlying offense, and the seizure is incident to a lawful arrest, search, or administrative inspection

Whenever practicable, obtaining a search warrant or court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

##### **602.3.2 PROPERTY NOT SUBJECT TO SEIZURE**

##### **State**

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds.
- (b) Property, when there is reason to suspect that the owner did not knowingly permit the property to be used in a way that subjects it to seizure (i.e., "innocent owner") (I.C. § 34-24-1-1).

#### **602.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS**

##### **Best Practice**

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

## Asset Forfeiture

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- (a) Complete the applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.
- (b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.
- (c) Forward the original seizure forms and related reports to the forfeiture reviewer within 24 hours of the seizure, if practicable.

The officer will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere; the whereabouts of the property is unknown; it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

### 602.5 MAINTAINING SEIZED PROPERTY

Best Practice MODIFIED

The Evidence Room supervisor is responsible for ensuring compliance with the following:

- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.
- (b) All property received for forfeiture is checked to determine whether the property has been stolen.
- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
- (d) Property received for forfeiture is not used unless the forfeiture action has been completed.
- (e) Forfeitable property is retained until such time as its use as evidence is no longer required.

### 602.6 FORFEITURE REVIEWER

Best Practice MODIFIED

The Elkhart County Prosecutor's Office will act as the forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a course approved by the Department on asset forfeiture.

# Goshen Police Department

## Policy Manual

### *Asset Forfeiture*

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The responsibilities of the forfeiture reviewer include:

- (a) Remaining familiar with forfeiture laws, particularly I.C. § 34-24-1-1 et seq., and the forfeiture policies of forfeiture counsel.
- (b) Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.
- (c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.
- (d) Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws. The forfeiture reviewer should contact federal authorities when appropriate.
- (e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.
- (f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:
  - 1. Names and contact information for all relevant persons and law enforcement officers involved.
  - 2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
  - 3. A space for the signature of the person from whom cash or property is being seized.
  - 4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.
- (g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or Standing Orders. The training should cover this policy and address any relevant statutory changes and court decisions.
- (h) Reviewing each asset forfeiture case to ensure that:
  - 1. Written documentation of the seizure and the items seized is in the case file.
  - 2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
  - 3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property.
  - 4. Property is promptly released to those entitled to its return.
  - 5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.

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### *Asset Forfeiture*

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6. Any cash received is deposited with the fiscal agent.
  7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
  8. Current minimum forfeiture thresholds are communicated appropriately to officers.
  9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.
- (i) Ensuring that a written plan is available that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement personnel and attorneys who may assist in these matters is available.
  - (j) Ensuring that the process of selling or adding forfeited property to Department inventory is in accordance with all applicable laws and consistent with the use and disposition of similar property.
  - (k) Upon completion of any forfeiture process, ensuring that no property is retained by the Goshen Police Department unless the Chief of Police authorizes in writing the retention of the property for official use.

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives.

#### **602.7 DISPOSITION OF FORFEITED PROPERTY**

**State**

Court orders may permit the Goshen Police Department to use the forfeited property for up to three years and then be put up for public sale. No property shall be used in any way or kept longer than allowed by any associated court order (I.C. § 34-24-1-4).

Federal forfeiture funds received by the Goshen Police Department are required to be deposited in a non-reverting fund and expended only with proper approval (I.C. § 34-24-1-9).

No member of this department may use property that has been seized for forfeiture until the forfeiture action has been completed and the Chief of Police has given written authorization to retain the property for official use. No department member involved in the decision to seize property should be involved in any decision regarding the disposition of the property.

## Records Maintenance and Release

### 802.1 PURPOSE AND SCOPE

State

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

### 802.2 POLICY

State

The Goshen Police Department is committed to providing public access to records in a manner that is consistent with the Indiana Public Records Act (I.C. § 5-14-3-1 et seq.).

### 802.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

State

The Chief of Police shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to:

- (a) Managing the records management system for the Department, including the retention, archiving, release, and destruction of department public records.
  1. The retention and disposal of public records shall be in accordance with I.C. § 5-15-1-1 et seq. and the Indiana Archives and Records Administration (IARA) schedule for Public Safety Agencies.
- (b) Maintaining and updating the department records retention schedule, including:
  1. Identifying the minimum length of time the Department must keep records.
  2. Identifying the department division responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records and to regulating any material interference with the regular discharge of the functions or duties of the Department and its members (I.C. § 5-14-3-7).
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring the availability of a current schedule of fees for public records as allowed by law is available (I.C. § 5-14-3-8).
- (g) Ensuring a daily log is maintained that lists suspected crimes, accidents, or complaints and makes available information relating to arrests, summons, and jailed persons as required by I.C. § 5-14-3-5.

### 802.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

State

# Goshen Police Department

## Policy Manual

### Records Maintenance and Release

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Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

#### 802.4.1 REQUESTS FOR RECORDS

**State** **MODIFIED**

The processing of requests for any record is subject to the following:

- (a) All requests for public records shall be in writing or on a form supplied by the Department and shall identify with reasonable particularity the record being requested (I.C. § 5-14-3-3).
- (b) A written response shall be provided to the requester within seven days.
- (c) Within a reasonable time after the request, the Custodian of Records or the authorized designee shall make records or copies available to the requester as provided by I.C. § 5-14-3-3.
- (d) Copies of electronic data may be provided in the medium requested if it is compatible with the department's system (I.C. § 5-14-3-3).
- (e) The Department is not required to create records that do not exist.
- (f) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released (I.C. § 5-14-3-6).
  - (a) A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio/video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

[See attachment: Records Request with Translation](#)

#### 802.4.2 DENIALS

**State**

The denial of a written request for records shall (I.C. § 5-14-3-9):

- (a) Be made within seven days of receipt of the request.
- (b) Be in writing.
- (c) Include the reason for the denial.
- (d) Contain a citation to the specific authority that authorizes the denial.
- (e) Contain the name and position title of the person denying the request.

