

Burns Harbor Town Council
Regular Meeting
April 13, 2016

The Town Council of the Town of Burns Harbor, Porter County, Indiana met in its regular session on Wednesday, April 13, 2016 in the Town Hall. The meeting was called to order by Council President, Raymond Poparad at 7:01 p.m.

The Pledge of Allegiance to the American Flag was recited.

Roll Call: Toni Biancardi ----- Present
Andrew Bozak ----- Present
Eric Hull ----- Present
Raymond Poparad ---- Present
Marcus Rogala ----- Present

Clerk-Treasurer Jane Jordan was present. A quorum was attained.

Additional Officials Present: Attorney Clay Patton, Town Marshal Michael Heckman, Street Superintendent Pat Melton and Building Commissioner/Fire Chief/Sanitation Superintendent William Arney.

Also Present: Jeff Schultz of the Chesterton Tribune

Approval of Minutes:

Councilwoman Biancardi made a motion to approve March 9, 2016 meeting minutes. Councilman Hull seconded the motion. Councilwoman Biancardi – Aye, Councilman Bozak – Aye, Councilman Hull – Aye, Councilman Poparad – Aye, Councilman Rogala – Aye. **Motion passed.**

Reports:

Clerk-Treasurer Jordan informed those present that the State Board of Accounts is here performing an audit on the Town's records for years 2012 through 2015. We are currently training our newest employee, Corinne Peffers. Councilman Poparad stated the notice of property assessment appeals could have a bearing on the budget process this year. Clerk-Treasurer Jordan stated it could depending on whether they win or lose those appeals, certainly, something to keep in mind at budget time.

Councilman Rogala informed the Council that he attending the Indiana Cities and Towns (IACT) Roundtable, LOIT special distribution, road & bridges grant programs, and recording laws were discussed.

Building Commissioner Arney went over the monthly report and stated that the report is in the Council members' boxes.

Street Superintendent Pat Melton went over the monthly report and stated that the report is in the Council members' boxes. Superintendent Melton informed the Council that all the bus shelters have been removed and mostly hauled away. Bins containing wood chips and compose have been placed in the street department parking lot. Residents can take what they like. The brush pickup program begins in May; pickups days are the first and third Mondays.

Town Marshal Heckman went over the monthly report and stated that the report is in the Council members' boxes.

Fire Chief Arney went over the monthly report and stated that the report is in the Council members' boxes. Some of the equipment for the FEMA grant has arrived. The fire fighters will be going through training on how to use it.

Sanitation Superintendent Arney indicated we are still working on issues with electrical components on lift stations two and three and a dialer on lift station three. Councilman Poparad asked if the Town would have to pay for those costs. Superintendent Arney stated this would be at our cost. Clerk-Treasurer Jordan informed those present Corinne Peffers, Sanitary Clerk & Secretary started this week. Corinne is in the Town Hall so, billing will start moving to the Town Hall address. The billing phone number is different as well. Councilwoman Biancardi indicated that information about the change is on the town website. There will be a payment box installed at the Town Hall but in the meantime, we will accept payments at either place.

Park Director Burton informed the Council biologist did a complete survey of the lake and ninety five percent of which, is Eurasian milfoil and a few other aquatic plants. To prevent a total kill,

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the biologists suggested spot treating about half of the lake, sometime in mid-May to mid-June. The cost will be fourteen hundred dollars. Councilwoman Biancardi asked if swimming will be allowed in the lake when it's treated. Park Director Burton said yes. The fountain was put back in the lake. Teen Canvas is April 17th from 2:00 p.m. to 4:00 p.m., opening day is May 28th, Park Clean-up Day is May 7th. The Park was selected for Rebuilding Together which is April 30th if anyone is interested in volunteering. Councilman Bozak made a motion that the Town Council pays half of the lake Eurasian milfoil treatment costs. Councilman Biancardi seconded the motion. Councilwoman Biancardi – Aye, Councilman Bozak – Aye, Councilman Hull – Aye, Councilman Poparad – Aye, Councilman Rogala – Aye. **Motion passed.**

Redevelopment Commission Representative Joe Rurode informed the Council that the Commission held its meeting at Trans United. The Commission reviewed draft concepts related to the future container village provided by Global Engineering. The Staff has had a verity of meetings with property owners.

The following purchase orders were presented for discussion: purchase order #2366, 2373, 2378, 2379, 2380, 2381, 2383 and 2412.

