

Burns Harbor Town Council  
Regular Meeting  
May 13, 2020

The Town Council of the Town of Burns Harbor, Porter County, Indiana met in its regularly scheduled session on Wednesday, May 13, 2020 in the Town Hall. The meeting was called to order by Council President Nicholas Loving at 7:04 p.m.

The Pledge of Allegiance to the American Flag was recited.

**Roll Call:** Toni Biancardi ----- Present  
Roseann Bozak ----- Present  
Eric Hull ----- Present  
Nicholas Loving ----- Present  
Angie Scott ----- Present

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

**Additional Officials Present via Teleconference:** Attorney Clay Patton, Town Marshal Mike Heckman, Fire Chief/Sanitation Superintendent William Arney, Street, Building Commissioner Robert Wesley, and Park Director Kim Burton.

**Also Present:** Lily Rex of the Chesterton Tribune via *Facebook Live*.

This month's meeting was made available live to the public in accordance with Governor Holcolm's Executive Order 20-04 Section 5 Public Meetings/Open Door Laws. The meeting was streamed live using *Microsoft Team* software and *Facebook Live*.

**5. Public Meetings/Open Door Laws**

Public meetings conducted pursuant to Ind. Code § 5-14-1.5 *et seq.* should be limited to only essential matters critical to the operations of the governmental agency or entity for the duration of this public health emergency;

All specific statutory deadlines requiring a governing body to meet during the public health emergency are suspended for the duration of the emergency insofar as cancellations do not disrupt essential government decisions or services or when meetings are otherwise required by federal law;

All governing bodies of public agencies may suspend the requirement of explicitly adopting a policy for electronic participation and reduce the number of members required to be physically present to one member only (See Ind. Code § 5-14-1.5-3.6(c), (f), (g) & (h)). Entities should also adhere to the CDC guidance on gatherings and make efforts to allow the public to participate electronically, if feasible. All other provisions of Ind. Code § 5-14-1.5 *et seq.* remain in effect;

All governing bodies of public agencies may post notices and agendas for meetings solely by electronic means for the duration of this public health emergency; and

Any political subdivision or entity subject to the provisions of Ind. Code § 5-14-1.5-3.5 may comply with the provisions of section 3.6 as modified by this Order in conducting public meetings for the duration of this public health emergency.

**Approval of Minutes:**

Councilwoman Bozak made a motion to approve April 8, 2020 meeting minutes. Councilman Hull seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye. Councilwoman Scott – Aye. **Motion passed.**

**Reports:**

Councilman Loving thanked the department heads for submitting their written reports. Those are on file, if anyone has any questions please contact those department heads directly.

Councilwoman Biancardi commended the town staff for doing a great job while the offices are closed to the public. I appreciate all their efforts in maintaining that level of customer service and support despite the pandemic restrictions.

The following purchase orders were presented for discussion: #2720 & 2747.

**Correspondence:**

Town of Porter Parks Department – Memorial Day presentation canceled  
ArcelorMittal – Placing employees on temporary, unpaid furloughs

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IDEM – Registration Administrative Amendment approval, Tex Holdings Inc. Portage  
IDEM – Exemption approval, Gelnex, Portage, IN  
IDEM – Notice of Public Comment Part 70 Operating Permit, Ardagh Metal Beverage  
USA Porter County  
IDEM – Title V Significant Source Modification Minor PSD Metal Services LLC Burns  
Harbor, IN

**Presentations, Resolutions, Ordinances and Remonstrance:**

**Ordinance 296-2019 Amending Town Code Chapter 15 Temporary political sign:**

The draft ordinance mirrors the most recent state law pertaining to political signs. After discussion, Council consensus was to forward the draft to the Advisory Planning Commission for a public hearing and recommendation.

**New Business:**

**Staff anniversary recognition:**

Councilman Loving reported there were no anniversaries for the month of May.

**Park cash change drawer for season:**

Councilman Hull made a motion to approve a Park Department forty-dollar (\$40.00) cash change drawer for their 2020 season which, will be returned at close of season.

Councilwoman Scott seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed.**

**Mosquito Fogging:**

After discussion of cost, previous years' applications and its effectiveness, Council consensus was to keep the matter on the agenda for next month.