#### 802.5 RELEASE RESTRICTIONS

**State**

Examples of release restrictions include:

# Goshen Police Department

## Policy Manual

### Records Maintenance and Release

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- (a) Any personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver's license record, motor vehicle record, or any department record, including traffic accident reports, is restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722; I.C. § 5-14-3-4).
- (b) Personnel files and files of applicants except for names; compensation; job title; business address and telephone number; job description; education and training background; previous work experience or dates of first and last employment of present or former members; information relating to the status of any formal charges against a member; and the factual basis for a disciplinary action in which final action has been taken and that resulted in the member being suspended, demoted, or discharged (I.C. § 5-14-3-4).
  - 1. Job titles and job descriptions of officers shall remain confidential (I.C. § 5-14-3-4.3).
  - 2. The home address, telephone number, and contact information of an officer shall remain confidential (I.C. § 5-14-3-4(b)(19)).
  - 3. If an officer is operating undercover, the name, compensation, business address and telephone number, education and training background, previous work experience, or dates of first employment shall also remain confidential.
- (c) Records that are either intra-agency/interagency advisories or deliberative material that are expressions of opinion or of a speculative nature and that are communicated for the purpose of making a decision (I.C. § 5-14-3-4).
- (d) Work product of an attorney for the Department (I.C. § 5-14-3-4).
- (e) Administrative or technical information that would jeopardize a record keeping or security system (I.C. § 5-14-3-4).
- (f) The telephone number and address of a complainant contained in department records except if the address is the location of the suspected crime, infraction, accident, or complaint reported (I.C. § 5-14-3-4).
- (g) Records requested by an offender that contain personal information about a correctional officer, law enforcement officer, judge, the victim of a crime, or a family member of any of the preceding (I.C. § 5-14-3-4).
- (h) Certain law enforcement juvenile-related records (I.C. § 31-39-3-4).
- (i) Investigatory records (I.C. § 5-14-3-2(i); I.C. § 5-14-3-4).
- (j) Criminal intelligence information (I.C. § 5-14-3-2(c); I.C. § 5-14-3-4).
- (k) Certain types of reports involving but not limited to child abuse and molestation (I.C. § 31-33-18-1; I.C. § 31-33-18-2) and endangered adult abuse (I.C. § 12-10-3-15).
- (l) Personal identifying information submitted by a person to obtain or renew a license to carry a handgun, or information obtained by a federal, state, or local government



# Goshen Police Department

## Policy Manual

### Records Maintenance and Release

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- entity in the course of an investigation concerning a person who applies to obtain or renew a license to carry a handgun (I.C. § 35-47-2-3).
- (m) Audio, visual, or audiovisual recordings of law enforcement activities captured by a body-worn camera or MAV system (I.C. § 5-14-3-4):
    1. If disclosure of any law enforcement recording is required under I.C. § 5-14-3-5.1 or I.C. § 5-14-3-5.2, the Administrative Assistant should ensure applicable portions are obscured as required, before releasing the recordings.
  - (n) A recording that has captured information about airport security, procedures, areas, or systems, unless there is approval by an appropriate public agency.
  - (o) A record assembled, prepared, or maintained to prevent, mitigate, or respond to an act of terrorism, including a record which, if released, would have a reasonable likelihood of threatening public safety by exposing a vulnerability of locations or structures to a terrorist attack (I.C. § 5-14-3-4(b)(19)).
  - (p) [School safety plans and associated information as provided in I.C. § 10-21-1-10 and I.C. § 10-21-1-12.](#)
  - (q) Any other information that may be appropriately denied by those records declared confidential by a rule adopted by the Department granted by statute, state statute, rules adopted by the Indiana Supreme Court, or federal law (I.C. § 5-14-3-4).

#### 802.6 SUBPOENAS AND DISCOVERY REQUESTS

##### Best Practice

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the Prosecuting Attorney, City Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

#### 802.7 SECURITY BREACHES

##### State

Any member who becomes aware that any Goshen Police Department system has been subject to a cybersecurity incident should notify the Administrative Assistant as soon as practicable (I.C. § 4-13.1-1-1.5).

The Administrative Assistant should provide notice to all entities in the form and manner required by federal, state, and local law. Notice should be given as soon as practicable but not later than two business days after discovery (I.C. § 4-13.1-2-9).

## *Records Maintenance and Release*

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### **802.8 EXPUNGEMENT**

**State**

Expungement orders received by the Department shall be reviewed for appropriate action by the Custodian of Records. Records may include, but are not limited to, a record of arrest, investigation, detention or conviction.

The Custodian of Records shall expunge such records as ordered by the court. Once expunged, members shall respond to any inquiry as though the record did not exist (I.C. § 35-38-9-6).

A court order that requires records to be marked as expunged shall be clearly and visibly marked by the Custodian of Records. These records shall remain public records (I.C. § 35-38-9-7).

### **802.9 TRAINING**

**Best Practice**

All members authorized to manage, release or facilitate public access to department records shall complete a training program that includes identification of material appropriate for public access and the department systems and procedures guiding such release and access.