Correspondence:

IDEM Approval of FESOP Administrative Amendment for Walsh & Kelly
IDEM Approval of Title V Operating Permit for Magnetics International Inc.
IDEM Notice of Public Comment for Powder Processing Technology, LLC
IDEM Notice of Public Comment for Fritz Enterprises, Inc.
IDEM Notice of Public Comment for Metal Services LLC dba Phoenix Service LLC
Lakeland Park selected as a community site for 2016 Duneland Rebuilding Together
Porter County Election Board requests use of Town Hall on May 3rd and November 8th
Porter County Assessor's report of pending appeals within Burns Harbor

Councilman Hull made a motion that the Town allows Porter County Election Board the use of the Town Hall for the May and November 2016 elections. Councilman Rogala seconded the motion. Councilwoman Biancardi – Aye, Councilman Bozak – Aye, Councilman Hull – Aye, Councilman Poparad – Aye, Councilman Rogala – Aye. **Motion passed.**

Presentations, Resolutions, Ordinances and Remonstrance:

Maura Durham, President of Duneland Chamber of Commerce, Fourth of July fireworks:

Maura Durham requested a cash donation and police and fire protection for the Fourth of July fireworks display.

Councilwoman Biancardi made a motion that the Town donates two thousand dollars and police and fire department assistance. Councilman Bozak seconded the motion. Councilman Hull asked if the Town could increase the amount paid this year. Councilwoman Biancardi asked if the Town gets VIP tickets as part of the donation. Maura Durham stated they had done that in the past but cannot this year due to the construction. We will put together packages with the vendors and beach stuff that was donated. Councilwoman Biancardi – Aye, Councilman Bozak – Aye, Councilman Hull – Aye, Councilman Poparad – Aye, Councilman Rogala – Aye. **Motion passed.**

Ordinance 268-2016 Amending Text of the Administration Ordinance concerning Sanitary Board membership:

Councilman Bozak read **Ordinance 268-2016 An Ordinance of the Town of Burns Harbor Town Council Amending the Text of the Administration Ordinance**

WHEREAS, the Burns Harbor Town Council has adopted an Administration Ordinance codified as Chapter 2 of the Town Code of Burns Harbor, Indiana;

WHEREAS, the Burns Harbor Sanitary Board has initiated certain amendments to the text of portions of the Administration Ordinance in order to make certain changes to Board Membership, Terms of Appointment, and Organization of the Board;

WHEREAS, a public hearing has been held before the Burns Harbor Sanitary Board and said Board has paid reasonable regard in preparing and considering the proposal, and now certifies its proposal to amend the text of portions of the Administration Ordinance to the Burns Harbor Town Council;

WHEREAS, notice has been given in accordance with Indiana Code of all proceedings concerning these text amendments; and

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WHEREAS, the Burns Harbor Town Council concurs with its Sanitary Board and accepts this proposal;

NOW THEREFORE, be it and it is hereby ordained by the Burns Harbor Town Council as follows:

Section 1. That Chapter 2, Article X, Section 2-40 of the Town Code of the Town of Burns Harbor shall be amended as follows:

SECTION 1: Board Membership: The Board shall consist of five (5) members as follows:

- a. One (1) member shall consist of a duly elected or appointed member of the Burns Harbor Town Council.
- b. Three (3) members shall be residents of the Town of Burns Harbor appointed by the Burns Harbor Town Council.
- c. One member shall be nominated by the entity operating the steelmaking facility located in Burns Harbor (the "Plant") and shall be appointed by the Burns Harbor Town Council.
- d. Neither of the Town Council appointees referred to in subsections (b) and (c) above shall be a paid or unpaid municipal officer or employee of the Board and/or Town.

Section 2. That Chapter 2, Article X, Section 2-41 of the Town Code of the Town of Burns Harbor shall be amended as follows:

SECTION 2: Terms of Appointment:

- a. The Town Council member shall serve on the Board during that period while he/she continues to serve on the Burns Harbor Town Council.
- b. The initial Town Council appointees shall serve staggered terms on the Board ending on December 31st of 2016, 2017 and 2018 respectively and shall be so designated at the time of their appointment. Following these initial staggered terms, the Town Council appointees shall serve terms of three (3) years.

Section 3. That Chapter 2, Article X, Section 2-42 of the Town Code of the Town of Burns Harbor shall be amended as follows:

SECTION 3: Organization of the Board:

- a. One of the members of the Sanitary Board shall be selected to act as Chairperson of the Board by a majority vote of the Board.
- b. A Vice Chairperson shall be selected from the Board membership by a majority vote of the Board members.
- c. A Secretary and a Treasurer or, if the Board desires to combine these positions to be filled by one person, a Secretary/Treasurer shall be selected by majority vote of the Board to serve at the pleasure of the Board. The person or persons serving as Secretary and Treasurer need not be a member of the Board.

