

Burns Harbor Town Council
Special Meeting
January 3, 2024

The Town Council of the Town of Burns Harbor, Porter County, Indiana met in a special session on Wednesday, January 3, 2024 in the Town Hall and streamed electronically with Zoom. The meeting was called to order by Clerk-Treasurer Jordan at 6:04 p.m.

The Pledge of Allegiance to the American Flag was recited.

Roll Call: Councilwoman Roseann Bozak ----- Present
Councilwoman Lisa Draves ----- Present
Councilman Kurt Jordan ----- Present
Councilman Jack McGraw ----- Present
Councilwoman Jennifer McHargue - Present

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

Additional Officials Present Attorney Clay Patton and Town Marshal Jeremy McHargue.

New Business:

Organize Council for 2024:

Councilwoman Bozak made a motion to appoint Jennifer McHargue as Town Council President for 2024. Councilman Jordan seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves – Aye, Councilman Jordan – Aye, Councilman McGraw – Aye, Councilwoman McHargue – Aye. **Motion passed.**

Clerk-Treasurer Jordan passed the gavel to Council President McHargue.

Councilwoman Draves made a motion to appoint Roseann Bozak as Town Council Vice-President for 2024. Councilman Jordan seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves – Aye, Councilman Jordan – Aye, Councilman McGraw- Aye, Councilwoman McHargue – Aye. **Motion passed.**

Appoint 2024 Department Heads:

Councilwoman Bozak made a motion that the Town appoints Kimberly Burton as Park Director for 2024. Councilman Jordan seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves – Aye, Councilman Jordan – Aye, Councilman McGraw - Aye, Councilwoman McHargue – Aye. **Motion passed.**

Councilman Jordan made a motion that the Town appoints Jeremy McHargue as Town Marshal for 2024. Councilwoman Bozak seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves – Aye, Councilman Jordan – Aye, Councilman McGraw - Aye, Councilwoman McHargue – Abstain. **Motion passed.**

Councilwoman Bozak made a motion that the Town appoints Charles Hansen as Building Commissioner for 2024. Councilwoman Draves seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves – Aye, Councilman Jordan – Aye, Councilman McGraw - Aye, Councilwoman McHargue – Aye. **Motion passed.**

Councilman McGraw made a motion that the Town appoints Brandon Downey as General Maintenance/Street Commissioner for 2024. Councilman Jordan seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves – Aye, Councilman Jordan – Aye, Councilman McGraw - Aye, Councilwoman McHargue – Aye. **Motion passed.**

Councilwoman Bozak made a motion that the Town appoints Ryan Nowacki as Interim Fire Chief. Councilwoman Draves seconded the motion. Councilman McGraw stated is this person being full-time or part-time. Councilwoman Bozak stated this is part-time. Councilwoman Bozak – Aye, Councilwoman Draves – Aye, Councilman Jordan – Aye, Councilman McGraw - Aye, Councilwoman McHargue – Aye. **Motion passed.**

Appoint 2024 Department Liaisons:

Councilwoman McHargue announced that based upon discussion at their previous meeting, the 2024 department liaisons are as follows:

Marshal Department – Councilwoman Bozak

General Maintenance/Street Department – Councilwoman McHargue

Building Department – Councilman McGraw

Burns Harbor Town Council
Special Meeting
January 3, 2024

Fire Department – Councilwoman Draves
Park Department – Councilman Jordan

Attorney Patton stated to clarify for the minutes this is a meeting you held before January first, so there is no open-door violation.

Councilwoman McHargue stated that is correct. That meeting was held on December 7, 2023.

**Appointments for 2024 open seats on Town Boards:
Planning Commission:**

After discussion of the seats available, state law party affiliation requirements, and Nicole Migliorini's request to remain on the Board now that she is a town employee, Attorney Patton stated I would suggest that she move into that employee slot, because I think how code is written, it could be problematic if you had four Council members or employees. What I am getting at is, if more than one of the five of you wanted to be on the Plan Commission and Jeremy (McHargue) and Nicole (Migliorini) both were on, that would be problematic and in violation of state code.

Councilwoman McHargue stated for Plan, is there any conflict of having a husband and wife both serving on the Board.