## Attachments

## Records Request with translation.pdf



# Records Request

Phone: 574.533.8661 Fax: 574.533.1826

Email: police@goshencity.com

111 E Jefferson St, Goshen IN 46528

Date and Time of Request: \_\_\_\_\_ Case/Incident# \_\_\_\_\_

### Your Information:

Name: \_\_\_\_\_ Phone #: \_\_\_\_\_ Fax#: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

Signature Required: \_\_\_\_\_ Date: \_\_\_\_\_

Complete Appropriate Section for Records Requested: Case/Incident # \_\_\_\_\_

**Case Report:** Incident Date/Time: \_\_\_\_\_ Incident Location: \_\_\_\_\_

Nature of Incident: \_\_\_\_\_

Person Involved: \_\_\_\_\_ DOB: \_\_\_\_\_ Address: \_\_\_\_\_

\*\*\*\*\*

**Other:** \_\_\_\_\_  
\_\_\_\_\_

### Please Mark Type of Records Requested:

Case or Incident Reports, Other Records (does not include digital media)

Digital Media (photos, dispatch recordings, videos, etc.)

**For GPD Use Only:** Total Cost \$ \_\_\_\_\_

Received by: \_\_\_\_\_

Request Approved Denied by: \_\_\_\_\_

Comments: \_\_\_\_\_

Date Mailed: \_\_\_\_\_ Initials: \_\_\_\_\_

Date Called for Pickup: \_\_\_\_\_ Initials: \_\_\_\_\_

Fecha y Hora de la Solicitud: \_\_\_\_\_ Caso/Incidente# \_\_\_\_\_

**Tu Informacion:**

Nombre: \_\_\_\_\_ Numero de Telefono: \_\_\_\_\_ Fax#: \_\_\_\_\_

Direccion: \_\_\_\_\_

Correo Electronico: \_\_\_\_\_

Firma Requerida: \_\_\_\_\_ Fecha: \_\_\_\_\_

**Completar la Seccion Apropiaada para los Registros Solicitados:** Caso/Incidente # \_\_\_\_\_

**Reporte de Caso:** Fecha/Hora del Incidente: \_\_\_\_\_ Ubicacion del Incidente: \_\_\_\_\_

Tipo de Incidente: \_\_\_\_\_

Persona Involucrada: \_\_\_\_\_ Fecha de Nacimiento: \_\_\_\_\_ Direccion: \_\_\_\_\_

\*\*\*\*\*

**Mas Informacion:**

**Por Favor Marque el Tipo de Registros Solicitados:**

Informe de Caso o Incidente, Otro Registros (no incluye medios digitales)

Medios Digitales (fotos, grabaciones de despachar, videos, etc.)



**CITY OF GOSHEN LEGAL DEPARTMENT**

City Annex  
204 East Jefferson Street, Suite 2  
Goshen, Indiana 46528-3405

Phone (574) 537-3820 • Fax (574) 537-3817 • TDD (574) 534-3185  
[www.goshenindiana.org](http://www.goshenindiana.org)

**To:** Board of Public Works and Safety  
**From:** Bodie J. Stegelmann  
**Date:** October 2, 2023  
**Subject:** Resolution 2023-33 - Approving City of Goshen Small Unmanned Aircraft Systems Policy

The City has obtained a small unmanned aircraft system and wishes to adopt a policy for its proper use. City staff proposes the adoption of the policy provided with this Memorandum.

**Suggested Motion:**

Move to approve Resolution 2023-33 - Approving City of Goshen Small Unmanned Aircraft Systems Policy.

**GOSHEN BOARD OF PUBLIC WORKS AND SAFETY  
RESOLUTION 2023-33**

**Approving City of Goshen Small Unmanned Aircraft Systems Policy**

WHEREAS, on January 24, 2022, the Goshen Board of Public Works and Safety approved certain City-wide policies, in the form of a Policy Manual identified in and approved by Resolution 2022-05;

WHEREAS, City staff has determined that certain revisions to three (3) City policies found in the Policy Manual would be appropriate; and

WHEREAS, the Goshen Board of Public Works and Safety now finds that it is appropriate to approve the Small Unmanned Aircraft Systems Policy.

NOW, THEREFORE, BE IT RESOLVED by the Goshen Board of Public Works and Safety that the City of Goshen Small Unmanned Aircraft Systems Policy, a copy of which is attached hereto and made a part hereof, is hereby approved.

PASSED and ADOPTED by the Goshen Board of Public Works and Safety on October \_\_\_\_\_, 2023.

\_\_\_\_\_  
Gina M. Leichty, Mayor

\_\_\_\_\_  
Michael A. Landis, Member

\_\_\_\_\_  
Mary Nichols, Member

\_\_\_\_\_  
Barb Swartley, Member

\_\_\_\_\_  
Orv Myers, Member



## **SMALL UNMANNED AIRCRAFT SYSTEMS**

**Adopted By: Board of Public Works and Safety**

**Date Adopted:**

**Revised:**

**Employees Affected: All Employees**

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### **Section 1. Purpose and Scope**

The purpose of this policy is to establish guidelines for the use of small unmanned aircraft systems (“sUAS”) and their operations in support of services provided by the City of Goshen’s Public Works and Utilities Departments. The goal is to provide clear framework for the safe operation of the sUAS that will apply to all personnel and pilots authorized to operate the sUAS in support of the City of Goshen.

### **Section 2. Application**

This policy shall apply to sUASs operated by City of Goshen Public Works and Utilities employees. sUASs operated by City of Goshen Police and Fire Departments shall not be affected by this policy.