Section 4. That Chapter 2, Article X, Section 2-46 of the Town Code of the Town of Burns Harbor shall be amended as follows:

SECTION 7: Effective Date: This Ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

Councilwoman Biancardi made a motion that the Town adopts **Ordinance 268-2016** as read. Councilman Hull seconded the motion. Councilman Rogala stated if we are removing ourselves from the Board, how are they able to use the funds as they see fit, are we giving them that full power? Councilman Poparad asked Attorney Patton can we amend the ordinance tonight to put a cap on the amount the Board is allowed to spend without approval by the Council. Attorney Patton stated no because it hasn't been published. You still have one Town Council member on the Board. Councilwoman Biancardi stated one of the things we have discussed is having Jane (Clerk-Treasurer Jordan) come and help us do a budget. I would be in favor of at a certain level of expenditure outside the normal operating cost that the Council would approve. Attorney Patton stated that is a policy. Councilman Poparad stated we can adopt it tonight and put a policy in place. Further discussion on policy pursued. Councilwoman Biancardi – Aye, Councilman Bozak – Aye, Councilman Hull – Aye, Councilman Poparad – Aye, Councilman Rogala – Nay. **Ordinance 268-2016 passed its first reading.**

Councilwoman Biancardi made a motion that the Town declares an emergency and suspends the rules of adopting an ordinance in two separate meetings. Councilman Hull seconded the motion. Councilman Rogala stated I am not comfortable putting these people on the Board until we have

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policies in place. Councilwoman Biancardi stated we can do that as soon as we do this or we can do it first. Councilwoman Biancardi – Aye, Councilman Bozak – Aye, Councilman Hull – Aye, Councilman Poparad – Aye, Councilman Rogala – Nay. **Motion failed.**

Ordinance 269-2016 Amending Text of the Zoning Ordinance concerning surface parking:
Councilman Bozak read **Ordinance 269-2016 An Ordinance of the Burns Harbor Town Council Amending the Text of Zoning Ordinance Concerning Surface Parking Within the Town of Burns Harbor, Indiana.**

WHEREAS, the Burns Harbor Town Council has adopted a Zoning Ordinance codified as Chapter 15 of the Town Code of Burns Harbor, Indiana; and

WHEREAS, the Burns Harbor Advisory Plan Commission has initiated certain amendments to the text of the Zoning Ordinance in order to better regulate Surface Parking by adding definitions to distinguish between different types of Motor Vehicles and amending the Zoning Form & Function Table to include Commercial Surface Parking; and

WHEREAS, notice has been given in accordance with Indiana Code of all proceedings concerning these text amendments; and

WHEREAS, a public hearing has been held before the Burns Harbor Advisory Plan Commission and said Commission has paid reasonable regard, in preparing and considering the proposal, to the factors set forth in I.C. 36-7-4-603, including the Comprehensive Plan; and

WHEREAS, the Commission now certifies its proposal to amend the text portions of its Zoning Ordinance to the Burns Harbor Town Council; and

WHEREAS, the Burns Harbor Town Council concurs with its Advisory Plan Commission and accepts this proposal;

NOW THEREFORE, be it and it is hereby ordained by the Burns Harbor Town Council as follows:

Section 1. That Section 15.2 of Chapter 15 of the Town Code of the Town of Burns Harbor shall be amended as follows:

15-2-2 Definitions. 46. **COMMERCIAL MOTOR VEHICLE:** a vehicle that has a gross vehicle weight rating of at least 26,001 pounds, is designed to transport 16 or more passengers including the driver, or similar vehicle with two (2) or more rear axles; or any size vehicle carrying hazardous materials which requires placarding.

Section 2. That section 15.2 of Chapter 15 of the Town Code of the Town of Burns Harbor shall be further amended by the addition of the following definition:

15-2-2 Definitions. 48. **COMMERCIAL SURFACE PARKING:** an off-street, ground level, permanently paved open area that provides temporary storage for commercial motor vehicles other than for expeditious delivery or pickup of materials or for construction use.

Section 3. That Section 15.2 of Chapter 15 of the Town Code of the Town of Burns Harbor shall be further amended by the addition of the following definition:

15-2-2 Definitions. 130. **MOTOR VEHICLE:** A vehicle that is self-propelled including automobiles, trucks, motorcycles, snowmobiles, recreational vehicles and like devices which have a gross vehicle weight rating of 26,000 pounds or less

Section 4. That Section 15.2 of Chapter 15 of the Town Code of the Town of Burns Harbor shall be further amended by the addition of the following definition:

15-2-2 Definitions. 145. **Off-Street:** located outside of a street right-of-way.

Section 5. That Section 15.2 of Chapter 15 of the Town Code of the Town of Burns Harbor shall be further amended as follows:

15-2-2 Definitions. 212. **VEHICLE:**

- Boats and watercraft (motorized and non-motorized)
- Light: Cars and trucks with single rear axles and single rear wheels with a gross vehicle weight rating of 8,000 pounds or less, including motorcycles and scooters.
- Medium: Trucks and similar vehicles, other than truck tractors, with single rear axles and dual rear wheels with a gross vehicle weight rating that does not exceed 26,000 pounds
- Heavy: Trucks, including truck tractors, and similar Vehicles with two or more rear axles. Any truck exceeding a gross vehicle weight rating of 26,000 pounds or any truck-tractor or semitrailer.

Section 6. That Section 15.2 of Chapter 15 of the Town Code of the Town of Burns Harbor shall be further amended by re-numbering all of the definitions in Section 15.2 to reflect the changes made in this Proposal.