Attorney Patton stated I don't think there is anything against town code or state code with that, but when it comes to people who come before the Plan Commission, and the perception that might create, again, there is nothing in code. They are both residents and qualified.

Councilwoman McHargue appointed Aaron Adcock (R term expires December 31, 2027) and Gordon McCormick (R term expires December 31, 2026 completing Nicole Migliorini's term) to serve on the Plan Commission as Council President appointments.

Councilman Jordan made a motion that the Town appoints Councilwoman Bozak, Deputy Clerk Nicole Migliorini, and Town Marshal Jeremy McHargue to the Plan Commission for 2024. Councilwoman Bozak seconded the motion. Councilman McGraw stated I am a little lost here. So, we are going to have one person from the Board and everyone else is going to be a resident or an employee? Clerk-Treasurer Jordan stated yes, there are many boards that the Council have to serve on, so it is not like there won't be other seats on other Boards. The point of moving Nicole (Migliorini) was to alleviate some of the Council members having to serve on so many Boards. This was a way of allowing that to happen. Councilman McGraw stated again, the only thing that I am speaking of my background and experience in this position. I can do a lot better there than I can in others. Councilwoman Bozak stated Jane for Nicole, part of her day to day is involvement in Sanitation and Storm, yes. Clerk-Treasurer Jordan stated yes, she is the secretary to those Boards. Councilwoman Bozak states so, she cannot sit on those Boards because she is secretary to those Boards? Attorney Patton stated she cannot be secretary and on the Board. Councilwoman Draves stated so, there's only certain boards she can still serve on as an employee now. Clerk-Treasurer Jordan stated in the role she works for the Town, yes. Councilwoman Bozak stated can she be on the Park Board. Attorney Patton stated she doesn't work for the Parks. I would have to research that further. I don't think that that would be an issue, because it is not specific like it is in the Plan Commission as far as the employee appointment. Councilwoman Bozak stated Town Council can't sit on the Park Board so, I didn't know if that meant town employees. Clerk-Treasurer Jordan states somebody should reach out to her. She said she wanted to retain her seat on Plan Commission. That doesn't mean she would want to serve somewhere else. Councilman Jordan stated I would agree with that point that it does free up another seat. Allows a potential Council member more time to do something else. This is a very time-consuming job and the fewer Boards and meetings, the better. Councilwoman Draves stated how often do these Boards meet; once a month also. Councilwoman McHargue stated Stormwater meets every other month. Clerk-Treasurer Jordan stated on a rare occasion, you might have to have a special meeting. Councilwoman Draves stated is there anybody else vacating these spots also or are these all filled by these people who still want them. Clerk-Treasurer Jordan stated these are the only seats, because their term is up or they've left office. Councilman McGraw stated what was the final. Clerk-Treasurer Jordan stated the motion was Jerney, Roseann and Nicole would serve as Town Councilmember/town

Burns Harbor Town Council
Special Meeting
January 3, 2024

employees. These particular seats are one-year terms so, this is something that you will circle back around to again next year. Aaron would be a four-year term. Gordon McCormick's expires on December 31, 2026, because he is completing Nicole's term. Councilwoman Bozak – Aye, Councilwoman Draves – Aye, Councilman Jordan – Aye, Councilman McGraw – Abstain, Councilwoman McHargue - Abstain. **Motion passed.**

Board of Zoning Appeals:

After discussion of the seat available, state law party affiliation requirements, the Board of Zoning Appeals duties, and interest by other residents, Attorney Patton stated Council members cannot serve on the BZA.

Councilwoman Bozak made a motion that the Town re-appoints Timothy Minier to the Board of Zoning Appeals (term will expire December 31, 2027). Councilwoman Draves seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves – Aye, Councilman Jordan – Aye, Councilman McGraw – Aye, Councilwoman McHargue - Aye. **Motion passed.**

Park:

Councilwoman Bozak made a motion that the Town re-appoints Chuck Tuter to the Park Board (R term will expire December 31, 2027). Councilwoman Draves seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves – Aye, Councilman Jordan – Aye, Councilman McGraw – Aye, Councilwoman McHargue - Aye. **Motion passed.**

Councilwoman Bozak asked that the second appointment be tabled, since the Council does not have an application for an interested party, and to allow the Park Board the opportunity to advertise and fill that spot at a later date.