**CF-1 statement reviews:**

Councilman Loving informed the Council they received CF-1 Statements to review for MasterLink and Praxair. The accompanying SB-1s show that both companies have increased their number of employees close to the number they said they were going to try to when we gave them tax abatement. We give tax abatement based on an evaluation and in order to secure a steady revenue stream. The companies we grant abatement to make promises to make investments in the town and make investments in people in the town. We do not have ArcelorMittal's yet. MasterLink and Praxair show they are doing basically what they said they were going to do.

Councilman Hull said if I recall, the CF-1 statement goes to the County. It doesn't have to come to us but we said we want them to come to us. So, if Arcelor doesn't give us theirs, they are not technically violating anything other than what we asked them to do.

Clerk-Treasurer Jordan said the State says that the community that grants the abatement has the ability to review the CF-1 and determine whether the company has met the required obligations that they said they would meet when the abatement was granted. By law, the forms have to go to the assessor's and/or auditor's offices. What has happened in the past, is the company didn't always come before the Board for review. The State's opinion is that they are not going to give the County authority to deny the abatement just because the Council hasn't had the opportunity to review the forms. To ensure the Council sees the abatement forms, the Council adopted a resolution, that is on file at the County, that says if the CF-1 doesn't have our President's signature, the abatement is denied. So, the County is forcing those companies to submit those forms to you for review. They are not getting their abatement without your review and approval.

Councilman Hull stated I just wanted to clarify because, I remember with Ray (Councilman Poparad) that was a big stick with for him. I agree with him. It is good practice.

Clerk-Treasurer Jordan stated there is still a short window of time for ArcelorMittal to meet that state deadline. They just haven't got those to us. In the past, they have preferred to hand delivered and reviewed them with the Board. I think based on the state of affairs maybe they are just a little behind. I wouldn't be surprised if they arrive any day now.

Councilman Hull made a motion that the Town approves MasterLink's and Praxair's CF-1 statements and accompany documents and grants the companies tax abatement for 2021

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and in the event that ArcelorMittal's arrive in the next couple of days if it meets the things to fulfill the obligations.

Attorney Patton suggested I think you should review that at your June 10<sup>th</sup> Council meeting. I think the Governor's order is extending deadlines for everything from personal property taxes and BMV registrations. I believe this document deadline would be extended as well. The forms are not due until May 15<sup>th</sup>. I would suspect we would see it here by the end of the month and I would hope by the June 10<sup>th</sup> Council meeting.

Councilman Hull amended the motion to that the Town approves MasterLink's and Praxair's CF-1 statement reviews and approves the companies tax abatement for 2021. Councilwoman Biancardi seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed.**

**Department inventory review:**

Councilman Loving requested that departments submit a capital assets list which would include items and quantity purchases that cost over ten thousand dollars, estimated life and replacement dates. The information will be used to revise ten (10) to fifteen (15) year major equipment purchase plan. They will also review inventory lists and indicate any changes.

**Driver policy:**

After discussion on the restrictive infraction and violation rules and the need to expedite the adoption of a policy, the Council directed the department heads to review and make recommendation this week so a final draft can be prepared for possible adoption at next month's Council meeting.

Councilman Hull suggested that if we do have a new hire before adoption, the Police Department should review their driving record to determine if they are acceptable until a policy is adopted.

**ADA Plan review:**

Councilwoman Biancardi, as the Town's ADA Coordinator, requested that the Council review an updated ADA Plan draft and consider for June adoption. It is a living document so, we are proposing it be reviewed quarterly and at budget time, budgeting money to follow the implementation plan.

**Waiving waste water late fees due to State Health Emergency:**

Councilman Loving informed that the Council waived the waste water late fees for the months of March and April due to the State Health Emergency.

After discussion for the need of an ordinance or resolution and possible State Board of Accounts comments or concerns, Councilwoman Biancardi made a motion that the Town waives late fees for the waste water utility for the months of March, April and May 2020. Councilwoman Bozak seconded the motion. Councilman Hull said what about June. Councilman Loving said he would like to see through June. Councilwoman Scott pointed out that the Governor's emergency order doesn't expire until June 14<sup>th</sup>. Councilwoman Biancardi amended her motion to include the month of June 2020. Councilwoman Bozak seconded the amended motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye. Councilwoman Scott – Aye.

