

Burns Harbor Town Council
Regular Meeting
March 13, 2024

The Town Council of the Town of Burns Harbor, Porter County, Indiana met in its regularly scheduled session on Wednesday, March 13, 2024 in the Town Hall and streamed electronically with Zoom. The meeting was called to order by Council President Jennifer McHargue at 7:00 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 ----- Absent
Councilman John (Jack) McGraw ----- Present
Councilwoman Jennifer McHargue --- Present

Deputy Clerk Nicole Migliorini was Present. A quorum was attained.

Additional Officials Present Attorney Clay Patton, Town Marshal Jeremy McHargue, GM/Street Superintendent Brandon Downey, Interim Fire Chief Ryan Nowacki, Building Commissioner Charles Hansen, Park Board President Kylane Tumblin, and Interim Sanitary Superintendent Adam Friday.

Approval of Minutes:

Councilwoman Bozak made a motion to approve the meeting minutes of February 14, 2024. Councilman McGraw seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves – Aye, Councilman Jordan – Absent, Councilman McGraw – Aye, Councilwoman McHargue – Aye. **Motion passed.**

Reports:

Deputy Clerk Nicole Migliorini informed the Council that she would be attending training March 18th through March 21st.

Councilwoman Bozak informed the Council that she and Councilwoman McHargue met Raeann Trakas of Cleveland-Cliffs and discussed the Oak Leaf Lane matter. Attorney Patton has not heard back, so Councilwoman Bozak will reach out again.

Building Commissioner Hansen gave the Council a summary of his monthly report and status of current building projects in town.

GM/Street Superintendent Downey informed the Council brush pickup will begin Monday, April 1st and run through November 11th. April 2nd the Department will do a one day spring leaf pickup. The Street Department cleared a tree hazard in Corlin's Landing and five trees in Shadyside Park have been marked for removal by Cleveland-Cliffs. Roadside trash pickup will begin soon before mowing season.

Interim Fire Chief Nowacki gave the Council a summary of his monthly report. The City of Hobart has submitted a bid to purchase the Town's ambulance in the amount of forty thousand dollars (\$40,000).

After discussion pertaining to accepting the bid and the need to adopt mirroring resolutions with the City of Hobart, Councilman McGraw made a motion authorizing Attorney Patton and Interim Fire Chief Nowacki to proceed with preparing the resolution for the sale of the ambulance to City of Hobart. Councilwoman Draves seconded the motion. Attorney Patton stated when this was listed at least once if not twice for bid, items were taken off of the truck that could still be used. I just want to make sure that Hobart's not thinking that the truck has all that equipment. Interim Fire Chief Nowacki stated when they came originally to look at it, the only equipment that was still in the vehicle was the cot. There are still two radios in the truck, but I don't think those would work with City of Hobart's radio system. Attorney Patton stated before we get to far down the road, clarify with them what is and is not a part of this purchase, this exchange, so they don't show up after all this with the check and they are where's this piece of equipment. Interim Fire Chief Nowacki stated a lot of the stuff that was on the truck had to come off, because it had met its expiration date. Councilwoman Draves stated so do we need an itemized list. Attorney Patton stated I don't think so. If they came and looked at it and saw equipment in there and now that's not there. Interim Fire Chief Nowacki stated everything they looked at is still in there. Attorney Patton stated and is going to be part of the sale. Interim Fire

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Chief Nowacki stated yes. Councilwoman Bozak – Aye, Councilwoman Draves – Aye, Councilman Jordan – Absent, Councilman McGraw – Aye, Councilwoman McHargue – Aye. **Motion passed.**

Interim Fire Chief Nowacki asked the Council if the sale goes through, can the funds be earmarked for the Fire Department for future use. Deputy Clerk Migliorini informed the funds would have to be returned to the Cumulative Capital Development Fund.

Town Marshal McHargue informed the Council the 2024 Explorer is ready to be delivered and asked the Council's wishes of the 2015 Explorer. The dealer's trade-in value offer was three thousand dollars (\$3,000). Councilwoman Bozak made a motion that the Town sells the 2015 Explorer in a sealed bid auction. Councilwoman Draves seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves – Aye, Councilman Jordan – Absent, Councilman McGraw – Aye, Councilwoman McHargue – Abstain. **Motion passed.**

Town Marshal McHargue informed the Council that purchase orders were prepared for the officers' physicals and psychological evaluations as they came in higher than the amount originally approved by the Council at their previous meeting.

Town Marshal McHargue informed the Council that the Police Department received a five hundred dollar donation from the Duneland Exchange Club.

Interim Sanitary Superintendent Friday informed the Council due to heavy rain infiltration; the Department had an overflow at lift station two for which an IDEM report was completed. The Department will be jetting lines in the next week or two and scheduling lift station cleanouts.

Councilman McGraw asked if the Town needs to hire someone to help the Sanitary Department when they are busy. Councilwoman McHargue informed that we are paying part of the salaries for employees from the Street Department, so we need to work something out.