### **Section 3. Definitions**

- A. Federal Aviation Administration (“FAA”) – The largest transportation agency of the U.S. government and regulates all aspects of civil aviation in the country as well as over surrounding international waters.
- B. Title 14 of the Code of Federal Regulations, Part 107, Small Unmanned Aircraft Systems. (“Part 107”) – This federal regulation applies to the registration, airman certification, and operation of civil small unmanned aircraft systems within the United States and the eligibility of civil small unmanned aircraft systems to operate over human beings in the United States.
- C. Person Manipulating the Controls (“PMC”) – Does not hold a remote pilot certificate and has not met the testing or training requirements under Part 107. The PMC can still operate the sUAS as long as two conditions are met: (1) The PMC is being directly supervised by a remote PIC who has met the recurrent testing and training requirements of Part 107; and (2) The remote PIC has the ability to immediately take direct control of the sUAS.
- D. Remote Identification (“RID”) – The ability of a UA in flight to provide identification and location information that can be received by other parties through a broadcast signal.
- E. Remote Pilot-in-Command (“PIC”) – The individual directly responsible for and with final authority in the operation of the sUAS conducted under Part 107.
- F. Small Unmanned Aircraft (“sUA”) – A UA weighing less than 55 pounds, including everything that is onboard or otherwise attached to the aircraft, and can be flown without the possibility of direct human intervention from within or on the aircraft.

- G. Small Unmanned Aircraft System (“sUAS”) – A small unmanned aircraft and its associated elements, including communication links and the components that control the UA, that are required for the safe and efficient operation of the sUAS in the National Airspace System.
- H. Unmanned Aircraft (“UA”) – An aircraft in operation without the possibility of direct human intervention from within or on the aircraft.
- I. Visual Line of Sight (“VLOS”) – With vision that is unaided by any device other than corrective lenses, the remote PIC, the VO, and the PMC of the sUAS must be able to see the UA throughout the entire flight in order to know the aircraft’s location; determine the UA’s attitude, altitude, and direction of flight; observe the airspace for other air traffic or hazards; and determine that the UA does not endanger the life or property of another.
- J. Visual Observer (“VO”) – Their role is to alert the rest of the crew about potential hazards during sUAS operations. The remote PIC must use one or more VOs to supplement situational awareness and visual-line-of-sight responsibilities while the remote PIC is conducting other mission-critical duties, such as checking displays, unless a VO is not reasonably available or the use of a VO is impractical.

**Section 4. Pilots**

All City employees must meet the required minimum qualifications put forth by the FAA for the operation of the sUAS in order to be authorized to operate the sUAS – no employee may operate a City sUAS without such qualifications. The pilot must hold, at a minimum, a valid FAA Airmen Certificate, or other applicable certificate, with the ratings and limitations meeting those of a remote pilot of a sUAS. All pilots must complete all required trainings in order to maintain a valid FAA Airmen Certificate, or other applicable certificate, after its date of issuance.

**Section 5. Operations.**

- A. All sUASs must be operated in compliance with Part 107, and all other applicable regulations.
- B. The PIC will conduct an inspection and complete a pre-flight checklist before every mission to ensure proper weather, site, aircraft, system, and safety requirements are met.
- C. An onboard camera will be activated during the time-of-flight missions. The camera will not be used to look at occupied dwellings, buildings, or structures in order to minimize inadvertent video or still images of uninvolved persons. Videos or still images of occupied dwellings, buildings, or structures will only be collected if required by the scope of the flight mission, such as new construction inspection or aerial photography of active construction sites. When the occupied dwellings, buildings, or structures are the subject of a flight mission, applicable laws will apply.
- D. The sUAS will not be used to conduct random surveillance activities. All flight missions must have a clear goal of obtaining specific video or still images of typical Public Works and Utilities operations, such as utility construction inspections, asset inspections, facility inspections, municipal separate storm sewer system inspections, disaster response, and aerial imagery photography.

- E. The sUAS will only be operated within VLOS. The use of a VO is acceptable when unable to maintain VLOS for the entire flight mission. A Part 107 waiver may be applied for when needing to break VLOS, such as responding to flooded areas where you are unable to maintain VLOS.
- F. After September 16, 2023, no person may operate a UA within the airspace of the United States unless the requirements of Title 14 of the Code of Federal Regulations Part 89 are met. The City of Goshen's employees may only operate UAs that have built-in RID or are using an attachable RID module that has been registered with the FAA.
- G. Operations over people are not allowed unless the pilot is operating a category approved sUAS. Without the use of a category approved sUAS, a waiver must be filed with the FAA requesting permission to deviate from the rules set part in Part 107 subsection 39.
- H. A PIC must maintain VLOS for the entirety of the flight mission. If a PIC must take the sUAS beyond the VLOS for any reason, the VO must remain in VLOS of the PIC, and clear communication between the PIC and VO must be obtainable and maintained during the entirety of the flight operation until the sUAS returns back to the VLOS of the PIC.
- I. The maximum operating altitude for a sUAS is 400 feet above the surface. A Part 107 subsection 51 waiver is required to fly above an altitude of 400 feet. A pilot may exceed an altitude of 400 feet without a waiver as long as the sUAS remains within 400 feet of a tower being inspected.

## **Section 6. Safety**

All PICs are responsible for the following:

- A. Understand applicable regulatory requirements, standards, and organizational safety policies and procedures.
- B. Observe and control safety systems by monitoring all operations.
- C. Review standards/policies and the practices of agency personnel as they impact operational safety.
- D. Communicate all reported safety-related problems and the corrective action taken. If there were any in-flight problems of learned experiences.
- E. Read and understand all pertinent safety information and emergency bulletins

## **Section 7. Personal Use**

All UAs owned by the City of Goshen's Public Works and Utilities departments are for city-use only. Devices are not to be taken home or used on personal time for personal benefit. All photos and videos collected shall be for the use and benefit of the City of Goshen and its service to its residents.