Sanitation Board:

Councilwoman McHargue stated as Council President I will retain my seat. We are still looking for an engineer.

After discussion of the seats available, state law I.C. 36-9-23-4 pertaining to the need for a registered professional engineer to serve on the Board, compensation and interested Council members and residents, Council requested that Clerk-Treasurer Jordan reach out to Linde to see if they have an engineer that would serve on the Board. Councilwoman Bozak volunteered to reach out to Abonmarche Consultants, Inc. and SEH of Indiana, LLC to see if they have an engineer that would serve on the Board.

Councilwoman Draves made a motion that the Town appoints Allen Migliorini to the Sanitation Board. Councilwoman Bozak seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves – Aye, Councilman Jordan – Aye, Councilman McGraw – Aye, Councilwoman McHargue - Aye. **Motion passed.**

Stormwater Board:

After discussion pertaining to the Stormwater Board's duties, its recent projects, state law party affiliation requirements, and being MS4 compliant, Councilwoman McHargue appointed Councilman McGraw (R), Councilwoman Draves (D) and Burns Harbor resident Allen Migliorini (R) to the Stormwater Board.

Redevelopment Commission:

Councilwoman McHargue appointed Kylane Tumblin, Roseann Bozak and Brad Enslen as the Presidential appointments to the Redevelopment Commission for 2024.

Councilwoman Bozak made a motion that the Town appoints Jennifer McHargue as a Council appointment to the Redevelopment Commission. Councilwoman Draves seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves – Aye, Councilman Jordan – Aye, Councilman McGraw – Abstain, Councilwoman McHargue - Aye. **Motion passed.**

Councilwoman Draves made a motion that the Town appoints Kurt Jordan as a Council appointment to the Redevelopment Commission. Councilwoman Bozak seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves – Aye, Councilman Jordan – Aye, Councilman McGraw – Aye, Councilwoman McHargue - Aye. **Motion passed.**

Burns Harbor Town Council
Special Meeting
January 3, 2024

All appointments to the Redevelopment Commission terms will expire December 31, 2024.

Appointment to Northwest Indiana Regional Planning Commission (NIRPC):

Clerk-Treasurer Jordan informed the Council of this Board's responsibilities, when the Board meets, and that she was asked by the NIRPC Nominating Committee to serve on the NIRPC Executive Board as their Treasurer. She did not accept the nomination, stating she would have to ask the Council their wishes for this Board. If she were to serve as Treasurer, then no one from the Council would have the ability to serve as the Town is allowed only one seat.

Councilman Jordan stated I would be willing to serve on the Board. I am available at 9:00 a.m.

Councilwoman Bozak made a motion that the Town appoints Kurt Jordan as the Burns Harbor representative to Northwest Indiana Regional Planning Commission for 2024. Councilwoman Draves seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves – Aye, Councilman Jordan – Aye, Councilman McGraw – Aye, Councilwoman McHargue – Aye. **Motion passed.**

Appointment to Duneland Economic Development Commission:

Clerk-Treasurer Jordan informed the Council that Toni Biancardi served on this Board for many years, but was not sure what the responsibilities of the Board were or when they met.

Council tabled the matter until they have more information about the responsibilities of this Board and when the Board meets.

Shared Ethics Advisory Committee:

Clerk-Treasurer Jordan informed the Council the responsibilities of this Committee, who can serve on this Committee and when the Committee meets.

Council tabled the matter until it could be advertised as Joan Stewart just recently submitted her resignation.

Shared Ethics Advisory Commission Trainers:

Clerk-Treasurer Jordan informed the Council the responsibilities of the Commission trainers.

Council requested the Clerk-Treasurer Jordan send out an email to the employees requesting volunteers.

Appoint ADA Coordinator:

Clerk-Treasurer Jordan described the duties of the coordinator and what was done with the ADA monies in 2023.

Attorney Patton stated if one of you don't want to do it, would it make sense to have that be your Building Commissioner.

Councilman McGraw stated I am certified in ADA.