Councilman McGraw asked when you are going over your hours are you requesting permission from your liaison. Interim Sanitary Superintendent said usually if it is a callout, I believe it is understandable. If we go over, it is because of that. Now, I hate to talk statute or anything like that, I'm okay if I hit it once and a while, but I cannot constantly keep going over the twenty-five or whatever for insurance purposes.

GM/Street Superintendent Downey informed the Council that he has been speaking to Mr. Putman about keeping up with the MS4 requirements at his job sites and sending in required MS4 reports. A camera was run through the Haglund Road storm drain. A quote to rent a street sweeper for spring street sweeping in the amount of thirty-five hundred dollars (\$3,500) was submitted to the Council. Councilwoman Bozak made a motion that the Town approves the street sweeping quote at a not to exceed thirty-five hundred dollars (\$3,500). Councilwoman Draves seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves – Aye, Councilman Jordan – Absent, Councilman McGraw – Aye, Councilwoman McHargue – Aye. **Motion passed.**

GM/Street Superintendent Downey informed the Council that on March 19th, Global Engineering Hesham Khalil, Adam Friday and he will be having a MS4 meeting. Councilman McGraw requested that he be including in that meeting.

Park Board President Kylane Tumblin informed the Council that the General and Spectacular Egg Hunts are scheduled to begin at 2:00p.m. on March 16th. People interested in volunteering to help during this event should contact Park Director Burton. Lakeland Park was selected to be part of the Duneland Rebuilding Together on April 27th; more information to follow.

Park Board President Kylane Tumblin informed the Council that the Park Board recommends Margaret DeTour be appointed to the open seat on the Park Board. Councilwoman Bozak made a motion that the Town appoints Margaret DeTour to the Park Board ((D) completing Carrie Morgan's term which will expire December 31, 2024). Councilwoman Draves seconded the motion. Councilwoman Bozak – Aye, Councilwoman

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

Redevelopment Commission President Bozak informed the Council that the RDC awarded the environmental contract to Short Elliott Hendrickson, Inc. (SEH) and the design and oversight contract to the Abonmarche Consultants for Phase 1B of the Marquette Greenway Trail.

Correspondence:

None

Presentations, Resolutions, Ordinances and Remonstrance:

Resolution 2024-01 Amending Resolution 2023-23 the 2024 Salary and Wages:

Councilwoman Bozak made a motion that the Town adopts Resolution 2024-01 Amending Resolution 2023-23 2024 Salary and Wages. Councilman McGraw seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves – Aye, Councilman Jordan – Absent, Councilman McGraw – Aye, Councilwoman McHargue – Aye. **Motion passed.**

New Business:

Staff anniversary recognition:

Council recognized and thanked Brandon Downey for his 3 years of service to the Town.

2024-02 Community Crossing Matching Grant:

Council tabled the discussion on the Global Engineering task order until their next meeting.

Trash fee procedure for demolished homes:

Councilwoman McHargue asked can we just not mail them a coupon book?

Deputy Clerk Migliorini stated the books are mailed out at the beginning of the year. I believe the town ordinance now every existing address has to be billed for trash collection, so I believe that is written into an ordinance.

Attorney Patton asked remind me when there is new construction, is it when there is an occupancy permit.

Deputy Clerk Migliorini stated yes.

Attorney Patton stated similar to billing starting when there is an occupancy permit, if a home is demolished there is no potential to occupy.

Councilwoman McHargue stated so that should be billed the same way.

Deputy Clerk Migliorini stated I believe it is written up in ordinance right now.

Councilwoman Bozak stated so we would need to change the ordinance.

Attorney Patton stated I don't know if this is something that needs to be fixed or we just need to zero in on the language in the code. If it has been demolished it is no longer a single family home.

Councilwoman Bozak asked how does Republic Services get notified if we quit charging for that address.

Councilwoman McHargue stated I believe they have come out and done a house count as well. I wonder if we could call them and tell them we have two houses that have come down.

Councilwoman Draves asked where does the bin go when the house is demolished.

Attorney Patton stated there is nothing in the town code that talks about informing the waste hauler about the fluctuation properties to be served, so we need to look at the contract.

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Councilwoman McHargue said we will reach out to them.

The matter was tabled until their April meeting.

Creating a Public Works Department:

Councilwoman Bozak informed the Council that Councilman Jordan had sent her an email a month or so back on some things that he found in code and asked that Councilman McGraw and GM/Street Superintendent Downey take the lead on investigating what is required for the Town to create a Public Works Department.

Approval of February 2024 financial report:

Councilwoman Bozak made a motion to approve the February 2024 financial report.
Councilwoman Draves seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves- Aye, Councilman Jordan – Absent, Councilman McGraw – Aye, Councilwoman McHargue – Aye. **Motion passed.**

Approval to pay vouchers with 3 or more signatures:

Councilwoman Bozak moved to approve vouchers with three or more signatures.
Councilwoman Draves seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves- Aye, Councilman Jordan – Absent, Councilman McGraw – Aye, Councilwoman McHargue – Abstain. **Motion passed.**

Approval of purchase orders submitted with 3 or more signatures:

Councilman McGraw made a motion to approve all purchase orders submitted to the Council with three or more signatures. Councilwoman Bozak seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves- Aye, Councilman Jordan – Absent, Councilman McGraw – Aye, Councilwoman McHargue – Abstain. **Motion passed.**

Old Business:

Town Complex generator status:

Councilman McGraw explained to the Council he was here the day they installed the transfer switch, asked when the generator would be installed and was told it would be the next day. Then, they said there were some parts missing.