## **Section 8. Records and Retention**

All videos and still images collected will be kept in compliance and accordance with the City of Goshen's records retention policies. Flight logs generated by the sUAS are automatically stored on the DJI Pilot app and will be periodically transferred to the City's network. Flight logs will be kept in compliance and accordance with the City of Goshen's records retention policies.

**Section 9.      Maintenance**

PICs shall be responsible that UAs are maintained to manufacturers' specifications. All UAs will be inspected before every flight mission by the PIC. If the UA does not pass the pre-flight inspection, it is to be taken out of service immediately. All other pilots should be notified right away that the UA did not pass inspection, and maintenance should be scheduled accordingly.

**CITY OF GOSHEN**  
**Engineering Department**  
Municipal Annex Building  
204 E. Jefferson Street, Suite 1  
Goshen, Indiana 46528

Telephone: 534-2201  
Facsimile: 533-8626  
E-Mail:  
engineeringoffice@goshencity.com

**MEMORANDUM**

**TO:** Board of Public Works and Safety

**FROM:** Engineering Department

**RE:** **COPPERLEAF COVE APARTMENTS (JN: 2020-2010)**  
**APPROVAL & ACCEPTANCE OF INFRASTRUCTURE**

**DATE:** 10/02/2023

The installation of infrastructure (water main, and sanitary main) has been satisfactorily completed for the above section of the Copperleaf Cove Apartments. The Engineering Department recommends that the infrastructure be accepted for maintenance.

	Quantity	No. of Hydrants & Manholes	Construction Cost	10% Maint Bond
Water Main DI	515 LFT - 8"		\$113,270.00	\$ .00
	27 LFT - 6"	2 Fire Hydrants	\$ .00	\$ .00
			\$ .00	\$ .00
Sanitary Main	487 LFT - 8"	4 Manholes	\$46,530.00	\$ .00
Street			\$ .00	\$ .00
<b>Total Const. Cost</b>			\$156,800	\$ .00

A three-year maintenance bond (10% of the construction costs) for the water main, and sanitary main in the amount of \$45,000 has been submitted to the City of Goshen. Copies of the bonds are attached for your review.

Please consider the acceptance of the infrastructure and maintenance bonds for the above section of the Copperleaf Cove Apartments.

**Requested Motion: Approve the acceptance of infrastructure of water main and sanitary sewer within the easement, for maintenance at the Copperleaf Cove Apartments with a total cost of \$156,800.00**

**ACCEPTED:** BOARD OF PUBLIC WORKS AND SAFETY  
CITY OF GOSHEN, INDIANA

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

Attachments: Maintenance Bond for water main and sanitary sewer, Letter of dedication

Cc: Water Dept.  
Utilities Dept.  
Planning Dept

MAINTENANCE BOND

Bond No. 30163175

KNOW ALL MEN BY THESE PRESENTS, That we, Ancon Construction Co., Inc. (hereinafter called Principal), as Principal, and Western Surety Company a corporation, organized and existing under the laws of the State of SD authorized to transact a general surety business in the State of Indiana, (hereinafter called Surety), as Surety, are held and firmly bound unto City of Goshen (hereinafter called Obligee), in the sum of Forty Five Thousand Dollars and 00/100 (\$45,000.00), lawful money of the United States of America, to be paid to the said Obligee, or its successors or assigns, for the payment of which sum, well and truly to be made, the Principal and Surety do bind themselves, their and each of their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal entered into a contract with City of Goshen, dated \_\_\_\_\_ for the project described as Goshen Apartments; and

WHEREAS, the Principal provided the Obligee a completion bond, written by the Surety to secure the Principal's scope of work (defined below), which shall be released by the Obligee upon delivery of this maintenance bond ("completion bond"); and

WHEREAS, for the scope of work described as Water, Sewer, Curb and Asphalt work (herein called "scope of work"), the Obligee requires that the Principal should furnish a maintenance bond to the Obligee guaranteeing to remedy any defects in workmanship or materials that may develop for the specified scope of work within a period of Three (3) years from the date of the Obligee's acceptance of the work; and

WHEREAS, the scope of work has been completed and accepted by the Obligee, or if not yet accepted, will be automatically accepted upon the filing of this maintenance bond; and

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the said Principal does and shall, at the Principal's own cost and expense, remedy any and all defects that may develop in said scope of work, within the period of Three (3) years from the date of the Obligee's acceptance of the work, by reason of bad workmanship or poor material used in the construction of said work, and shall keep all work in continuous good repair during said period, and shall in all other respects, comply with all the terms and conditions of said contract with respect to maintenance and repair of said work, then this obligation to be null and void; otherwise to be and remain in full force and virtue in law. HOWEVER, the Principal and Surety shall be obligated only to assure the maintenance of the specified scope of work in the condition in which it existed at the time the work was accepted. Further, the obligations secured by this Bond are excluded from the completion bond which shall be released upon delivery and acceptance of this Bond.

SIGNED, SEALED AND DATED THIS 2nd DAY OF May, 2023.

Ancon Construction Co., Inc.

Western Surety Company

By: \_\_\_\_\_

By: Tracie House  
Tracie House, Attorney-in-Fact



# Western Surety Company

## POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

**Tracie House, Individually**

of, South Bend, IN, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

**- In Unlimited Amounts -**

Surety Bond No.: 30163175  
Principal: Ancon Construction Co., Inc.  
Obligee: City of Goshen

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Vice President and its corporate seal to be hereto affixed on this 16th day of June, 2021.