Councilman Jordan made a motion that the Town appoints Councilman McGraw as the ADA Coordinator. Councilwoman Draves seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves – Aye, Councilman Jordan – Aye, Councilman McGraw – Aye, Councilwoman McHargue – Aye. **Motion passed.**

Appoint Title VI Coordinator:

Clerk-Treasurer Jordan and Attorney Patton described the responsibilities of the coordinator.

Councilwoman Bozak made a motion that the Town appoints Councilwoman Draves as the Title VI Coordinator. Councilman Jordan seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves – Aye, Councilman Jordan – Aye, Councilman McGraw – Aye, Councilwoman McHargue – Aye. **Motion passed.**

Burns Harbor Town Council
Special Meeting
January 3, 2024

Appoint MS4 Coordinator:

Clerk-Treasurer Jordan informed the Council that Brandon Downey was named the MS4 Coordinator at their December 13th meeting. The Town sent Brandon Downey, Adam Friday and Willam Arney to training. They are certified, but there is no clear understanding if being certified inspectors means they are certified MS4 coordinators.

Councilman McGraw expressed concerns of overloading Brandon Downey with additional responsibilities, suggesting that Adam Friday be the MS4 Coordinator.

Clerk-Treasurer Jordan informed the Council that for years, Deputy Clerk Peffers has been sending out MS4 materials educating residents' about being an MS4 community in the customer sewer billing booklets even before the Town was required to do so. Deputy Clerk Nicole Migliorini would take over that responsibility as the Sanitary and Stormwater Secretary. The town engineer prepared and submitted the MS4 application to the State and the Town can fall back on them if needed. The question is, did the class that Brandon Downey and Adam Friday attended make them MS4 Coordinators. There is some uncertainty there and this is an important matter as it is state mandated.

Councilman McGraw volunteered to research the matter further to determine if Adam Friday and/or Brandon Downey are MS4 Coordinator certified and report back to the Council at their next meeting.

2024 Legal service contract:

Councilwoman Bozak made a motion that the Town approves the 2024 legal service contract with Patton Law, LLC. Councilwoman Draves seconded the motion.

Councilwoman Bozak – Aye, Councilwoman Draves – Aye, Councilman Jordan – Aye, Councilman McGraw – Aye, Councilwoman McHargue – Aye. **Motion passed.**

Good of the Order of the Community:

Town Marshal McHargue reminded the Council that every other department head has the ability, if their liaison is unavailable, to reach out to the Council President. Last year due to conflict of interest, he was instructed to reach out to the Vice-President. Now that his liaison is the Vice-President, who should he contact if his liaison is unavailable. Attorney Patton stated I would say any of them. Council consensus was he should reach out to any available Council member if his liaison is unavailable.

Town Marshal McHargue explained the process implemented by the Council last year for the departments to submit invoices to the Clerk-Treasurer's office in hardcopy and also by email and asked what the process should be going forward. This process is twice the work and we are just across the hall. Councilwoman McHargue explained the reason why the Council implemented the process. After further discussion, Council consensus was to have the department heads, their Council liaisons, and the Clerk-Treasurer meet to discuss the process and procedure for the payment of bills, so it works well for everybody.

Councilman McGraw asked the status of payment of an overdue invoice that was emailed to the Council. Clerk-Treasurer Jordan stated I cannot speak to the invoice because I have not seen it. Councilman Jordan stated I saw it. I just took it as spam. It's a phishing attempt. Attorney Patton stated and if they are smart, and usually they are, they know that a lot of City and Town Council members are new. And if there is a new Clerk-Treasurer, they might just go ahead and pay it.

Councilwoman Bozak made a motion that we adjourn. Councilwoman Draves seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves – Aye, Councilman Jordan – Aye, Councilman McGraw – Aye, Councilwoman McHargue – Aye. **Motion passed.**

There being no further business to discuss, the meeting concluded at 7:42 p.m.

Approved at January 10, 2024 meeting.

TOWN COUNCIL OF THE
TOWN OF BURNS HARBOR

Burns Harbor Town Council
Special Meeting
January 3, 2024

Jennifer McHargue, President
Roseann Bozak, Vice-President
Lisa Draves
Kurt Jordan
John (Jack) McGraw

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