Interim Fire Chief Nowacki told the Council he received a text cancelling the date and time they had lined up to come install the transfer switch at the Fire House. He was told they would have to reschedule and has not heard anything further.

Attorney Patton asked have we paid them anything yet.

Councilwoman Draves reminded the Council that Clerk-Treasurer Jordan had told the Council that Circle “R” Electric wanted the Town to pay by the end of the year. She said we could not pay, because we physically did not have the generator.

Councilwoman Draves volunteered to contact Circle “R” Electric to get status on the project and report back.

Attorney Patton recommended that the Town should not have multiple people contacting the business about the matter.

Later in the meeting, Councilwoman Draves received a text message from Circle “R” Electric saying parts are hard to get right now, but he will talk to the foreman tomorrow and get back to her.

Police 77 pension plan:

Town Marshal McHargue reminded the Council that the quote expires April 24, 2024.

Council discussion pertaining to special meetings, adopting an ordinance on first reading at a special meeting, public hearing requirements, and adopting an ordinance in one meeting.

Attorney Patton stated my suggestion is advertise it for April 10th, that second Wednesday.

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Town Marshal McHargue explained that in addition there are several documents that need to be signed and delivered to INPRS at least thirty days prior to this proposed move. They include the membership application that needs to be signed by a representative of the local board. INPRS said since we do not have a local board, the Town Council could appoint someone to sign until an ordinance is adopted establishing the Burns Harbor Metropolitan Police Commission Board.

Attorney Patton asked do they need it thirty days before the Council meeting or thirty days before.

Town Marshal McHargue stated thirty days before the join date, April 24th.

Attorney Patton stated so you would need to by the end of next week essentially.

Town Marshal McHargue explained there have been several documents that have been provided to the Town Council as well as you, that were provided by INPRS. There are several documents that need to be signed by Clerk-Treasurer Jordan and/or the Town Council President as well as a representative of the local board.

Councilwoman Bozak asked if Councilwoman McHargue can sign due to abstaining.

Town Marshal McHargue stated per INPRS, this specific document it has got to be the Town Council President, regardless. There is only one specific spot where it has at be the Council President. The other spots are a member of the local board, which in my mind is probably somebody who is going to be on my police commission board. There are two other documents that have to go to the Clerk-Treasurer, basically authorization and her controlling the pension fund based on Indiana Code it has to be the Clerk-Treasurer.

Councilwoman Bozak made a motion that the Town authorizes Council President McHargue, Clerk-Treasurer Jordan and Councilwoman Bozak to sign INPRS documents necessary to enroll in the State's 1977 Police Pension Plan. Councilwoman Draves seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves- Aye, Councilman Jordan – Absent, Councilman McGraw – Aye, Councilwoman McHargue – Aye. **Motion passed.**

Town Marshal McHargue reminded the Council that at their last meeting, Councilman Jordan brought up the cost to pay the Metropolitan Police Commissioners. In accordance with Indiana Code, Town Council members cannot be paid for servicing on the Metropolitan Police Commission Board, so that would not be an added expense. The Commission would be a three member Board, all of which, would have to be a mixed political party affiliation of Burns Harbor residents.

2024 Fire service contract:

Councilwoman McHargue informed the Council that she and Councilwoman Draves met with members of the Volunteer Fire Department Incorp. and asked for a few more days to make revisions to the draft contract.

Fill open Board seats:

Councilwoman Bozak suggested that when the Town is planning for the Publics Works Department that a janitor/maintenance position be added to do the cleaning inhouse.

Councilman McGraw explained quotes for cleaning service are comparable to what the Town would pay an employee and suggested until we hire someone for that position, we could sign a short term contract.

Council discussed an estimate from Communal Service, Inc.

Councilman McGraw will request a six month contract and send it to the Council and Attorney Patton.

Good of the Order of the Community:

Councilwoman Draves made a motion that the Town removes the interim title from Interim Fire Chief Ryan Nowacki. Councilwoman Bozak seconded the motion.

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

Councilwoman McHargue expressed the Town's sympathy for the Mike Gucciardo family on the passing of his father.

Councilman McGraw requested that the Town creates a safety program and provide training on cardiopulmonary resuscitation (CPR) and the use of the town's automated external defibrillator (AED) units.

Fire Chief Nowacki informed the Council that in 2027, the US Food & Drug Administration (FDA) will not be approving the use of the six AED units the Town owns. They may require the devices be replaced.

Councilman McGraw requested that the Town advertise meetings and other important messages on the digital message board.

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

There being no further business to discuss, the meeting concluded at 8:37 p.m.

Approved at April 10, 2024 meeting.

TOWN COUNCIL OF THE
TOWN OF BURNS HARBOR
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