

Bloomfield Free Press



Volume 2, Issue 15

'Your Independent Hometown Newspaper'

Week of July 11, 2007

WHO OWNS THE POOL?

Deed says if it isn't a pool, it goes back to original land donor

By Michael Johnson
Free Press Editor

BLOOMFIELD - Who really owns the Bloomfield Swimming Pool?

That is a question that the Bloomfield Town Council is expected to attempt to answer in its regular meeting Wednesday evening when it considers a measure declaring the town as the rightful owner of the now-defunct summer hangout.

Frosty Carmichael is 92 and living in Florida

However, the town may be swimming in the shallow end of the argument - considering a deed restriction dating back to the original property transfer in 1965.

Unlike the Greene County Courthouse - for which no one can locate a proper deed - the deed to the property on which the swimming pool now rests is on

record.

And, it specifically states that the property is to be used for a swimming pool - or the town has to give it back.

"The title to the foregoing described real estate shall revert to the grantor at any time that same is not used for a public swimming pool," the original

deed states.

The property was originally given to a non-profit organization, titled Bloomfield Swimming Pool, Inc., with the deed being recorded on Sept. 2, 1965.

The property was given by C and W Home Builders Inc., owned at the time by Forest "Frosty" Carmichael. The deed is

also signed by Maureen Wilson, as secretary of the company.

C and W Home Builders Inc., was dissolved as an Indiana Corporation on July 11, 1988.

Carmichael, who is now 92 years old, lives in Florida.

His son Ted was surprised Tuesday to hear of the current condition of the pool.

Please See **POOL**
Page 5

Rockets Red Glare



Staff photo by M. Johnson

A Bloomfield youngster eyes the sky as it lights up with fireworks Saturday night at the Bloomfield Park.

ONE MONTH LATER

Business as usual at Bloomfield Police Dept.

By Michael Johnson
Free Press Editor

BLOOMFIELD - A little more than a month ago, the chief legal counsel for the Indiana Law Enforcement Academy in Indianapolis said that if a town or municipality wants to have a police department, it must have a Town Marshal.

In the June 6 edition of the



Harrah

Bloomfield

Free Press,

Charles N.

Braun II said,

"If you want

to have a

police depart-

ment, you

must have

everything that

goes with it. And that means if

you have a marshal service, you

must have a town marshal."

Braun, who has 30 years in the

legal profession - including a

decade in the Indiana Attorney

General's Office - also at that time



Braun

noted that the position of police commissioner "does not statutorily exist in the case of a town."

Although the Bloomfield Town Council was notified more than a month ago that their police department's leadership chain is "exotic" at best, nothing has been done to rectify the situation.

Town Council President Eric Harrah said in mid-June that he planned no changes in personnel at the police department, and that current 'Police Commissioner' Tom Franklin would remain in his

Please See **BPD**
Page 5

State: Council in violation

By Michael Johnson
Free Press Editor

INDIANAPOLIS - In an effort to correct on-going violations of the notifications section of the Indiana Open Meetings Law, the Bloomfield Town Council has scheduled a "work session" for 5:45 p.m. on its regular meeting nights - 15 minutes before the start of its meeting.

A complaint filed by the Bloomfield Free Press alleging violations of the Open Meetings

Law was filed with the Indiana Public Access Counselor's Office on June 6. The complaint came after town council members met at the Bloomfield Fire Department before its regular meeting and discussed town business - without being "on the record" or at a regular meeting.

The Indiana Open Meetings Law states that whenever a majority of a quorum of a public body gets together, it is considered a public meeting - and the public

and media must be notified at least 48 hours in advance.

The complaint came a month after the hometown newspaper brought a similar violation to the attention of town attorney John Rowe - who said he would advise the council after its May meeting.

On June 6, the council continued to meet before its regular meeting - and the newspaper immediately filed its protest with

Please See **MEETINGS**
Page 5

POOL: Ownership is in question

FROM PAGE 1

He was also unaware of the deed restrictions and the possibility that his family could possibly get their property back.