Section 7. That Section 15.5 of Chapter 15 of the Town Code of the Town of Burns Harbor shall be amended as follows:

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15.5 Districts. Table 5-2 Zoning Form & Function Table – f. CIVIC SUPPORT, add Surface Parking, Commercial. Permitted only in Special Use District (SD). Neither Permitted nor a Special Exception in ROS, R, RC1, RC2, DD, or BP.

Section 8. This Ordinance shall be effective upon its adoption and publication.

Councilman Hull made a motion that the Town adopts **Ordinance 269-2016** as read. Councilman Bozak seconded the motion. Councilwoman Biancardi – Aye, Councilman Bozak – Aye, Councilman Hull – Aye, Councilman Poparad – Aye, Councilman Rogala – Aye.
Ordinance 269-2016 passed on its first reading.

Councilman Hull made a motion that the Town declares an emergency and suspends the rules of adopting an ordinance in two separate meetings. Councilwoman Biancardi seconded the motion. Councilwoman Biancardi – Aye, Councilman Bozak – Aye, Councilman Hull – Aye, Councilman Poparad – Aye, Councilman Rogala – Aye. **Motion passed.**

Councilman Hull made a motion that the Town adopts **Ordinance 269-2016** on its second reading. Councilman Bozak seconded the motion. Councilwoman Biancardi – Aye, Councilman Bozak – Aye, Councilman Hull – Aye, Councilman Poparad – Aye, Councilman Rogala – Aye. **Ordinance 269-2016 passed and was adopted.**

Ordinance 270-2016 Amending Text of the Fee Schedule:

Councilman Bozak read **Ordinance 270-2016 An Ordinance of the Burns Harbor Town Council Amending the Text of the Fee Schedule and Fee Table Concerning Permit Fees in RC2, DD, BP, and Special Use Districts and the Fees Associated With Signage Permits Within the Town of Burns Harbor, Indiana.**

WHEREAS, the Burns Harbor Town Council has adopted a Fee Schedule codified as Chapter 15 of the Town Code of Burns Harbor, Indiana; and

WHEREAS, the Burns Harbor Advisory Plan Commission has initiated certain amendments to the text of the Fee Schedule Tables in order to reconcile inconsistencies between the Fee Schedule and the Permit Requirements within the Burns Harbor Town Code and to better regulate the permit fees associated with Signage; and

WHEREAS, notice has been given in accordance with Indiana Code of all proceedings concerning these text amendments; and

WHEREAS, a public hearing has been held before the Burns Harbor Advisory Plan Commission and said Commission has paid reasonable regard, in preparing and considering the proposal, to the factors set forth in I.C. 36-7-4-603, including the Comprehensive Plan; and

WHEREAS, the Commission now certifies its proposal to amend the text portions of its Fee Schedule Tables to the Burns Harbor Town Council; and

WHEREAS, the Burns Harbor Town Council concurs with its Advisory Plan Commission and accepts this proposal;

NOW THEREFORE, be it and it is hereby ordained by the Burns Harbor Town Council as follows:

Section 1. That Table 15-4 of Chapter 15 Fee Table of the Town Code of the Town of Burns Harbor shall be amended as follows:

Table 15-4: Fees. Signage; \$1.00 per sq. ft., Minimum \$75

Section 2. That Table 15-5 of Chapter 15 Fee Schedule of the Town Code of the Town of Burns Harbor shall be amended as follows:

Table 15-5: Fee Schedule for RC2, DD, BP, SD. Project Value: \$1,000 - \$100,000;
Fee: \$175

Section 3. That Table 15-5 of Chapter 15 Fee Schedule of the Town Code of the Town of Burns Harbor shall be amended as follows:

Table 15-5: Fee Schedule for RC2, DD, BP, SD. Remove Max Permit Fee entirely from the table.

Section 4. Fees. That Table 15-5 of Chapter 15 Fee Schedule of the Town Code of the Town of Burns Harbor shall be amended as follows:

Table 15-5: Fee Schedule for RC2, DD, BP, SD. * Plus \$50.00 fee for each required inspection as determined at time of plan review **Any additional inspections required as a result of change orders or unforeseen issues will incur separate/additional inspection fees which must be paid prior to a Certificate of Occupancy being issued.

Section 5. Fees. That Table 15-5 of Chapter 15 Fee Schedule of the Town Code of the Town of Burns Harbor shall be amended as follows:

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Table 5-5: Fee Schedule for RC2, DD, BP, SD. * and ** to be added after each dollar amount listed under the fee category.