WESTERN SURETY COMPANY

Paul T. Bruflat, Vice President

State of South Dakota }  
County of Minnehaha } ss

On this 16th day of June, 2021, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires  
March 2, 2026



M. Bent, Notary Public

### CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 2nd day of May, 2023.



WESTERN SURETY COMPANY

L. Nelson, Assistant Secretary

Form F4280-7-2012

Go to [www.cnasurety.com](http://www.cnasurety.com) > Owner / Obligor Services > Validate Bond Coverage, if you want to verify bond authenticity.



**Authorizing By-Law**

**ADOPTED BY THE SHAREHOLDERS OF WESTERN SURETY COMPANY**

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the shareholders of the Company.

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, and Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

09/15/2023

City of Goshen  
204 E Jefferson Street, Ste 1  
Goshen, Indiana 46528

Re: Copperleaf Cove Apartments

Attn: Matt Bontrager

Mr. Bontrager

This letter is to serve as our intent to dedicate the water and sewer infrastructure within the easement of Copperleaf Cove Apartments to the City of Goshen.

The utility infrastructure was installed by Square 1 Excavating. The water infrastructure cost was \$113,270 and the sewer infrastructure cost was \$43,530 within the easement. The total construction cost associated with this work was \$156,800.

In addition to this letter, JPR Engineering and Surveying, Inc. has provided the City with both hard and electronic file record drawings (As-Builts) of the infrastructure. Ancon Construction has provided the required three-year maintenance bond representing 10% of the construction costs for the utility infrastructure within the easement.

Please accept this infrastructure and its ongoing maintenance.

Sincerely,

Greenwood Rental Properties

1006 S Indiana Ave

Goshen, IN 46526

A handwritten signature in black ink, appearing to read "Mr. Bontrager". The signature is stylized and cursive.



**Engineering Department  
CITY OF GOSHEN**

204 East Jefferson Street, Suite 1 • Goshen, IN 46528-3405

Phone (574) 534-2201 • Fax (574) 533-8626 • TDD (574) 534-3185  
engineering@goshencity.com • www.goshenindiana.org

## MEMORANDUM

TO: Goshen Board of Public Works & Safety

FROM: Goshen Engineering

RE: **COLLEGE AVENUE SIDEWALK CLOSURE  
(JN: 2023-2001)**

DATE: October 2, 2023

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With the Goshen College Westlawn Nursing Renovation project, DJ Construction is requesting to close the sidewalk on the south side of College Avenue between Main Street and S 9<sup>th</sup> Street starting Tuesday, October 3, 2023 until October 7, 2024. The contractor is requesting the closure and detour to ensure safety of pedestrians crossing a construction entrance, as well as a proposed work area on the north side of the Westlawn building.

Until the current outbound Interurban Trolley Red Line bus stop can be relocated, the sidewalk will remain open to S 8<sup>th</sup> Street and the detour shifted accordingly. Maps of both detour routes are attached.

**Requested Motion: Move to approve the College Avenue sidewalk closure, between Main Street and S 9<sup>th</sup> Street, from October 3, 2023 until October 7, 2024.**

**APPROVED:  
BOARD OF PUBLIC WORKS & SAFETY  
CITY OF GOSHEN, INDIANA**

\_\_\_\_\_  
Gina Leichty, Mayor

\_\_\_\_\_  
Barb Swartley, Member

\_\_\_\_\_  
Mary Nichols, Member

\_\_\_\_\_  
Orv Myers, Member

\_\_\_\_\_  
Michael Landis, Member

# College Avenue Sidewalk Closure and Detour

Begins: As early as October 3, 2023  
Estimated Completion: October 7, 2024



# College Avenue Sidewalk Closure and Detour - Temporary

Begins: October 3, 2023  
(closure will eventually extend to Main Street)  
Estimated Completion: October 7, 2024





**Engineering Department  
CITY OF GOSHEN**

204 East Jefferson Street, Suite 1 • Goshen, IN 46528-3405

Phone (574) 534-2201 • Fax (574) 533-8626 • TDD (574) 534-3185  
engineering@goshencity.com • www.goshenindiana.org

## MEMORANDUM

TO: Board of Works and Safety and Stormwater Board

FROM: Dustin Sailor, P.E., Director of Public Works

RE: **PROFESSIONAL SERVICE AGREEMENT FOR ENVIRONMENTAL SERVICES TO ABANDON WASTEWATER LAGOON – PART 2 (AMENDMENT NO. 1) (JN: 2019-0025A)**

DATE: September 29, 2023

---

Goshen Wastewater previously engaged Robert's Environmental (Roberts) to work through the environmental requirements necessary to fill-in the wastewater treatment plant's former bio-solids handling lagoon. Roberts completed their Part 1 tasks, and a meeting with IDEM was held to confirm next steps. Goshen Wastewater wishes to further engage Roberts to complete Part 2 task that include sampling within the lagoon, and sampling around the WWTP site to establish a insitu profile for statistical analysis.

Roberts has offered a fee of \$30,450 to complete utility locating, soil sampling, laboratory analysis, and preparation of a final report to IDEM.

***Requested Motion: Move to approve Amendment No. 1 with Roberts Environmental, LLC. to perform soil sampling, laboratory analysis and preparation of a report for submittal to IDEM for a contract amount of \$40,450.***

**AMENDMENT NO. 1**

**AGREEMENT WITH ROBERTS ENVIRONMENTAL SERVICES, LLC FOR  
GENERAL CONSULTING SERVICE FOR THE FORMER WASTEWATER  
LAGOON WWTP 1000 WEST WILDEN AVENUE, GOSHEN, INDIANA**

THIS AMENDMENT is entered into on \_\_\_\_\_, 2023, which is the last signature date set forth below, by and between **Roberts Environmental Services, LLC** (“Consultant”), whose mailing address is 2112 Carmen Court, Goshen, Indiana 46526, and **City of Goshen, Indiana**, a municipal corporation and political subdivision of the State of Indiana acting through the Goshen Board of Public Works and Safety (“City”).