**Motion passed.**

Council commented they want to work with the people who are facing financial hardship due to the pandemic. They do not want to be the reason people are experiencing stress. The Utility will hold out.

Councilman Hull clarified that water shut off is discontinued until the Governor's order is lifted. Even though we are working with individuals on late fees and not disconnecting, eventually they will have to pay their account current otherwise there are liens that will be levied.

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**Approval to Pay Vouchers:**

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

**Approval of April 2020 financial report:**

Councilman Hull made a motion to approve the April 2020 financial report. Councilwoman Biancardi seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak- Aye, Councilman Hull – Aye, Councilman Loving – Aye. Councilwoman Scott – Aye. **Motion passed.**

**Old Business:**

**Approval of Financial Report: Burns Harbor Scholarship applications due May 31<sup>st</sup>:**

Councilman Loving reminded everyone scholarship applications are due by May 31<sup>st</sup> and can be found on the town's website. It is open to all town residents.

**Large item trash pickup June 25<sup>th</sup>:**

Councilman Loving informed everyone that large item trash pickup is scheduled for Thursday, June 25<sup>th</sup>.

**Schedule town rummage sale date:**

Councilman Loving requested that this matter be placed on the agenda for next month to see how things are progressing in the State.

**Civic Plus annual contract renewal:**

Councilwoman Biancardi made a motion to renew the annual contract with Civic Plus in the amount of \$2,682.22. Councilman Hull seconded the motion. Councilman Hull said it is a good service. We cannot rebuild and maintain our website and keep it current for that kind of cost. Councilwoman Biancardi stated it has so much more we haven't tapped into yet. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed.**

**AIM 2020 dues:**

Councilman Loving informed that the dues are \$3,933 for 2020.

After discussion on the services and support that AIM provides the Town, Council's consensus was to keep the matter on the agenda for next month.

**Shadyside Park status report:**

Councilman Loving informed the Council that he spoke to Suzan Zlajic, Director, State Tax & Government Relations with ArcelorMittal. Now that the sixty-acre donation is complete, we are working on something for the park at Shadyside. Either rewriting and expending the lease agreement long term or donation of the land. The land matters are run out of Cincinnati, Ohio so, Susan reached out to them earlier this week. Leave the matter on the agenda for next month.

**Community Crossing Grant paving status report:**

Clerk-Treasurer Jordan informed that the town engineer requested that some of the funds be released to Walsh & Kelly for the work that has been done to date. You will see that in the claim book.

Councilman Hull informed the Council when he spoke with them last the topcoat asphalt plants were just opening back up for the season so, they didn't have all the mixes available and then it rained.

Councilwoman asked if they were still in town. Rak Road is still gravel with no pavement.

**Good of the Order of the Community:**

Councilman Loving informed the Council that someone attending the meeting remotely requested the Council address the matter of speeding and ignoring stop signs in the Village in Burns Harbor subdivision. The data downloaded from the radar sign for the past two weeks shows no speeding issues. After further discussion, Councilwoman Scott will direct the Street Department to seek quotes for crosswalk painting and prioritize any locations

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that may need walkways throughout the town. The Council requested that the Police Marshal and Fire Chief review the stop sign located at the three-way intersection in Village in Burns Harbor Subdivision to see if it needs to be removed. The Street Department was directed to paint curbs where parking is prohibited in Harbor Trails subdivision.

Attorney Patton reviewed with the Council the State's re-open plans and dates. Councilman Loving informed that this year's Park 5K Footloose has been canceled.

Fire Chief Arney informed that the dedication sign honoring Councilman and Retired Fire Chief Raymond Poparad was installed at the Fire Station.

Park Director Burton informed that the Park is following the State's re-open plan, opening in stages and hopefully opened by the end of the month.

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

There being no further business to discuss, the meeting concluded at 8:05 p.m.

Approved at June 10, 2020 meeting.

TOWN COUNCIL OF THE  
TOWN OF BURNS HARBOR  
Nicholas Loving, President  
Eric Hull, Vice-President  
Toni Biancardi  
Roseann Bozak  
Angie Scott

ATTEST:  
Jane M. Jordan, IAMC, MMC, CPFA, CPFIM  
Clerk-Treasurer