Table 15-5: Fee Schedule for RC2, DD, BP, SD	
Project Value	Fee
\$1,000 - \$100,000	\$175 * **
\$100,000.01 - \$200,000	\$175 + \$1.25/\$1,000 * **
\$200,000.01 - \$500,000	\$425 + \$0.75/\$1,000 * **
\$500,000.01 - \$1,000,000	\$800 + \$0.50/\$1,000 * **
\$1,000,000.01 - \$3,000,000	\$1300 + \$0.25/\$1,000 * **
Greater than \$3,000,000	\$2050 + \$0.10/\$1,000 * **

* Plus \$50.00 fee for each required inspection as determined at time of plan review
 ** Any additional inspections required as a result of change orders or unforeseen issues will incur separate/additional inspection fees which must be paid prior to a Certificate of Occupancy being issued

Section 6. Fees. That Table 15-1 of Chapter 15 Fee Schedule of the Town Code of the Town of Burns Harbor shall be amended as follows:

Table 15-1: Fee Schedule for R and RC1. **Plus \$35.00 fee for each required inspection as determined at time of plan review.

Section 7. This Fee Schedule and Fee Table shall be effective upon its adoption and publication.

Councilwoman Biancardi made a motion that the Town adopts **Ordinance 270-2016** as read. Councilman Bozak seconded the motion. Councilman Hull asked we dealt with a lot of sign permits last month, does this help them at all. Building Commissioner Arney stated it won't take effect because there is a fee associated with it so, we have to charge as according to the table as it sits right now. Councilwoman Biancardi – Aye, Councilman Bozak – Aye, Councilman Hull – Aye, Councilman Poparad – Aye, Councilman Rogala – Aye. **Ordinance 270-2016 passed on its first reading.**

Councilwoman Biancardi stated we need to suspend the rules because once we adopted it, it won't take affect for ninety days. Councilwoman Biancardi made a motion that the Town declares an emergency and suspends the rules of adopting an ordinance in two separate meetings. Councilman Rogala seconded the motion. Councilwoman Biancardi – Aye, Councilman Bozak – Aye, Councilman Hull – Aye, Councilman Poparad – Aye, Councilman Rogala – Aye. **Motion passed.**

Councilwoman Biancardi made a motion that the Town adopts **Ordinance 270-2016** on its second reading. Councilman Hull seconded the motion. Councilwoman Biancardi – Aye, Councilman Bozak – Aye, Councilman Hull – Aye, Councilman Poparad – Aye, Councilman Rogala – Aye. **Ordinance 270-2016 passed and was adopted.**

Resolution 2016-07 General Maintenance Fund Transfer:

Councilman Poparad read **Resolution 2016-07** BE IT HEREBY RESOLVED BY THE TOWN COUNCIL of the TOWN OF BURNS HARBOR, PORTER COUNTY, INDIANA that the following transfer of funds be made within the General Maintenance Department's 2016 budget:

\$ 3,500.00 from Superintendent Wages, 3-111
into Other Equipment, 3-444.

Councilwoman Biancardi made a motion that the Town adopts **Resolution 2016-07** as read. Councilman Hull seconded the motion. Councilwoman Biancardi – Aye, Councilman Bozak – Aye, Councilman Hull – Aye, Councilman Poparad – Aye, Councilman Rogala – Aye. **Resolution 2016-07 passed and was adopted.**

Resolution 2016-08 Child Abuse Prevention Month Proclamation:

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Councilman Bozak read Resolution 2016-08 Child Abuse Prevention Month Proclamation

WHEREAS, child abuse prevention is a community problem and finding solutions depends on involvement among people throughout the community;

WHEREAS, statistics of children who are abused and neglected escalate each year;

WHEREAS, the effects of child abuse are felt by whole communities, and need to be addressed by the entire community;

WHEREAS, effective child abuse prevention programs succeed because of partnerships created among social services agencies, schools, religious organizations, law enforcement agencies, and the business community;

WHEREAS, youth-serving prevention programs offer positive alternatives for young people and encourage youth to develop strong ties to their community;

WHEREAS, all citizens should become more aware of child abuse and its prevention within the community, and become involved in supporting parents to raise their children in a safe, nurturing environment;

NOW THEREFORE, the Town Council of the Town of Burns Harbor, Porter County, Indiana does hereby proclaim the month of April, 2016 as CHILD ABUSE PREVENTION MONTH in the Town of Burns Harbor, and calls upon all citizens, community agencies, religious organizations, medical facilities, and businesses to increase their participation in our efforts to prevent child abuse, thereby strengthening the communities in which we live.

Councilman Bozak made a motion that the Town adopts **Resolutions 2016-08** as read.

Councilwoman Biancardi seconded the motion. Councilwoman Biancardi – Aye, Councilman Bozak – Aye, Councilman Hull – Aye, Councilman Poparad – Aye, Councilman Rogala – Aye.
Resolution 2016-08 passed and was adopted.

New Business:

Village Subdivision Phase 4A acceptance of infrastructure:

Councilwoman Biancardi stated that Jeff Ban is here as the engineer for Traditions (apartment building developers). In December 2014, he came before the Plan Commission and asked us to recommend acceptance to the Council of infrastructure for Phase 4A. At the time they had a borrow pit on another piece of property that was open. The Commission recommended approval on condition of a plan to remediate that pit. Time has passed, the pit has been filled and now they are here to ask acceptance of the infrastructure.

Councilman Poparad asked Building Commissioner Arney and Street Superintendent Melton if they have done an inspection of the phase.