**RECITALS**

- (A) City and Consultant entered into an Agreement on August 15, 2023 for a multi-phase services plan to finalize the closure of the former wastewater lagoon located at 1000 West Wilden Avenue, Goshen, Indiana.
- (B) The parties wish to amend the Agreement to include Phase 2 of the project.
- (C) Any modification or amendment to the terms and conditions of the Agreement shall be made in writing and signed by both parties.

In consideration of the terms, conditions and mutual covenants to be kept and performed under the original Agreement, and under the terms, conditions and mutual covenants of this Amendment, the parties agree as follows:

**SECTION 1. Scope of Services**

- 1.01 The Agreement shall be amended by adding the Scope of Work found in Consultant’s September 6, 2023 proposal, attached hereto as Exhibit A and made a part of this Amendment

**SECTION 2. Effective Date**

- 2.01 The Amendment shall become effective on the day of execution and approval by both parties.
- 2.02 All Services shall be completed as soon as reasonably feasible.

**SECTION 3. Compensation**

- 3.01 City agrees to compensate Consultant as follows for performing the Services under this Amendment:
  - (A) Soil Sample, laboratory analysis, final report to IDEM, etc. -Not-to-Exceed \$29,250
  - (B) Retention of private utility locating company -Not-to-Exceed \$ 1,200
  - Total Amended Costs** **\$30,450**

**SECTION 4. Original Agreement**

In all respects, all other provisions of the original Agreement not affected by this Amendment shall remain in full force and effect.

**SECTION 5. Authority to Execute**

The undersigned affirm that all steps have been taken to authorize execution of this Amendment, and upon the undersigned's execution, bind their respective organizations to the terms of the Amendment.

IN WITNESS WHEREOF, the parties have executed this Amendment on the dates as set forth below.

**City of Goshen, Indiana**  
Goshen Board of Public Works and Safety

**Roberts Environmental Services, LLC**

\_\_\_\_\_  
Gina Leichty, Mayor

\_\_\_\_\_  
Printed: \_\_\_\_\_

Title: \_\_\_\_\_

Date Signed: \_\_\_\_\_

Date Signed: \_\_\_\_\_



Exhibit No. 1  
Roberts Environmental Proposal

September 6, 2023

ROBERTS Project No.: 23-10922-10 (addendum)

Dustin Sailor, P.E., Director of Public Works

**City of Goshen**

Public Works

204 E. Jefferson Street

Goshen, IN 46528

**Addendum to General Consulting Services Agreement  
Lagoon Closure & Soil Pile Sampling  
Former Wastewater Lagoon - City of Goshen WWTP  
1000 West Wilden Avenue  
Goshen, Indiana**

Mr. Sailor:

Roberts Environmental Services, LLC (“ROBERTS”) is pleased to submit the following proposal addendum to provide lagoon closure and soil pile sampling activities relative to the former wastewater storage lagoon located at the above-referenced property in Goshen, Indiana (hereinafter referred to as the “Site”). This addendum is a continuation of activities included in the City of Goshen’s Agreement executed on August 15, 2023, between ROBERTS and the City of Goshen (“City”). As part of a recent conference call with Indiana Department of Environmental Management (IDEM) solid waste personnel on August 29, 2023, IDEM agreed with ROBERTS’ sampling plan and proposed activities presented to finalize the lagoon closure.

**SCOPE OF WORK**

**Lagoon Closure Activities.** The lagoon closure project activities will include:

- 1) Two (2) soil samples collected from native soils beneath the existing partial clay liner in the lagoon (hand-auger samples);
- 2) Six (6) background soil samples collected just north of the solar panel array at depths of 9.0-11-feet below surface grade collected using a direct-push drill rig (corresponding to the same elevation of the lagoon closure soil samples);
- 3) Laboratory analysis of all eight (8) samples for volatile organic compounds (VOCs), full semi-volatile organic compounds (SVOCs), RCRA Metals, polychlorinated biphenyls (PCBs), and pesticides. As requested by IDEM, also collect and analyze a field duplicate (FD) sample and matrix spike/matrix spike duplicate (MS/MSD) samples. A trip blank sample will also be analyzed for VOCs only;
- 4) Calculate background threshold values (BTVs) and/or upper tolerance limits (UTLs) using the background sample data set for each detected analyte from the lagoon closure sample data set using U.S. EPA’s ProUCL software.
- 5) Prepare a Solid Waste Clean Closure Report for IDEM’s review and approval. The report will include boring logs, laboratory reports, summary tables, statistical analysis, disposal

documentation (if available), and photo documentation along with conclusions relative to the data.

- 6) ROBERTS will participate in limited regulatory communications and follow-up regarding IDEM's comments to the final report (trips to meet with IDEM staff are not included).