"I'll have to talk to my dad," he chuckled.

Wilson and her husband had no children or heirs.

The town earlier this year decided not to reopen the swimming pool for another season because - after years of neglect - it is now unsafe, with its walls collapsing.

Although the problems at the pool were years in the making,

and council was advised every year for the last half-dozen that major work was needed, it still collected some \$3,500 in donations last year for a new slide at the pool.

That slide saw less than a half-season of action before the pool was closed.

Local developer Ethan Fernhaber - who last year purchased the old Woolen Mill to create luxury condominiums - said Tuesday that he had considered trying to find an answer to reopen the swimming pool - but has been unsuccessful, so far.

"When I heard about the pool, I wanted to do something to get the pool back up and running," Fernhaber said. "A vacant property is not the solution to any problem."

Fernhaber said he did contact Harrah about possibilities of reopening the pool. He was told the town was still checking its options, and Fernhaber has yet to hear back from the council president.

Recently, Harrah told a group of local citizens that the pool probably would never open again.

BPD: No changes in the works

FROM PAGE 1

job - although it technically does not exist.

On Tuesday, Harrah was contacted about what - if anything - has been done during the last month in regards to the police department and its leadership.

"You will have to talk to John Rowe," was his only - and curt - response.

Rowe is the town's attorney. Two messages left at Rowe's office Tuesday were not returned.

Since Braun has said - more than once - that Bloomfield must have an actual town marshal, it has been bantered around for

weeks that current Town Chief Deputy Marshal Ken Tharp would be sent to ILEA's chief school and attain his marshal's certifications.

It has also been the talk of the town recently that if that happens, Franklin would remain in his current position.

"I haven't heard anything about that," Harrah said Tuesday. "You know how rumors are in this town."

However, he would not go so far as to deny it as a possibility.

Currently, there are seven men in Greene County who hold the necessary certifications to lead a

police force - former town marshals Bob Richardson and Terry Wade being two.

In his position as 'Police Commissioner,' Franklin is paid an annual salary of \$35,800 - a little more than \$4,000 per year paid to Richardson when he was town marshal.

Franklin's package also includes the equivalent of six weeks vacation a year, enrollment in the town's health insurance plan and a new vehicle to drive while on duty and to and from his home in Worthington every day.

MEETINGS

FROM PAGE 1

the state.

For the town's defense, an attorney for Ice Miller - one of Indiana's largest law firms based in Indianapolis - said that Council President Eric Harrah considered getting together before the actual meeting to discuss town business "their custom and practice."

Indiana Public Access Counselor Heather Neal begged to differ in her opinion, stating, "the Council did violate the notice requirements of the Open Door Law, but did not further violate the statute."

The decision to hold a "work session" before the regular meeting was the brainchild of attorney Karen Arland with Ice Miller. She told the public access counselor that "after conferring with John Rowe, I have recommended that, in order to avoid confusion in the

future, that the Town Council notify the public ... that it will conduct a 'work session' from 5:30 (or so) in advance of the stated meeting time of the regular Town Council meetings."

She continued, "He has set such actions in motion."

Wednesday's work session meeting will begin at 5:45 p.m., with the regular meeting beginning at 6 p.m. Both meetings are open to the public.

The newspaper also filed other similar complaints with the Public Access Counselor's Office at the same time - knowing that they would be overruled because they were outside the deadlines for filing such complaints.

Those complaints were filed so the state would have a permanent record of the ongoing open meeting problems in Bloomfield.

Staff photo by J. Oliphant

Junior LeCocq and Rex Pickett from Newberry caught this 65-pound flat-head in June and stopped by the Newberry branch of Bloomfield State Bank to make their deposit and show off the one that didn't get away.



Bank bag lost, then found

By Michael Johnson
Free Press Editor

When he returned about 10 minutes later, the bag was gone.