Building Commissioner Arney stated the pit is filled. It is a little low but me and Jeff has had discussions on that. They plan on still adding more dirt on that as they see fit. It's settling but it's not a hazard anymore. One thing I have not had a chance to talk to Jeff, that Pat (Street Superintendent Melton) brought up that has some concerns was that was not address, was the lights in there. When the Town accepts this, they take responsibility for the lights and we just want to make sure we don't get caught, like we did last time, where we have some lights that are not working and at the beginning we are at the downfall side of that. There is one light that, we know for a fact that, does not have any hardware to it. It's at the end of last phase that they thought was going to tie in to this phase. I would not want to hold this up but, maybe with some langue that these lights are checked and in working order.

Jeff Ban, Engineer stated I have no problem with that.

Councilman Hull stated I don't think we have run into anything yet where they have not fulfilled their end of the bargain.

Councilman Poparad asked how low is he on the grade for that borrow pit.

Building Commissioner Arney stated no more than some peoples' yards are.

Councilman Poparad stated so, when he starts the next phase, some of that dirt can be hauled over there, leveled off and dressed up nice and pretty.

Jeff Ban stated exactly right. That is the plan.

Councilman Poparad asked that road tying it together to the west, whose is that. Temporary or not that is part of the infrastructure is it not?

Building Commissioner Arney stated it is considered a temporary road and it is defined as temporary by not meeting town engineer specifications for the reason of future development on both the east and west sides that if it does need developed the infrastructure is not there yet. If the developers decide to go with

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that phase, it is going to have to be tore up to put the infrastructure in. At that time, it's going to have to come up to meet town standards. Temporarily we loose our emergency access during construction. During Phase 3 includes our secondary access going to the east side of Boo Road.

Councilman Poparad stated this will revert back to a maintenance bond for two years.

Councilwoman Biancardi stated correct. Jeff Ban and I meet last week, he is in talks with the bank to get the maintenance bond but, wasn't able to turn it around as quick as our meeting. The Plan Commission in the past has approved the president to sign it once we have that in hand.

Councilman Hull stated this would ideally cover anything like the light that is down; you've got to put a top coat down.

Councilwoman Biancardi stated I think the light should be fixed.

Councilman Poparad asked Bill (Building Commissioner Arney) is the top coat done.

Building Commissioner Arney stated actually when we discussed this Global Engineering went out and did a walk through.

Jeff Ban stated they had some issues. We resolved those issues. Had them come back to look at it and finally they approved it.

Councilman Poparad asked are you two department heads satisfied.

Building Commissioner Arney stated other than what we discussed.

Street Superintendent Melton stated I am not satisfied. That is more lights we are going to be taking care of and these seem to have the larger light bulbs in them. They are way more expensive. Wasn't there some money put in when we accepted the first phase for taking care of the lights?

Building Commissioner Arney stated that was part of the maintenance if there was issues that the maintenance bond could be used because we were having problems with some ballast issues.

Councilman Hull stated they went through and changed to a different kind of light style.

Building Commissioner Arney stated the globes, poles and the banner hardware that is the responsibility of the Property Owners Association. The Town is responsible for the electrical components, the wiring ballasts and bulbs. It was set up by Ordinance.

Councilwoman Biancardi stated I will make a motion to accept the Phase 4A infrastructure of the Village and give the president approval to sign the maintenance bond once our attorney has reviewed it and on condition that the lights are in working order before he signs. Councilman Bozak seconded the motion. Councilwoman Biancardi – Aye, Councilman Bozak – Aye, Councilman Hull – Aye, Councilman Poparad – Aye, Councilman Rogala – Aye. **Motion passed.**

Appointments to Sanitary Board:

No appointments made until Ordinance 268-2016 adopted on second reading.

Establish cash change drawer for the building department:

Councilwoman Biancardi made a motion that the Town approves a cash change drawer at the building department in the amount of one hundred and fifty dollars. Councilman Bozak seconded the motion. Councilwoman Biancardi – Aye, Councilman Bozak – Aye, Councilman Hull – Aye, Councilman Poparad – Aye, Councilman Rogala – Aye. **Motion passed.**

Burns Harbor Scholarship applications due June 30th:

Councilman Poparad stated just a reminder Burns Harbor scholarship applications are due June 30th. All residents are eligible to apply.

Purchase of fire department vehicle:

Councilman Hull stated Town of Chesterton has a 1995 International rescue unit with 9,000 miles they are taking out of service. It is valued at sixty five thousand dollars. They are offering it to us for fifty thousand. Half of the cost of that is in trade of our decommissioned ambulance which puts us in for a twenty five thousand dollar payment. In addition to the truck itself, it comes with a cascade system and a lot of additional extrication equipment which is well above the twenty five thousand we put into it. I looked at the unit. It would allow us to carry the dive gear. It would allow us space to store hazmat equipment on the vehicle and be able to take off and go. For the cost, I think it's a pretty good value. I realize that we've spent quite a bit on quite a few things down at the fire department but, they need it.