**Soil Pile Sampling Activities.** The City is planning to utilize soils stockpiled on the east-central portion of the WWTP property to backfill the former lagoon once IDEM approves the final lagoon closure report. In order to verify that a source of backfill is "clean", the Indiana Brownfields Program (IBP) recommends collecting three (3) representative soil samples from the backfill source and one (1) additional sample for each subsequent 500 tons of backfill thereafter. The soil pile is approximately 12.5-feet high and is estimated to contain approximately 3,000 to 4,000-cubic yards of soil (or an average of +/-3,500-cubic yards). At a 1.3-tons per cubic yard estimate for loose sandy soils, the soil pile contains approximately 4,550-tons of soil. The soil pile sampling project activities will include:

- 1) The collection and analysis of eleven (11) soil samples collected from the soil pile located south of the solar panel array at variable depths across the pile. This includes three (3) soil samples for the initial approximately 500 to 550-tons of backfill source and eight (8) additional samples for the remaining 4,000-tons of proposed backfill;
- 2) As recommended by IBP, laboratory analysis of all samples will include volatile organic compounds (VOCs), full semi-volatile organic compounds (SVOCs), and RCRA Metals;
- 3) After the laboratory results are received, ROBERTS will prepare a brief letter report (separate from the lagoon closure report). The letter report will include a description of sampling methodologies, sample/boring logs, a results summary table, and conclusions relative to the results. The soil sampling results will be compared to 2023 IDEM R2 residential soil published levels (RSPLs).

**Soil Sampling Methodologies.** ROBERTS proposes to advance soil borings using direct-push methods (ROBERTS Geoprobe® 6620DT rig). A hand-auger sampling device will also be utilized for the shallower lagoon closure samples and toe-slope soil pile samples. The majority of the borings (background and deeper soil pile borings) will be advanced to an anticipated maximum depth of 13-feet below surface grade (bsg). Variable soil depths will be utilized for the soil pile sampling. Soil samples will be collected continuously from each boring in 4.0 to 5.0-foot intervals or 1.0-foot intervals with the hand-auger. Soil samples will be screened for indications of possible contamination through visual inspection and field screening with a photo-ionization detector (PID). Upon completion of soil sampling activities, each borehole will be grouted to the surface using bentonite chips and/or soil cuttings.

Prior to any work commencing on the Site, the Indiana Underground Plant Protection Service (IUPPS) will be contacted. IUPPS will be contacted at least 48 hours prior to any subsurface work. Utilities or other subsurface features that may interfere with investigation activities and are not marked by IUPPS will be the responsibility of the Site owner. ROBERTS and/or its' subcontractor will not be responsible for any damage or lost production due to inadequately marked or unmarked

utilities. ROBERTS can retain a private utility locating company to conduct supplemental utility screening for an additional cost of approximately \$1,200. The cost of this service would be in addition to the estimated cost provided herein.

**COST ESTIMATE**

ROBERTS will complete the above activities for an estimated cost of **\$29,250** (includes \$10,100 in laboratory costs), based on ROBERTS current rates and fee schedules (attached) on a time and expense not-to-exceed basis. The total estimated project cost with this Addendum is \$33,250 (initial Agreement cost of \$4,000 plus this Addendum cost of \$29,250). ROBERTS does not foresee an exceedance of this estimate for the scope of work described in the preceding text. However, we will keep you apprised of the project status and budget. This estimate does not include field contingencies, but reflects costs believed to be representative for completing the work described. Modifications to the scope of services necessary to complete the proposed activities that increase the estimated costs will be discussed prior to providing supplemental services.

**TERMS AND CONDITIONS**

This proposal, including the cost contained herein, is applicable for 15 calendar days; however, it may be necessary to alter the proposed project schedule if the proposal is not accepted within ten (10) business days. If our proposal is acceptable, it is anticipated that the City will prepare an addendum to the previously executed Agreement for professional services and submit the addended Agreement to ROBERTS for review and signature.

**SCHEDULE**

Upon receipt of authorization to proceed, ROBERTS will schedule the project activities to be completed as soon as reasonably feasible (pending weather, laboratory deliverables, and property access). The work scope proposed by ROBERTS assumes that only limited stakeholder communication will be required (i.e., telephone calls, e-mails, etc.). ROBERTS will provide draft reports for client review prior to finalizing the reports. We appreciate this opportunity to offer our services to you. If you have any questions regarding the scope of work or cost estimate, please feel free to call us at your earliest convenience.

Sincerely,

**Roberts Environmental Services, LLC**



David D. Jeffers, LPG  
Senior Hydrogeologist

**Roberts Environmental Services, LLC**



Jeffrey C. Roberts  
President

Attachments: "Authorization to Proceed" Form & ROBERTS current rates and fee schedules

**AUTHORIZATION FOR ROBERTS ENVIRONMENTAL SERVICES, LLC, TO  
PROCEED WITH PROJECT DESCRIBED IN PRECEDING PROPOSAL**

Proposal/Project Number: 23-10922-10 (addendum)  
Proposal Date: September 6, 2023  
Payment By: City of Goshen

Proposal Title: Addendum to General Consulting Services Agreement  
Lagoon Closure & Soil Pile Sampling  
Former Wastewater Lagoon - City of Goshen WWTP  
1000 West Wilden Avenue  
Goshen, Indiana

The undersigned hereby authorizes Roberts Environmental Services, LLC (“ROBERTS”) to proceed on the above-referenced project in accordance with the referenced proposal and its associated work scope, terms, and conditions. By authorizing the work, the undersigned acknowledges that ROBERTS’ proposed work scope is adequate for the undersigned’s purposes. The undersign further acknowledges that they read, understand, and agree to the terms and conditions governing the project, including, but not limited to, the Standard Terms and Conditions for this project, which are incorporated herein, and are authorized to contractually bind the above-named Client in executing this authorization. In no event shall any subsequent work order or similar document vary the terms and conditions of this authorization, including all terms and conditions incorporated by reference, without the express written agreement of ROBERTS.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Company/Affiliation

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

ROBERTS will proceed with the work upon receipt of a signed Authorization to Proceed.

**PLEASE RETURN THIS PAGE TO ROBERTS UPON COMPLETION**