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Council discussed what funds could be used to pay for the vehicle.

Attorney Patton stated I reviewed the contract if Bill (Fire Chief Arney) is fine with the amount as far as the value of the decommissioned ambulance and the price of the vehicle we would be purchasing from Chesterton, I see no issue. I presume you have checked the VIN numbers?

Fire Chief Arney stated I did review everything and everything matches.

Councilman Hull read **Resolution 2016-09 A Resolution of the Town Council of the Town of Burns Harbor for the Exchange of Personal Property with the Town of Chesterton, Indiana**

WHEREAS, the Town of Burns Harbor and the Town of Chesterton are both desirable of an exchange of personal property; and

WHEREAS, the Town of Chesterton owns a Heavy Rescue Vehicle, Unit 530, which is a 1995 International 4900, with Vehicle Identification Number 1HTSDAAR7TH280248; and

WHEREAS, the Town of Burns Harbor owns an Ambulance, Unit 3361, which is a 2006 Ford E450, with Vehicle Identification Number 1FDXE45P86HA48297; and

WHEREAS, the Towns have the authority pursuant to Indiana Code § 36-1-11-8 to exchange property by adopting substantially similar resolutions.

NOW, THEREFORE, BE IT RESOLVED by the Burns Harbor Town Council:

1. That Burns Harbor will deliver its Unit 3361, "as is", and Twenty-Five Thousand Dollars (\$25,000) in cash to Chesterton, and that in exchange, Chesterton will deliver its Unit 530 to Burns Harbor, "as is".
2. That "as is" also means that there are no warranties, expressed or implied, regarding Unit 3361.
3. That Burns Harbor will hold harmless and indemnify Chesterton from any and all liabilities, damages, losses, or destruction, and against all losses, liabilities, damages, injuries, claims, demands, cost and expenses of every kind and nature, including, but not limited to, third-party injuries and all other claims, arising from Burns Harbor's ownership, use, condition, or operation of Unit 530.

Councilman Hull made a motion that the Town adopts **Resolution 2016-09** as read. Councilwoman Biancardi seconded the motion. Clerk-Treasurer Jordan asked which fund the Council would like the truck paid. Councilman Poparad stated pay for it from CEDIT. Councilwoman Biancardi – Aye, Councilman Bozak – Aye, Councilman Hull – Aye, Councilman Poparad – Aye, Councilman Rogala – Aye. **Resolution 2016-09 passed and was adopted.**

Decommission 2006 Ford E450 MedTec Ambulance 1FDXE45P86HA48297:

Councilman Hull made a motion to decommission the 2006 Ford E450 MedTec Ambulance VIN 1FDXE45P86HA48297. Councilman Rogala seconded the motion. Councilwoman Biancardi – Aye, Councilman Bozak – Aye, Councilman Hull – Aye, Councilman Poparad – Aye, Councilman Rogala – Aye. **Motion passed.**

Window replacement quotes:

After stating the quoted prices, Councilman Poparad asked that the matter be placed on next month's agenda to give the Board time to review the quotes.

Street Superintendent stated there are four bids for everything. We bid them three different ways for the Town Hall. The casement windows is what you have with the crank outs. The double hung window is the ones that bypass each other with a thing in the middle and a fixed window is one that does not open.

Park Director attending department head meetings:

Councilwoman Biancardi stated last month I recommended paying fifty dollars a meeting for our park director to attend our staff meeting up to twelve times a year. I talked to Jane (Clerk-Treasurer Jordan) and we can pay that from the Town Council's budget and we could add a line item for part-time wages not to exceed six hundred dollars a year.

Councilman Rogala made a motion to pay the park director fifty dollars to attend town department head meetings paid for out of the Town Council's budget not to exceed six hundred dollars a year.

Councilwoman Biancardi seconded the motion. Councilwoman Biancardi – Aye, Councilman Bozak – Aye, Councilman Hull – Aye, Councilman Poparad – Aye, Councilman Rogala – Aye. **Motion passed.**

Karnerblue Era, LLC contract for professional services:

Councilman Poparad stated the Karnerblue Era, LLC is Tina (Rongers) the grant writer for the Redevelopment Commission. She put a proposal together for the Town Council to write grants for the departments and at this time I do not feel we need to entertain that contract. After discussion, Councilman Poparad asked that the contract be removed from the agenda.

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Bicentennial grants available:

Clerk-Treasurer Jordan informed the Council that the Indiana Boundary runs through Burns Harbor Town easements at Shadyside Park and Riverside Drive. The grants that I have come across are for land acquisition but, only to preserve wetlands or establish wildlife refuge. We had talked about going after grants and we had seen them advertised so, I wanted keep you informed of what I have found. It doesn't appear that they would meet what are goals are with this project.

Councilwoman Biancardi stated I would be willing to work with Jane and investigate the cost to do the plaque that she is talking about and come back with some numbers.

Other Business:

Councilman Poparad informed the Council that of the quotes to purchase a tractor for the Park Department, he is recommending a thirty eight horse power with a two thousand dollar trade in credit which would bring the quote in at eighteen thousand dollars. If they would like a pull behind mower, that would be another four thousand dollars.

After discussion of the need to replace the 1972 tractor at the Park, the Council's consensus was to send Councilman Poparad's recommended quote to the Park Board.

Approval to Pay Vouchers:

Councilwoman Biancardi moved to approve all vouchers with three or more signatures. Councilman Hull seconded the motion. Councilwoman Biancardi – Aye, Councilman Bozak – Aye, Councilman Hull – Aye, Councilman Poparad – Aye, Councilman Rogala – Aye. **Motion passed.**

Approval of Financial Report:

Councilwoman Biancardi moved to approve the March 2016 financial report. Councilman Hull seconded the motion. Councilwoman Biancardi – Aye, Councilman Bozak – Aye, Councilman Hull – Aye, Councilman Poparad – Aye, Councilman Rogala – Aye. **Motion passed.**

Old Business:

Town Auction:

Councilman Poparad informed the Council that the Town will be using James Waggoner's Auction Service as the auctioneer. Mr. Waggoner will charge the Town a flat fifteen percent. The other auction house was going to charge ten percent from the Town and another ten percent from each buyer. The auction will be July 23rd.

Leaf vacuum purchase status:

Councilman Poparad informed the Council that Bernie Poparad, Street Superintendent Melton and he inspected the leaf vacuum. It is a solid unit but, needs a little work on the ceiling of the unit to keep the leaves in the bed. Councilman Poparad recommended that the Town purchases the leaf vacuum for ten thousand dollars from Bedrock and Boulders originally agreed upon by the Council in their February 10, 2016 meeting.

Councilwoman Biancardi asked if we would be ready for a spring pickup.

Street Superintendent Melton stated I am not sure.

2016 road paving projects in collaboration with towns of Chesterton and Porter:

Councilman Poparad informed the Council that our cost to split with Town of Porter's end of Babcock road is twenty-one thousand seven hundred and forty seven dollars (\$21,747). The Town of Chesterton's side is twenty-one thousand dollars (\$21,000). The Town has funds available to pave our sections of South Babcock using the bids Porter and Chesterton received from their bidding process.

Councilman Hull made a motion that the Town accepts the bids received by Town of Chesterton and Porter to pave the southwest side of South Babcock Road that is within the jurisdiction of the Town of Burns Harbor. Councilwoman Biancardi seconded the motion. Councilman Poparad stated that will be a direct bill to us from Walsh & Kelly on the north end and Rieth-Riley on the south end. Councilwoman Biancardi – Aye, Councilman Bozak – Aye, Councilman Hull – Aye, Councilman Poparad – Aye, Councilman Rogala – Aye. **Motion passed.**

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Old Porter Road drainage assessment:

Councilman Poparad informed the Council we do not have an assessment of the Old Porter Road flooding.

Building Commission Arney informed the Council that the engineers were working on that all day yesterday and today.

Weed control at Lakeland Park's Harbor Lake:

Discussed previously in the meeting under department reports.

Good of the Order of the Community:

Town Marshal Heckman asked for permission to have a street light installed at the intersection of US 20 (Melton Road) and Burns Boulevard. Councilman Hull made a motion to install a NIPSCO light at the intersection of US 20 and Burns Boulevard. Councilman Rogala seconded the motion. Councilwoman Biancardi – Aye, Councilman Bozak – Aye, Councilman Hull – Aye, Councilman Poparad – Aye, Councilman Rogala – Aye. **Motion passed.**

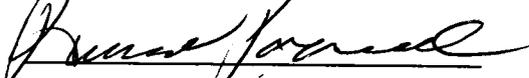
Burns Harbor resident Bernie Poparad of State Road 149 reminded the Council that there is a Plan Commission meeting Monday night followed by Election Day Tuesday. Council consensus was to lock the voting equipment in the kitchen until Tuesday.

Councilman Bozak asked the Fire Chief to explain a purchase order submitted for uniforms. Fire Chief Arney stated once a year the department replaces t-shirts and sweatshirts for the fireman.

Councilman Hull made a motion that we adjourn. Councilman Bozak seconded the motion. Councilwoman Biancardi – Aye, Councilman Bozak – Aye, Councilman Hull – Aye, Councilman Poparad – Aye, Councilman Rogala – Aye. **Motion passed.**

There being no further business to discuss, the meeting concluded at 8:23 p.m.

TOWN COUNCIL OF THE
TOWN OF BURNS HARBOR



Raymond Poparad, President



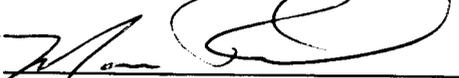
Eric Hull, Vice-President



Toni Biancardi



Andrew Bozak



Marcus Rogala

ATTEST:



Jane M. Jordan, IAMC, MMC, CPFA
Clerk-Treasurer