

The Town Council of the Town of Burns Harbor, Porter County, Indiana met in its regularly scheduled session on Wednesday, June 12, 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 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, Fire Chief Ryan Nowacki, Park Board President Kylane Tumblin, Street Superintendent Brandon Downey, Interim Sanitary Superintendent Adam Friday, Indiana State Representative Chuck Moseley, Chesterton Tribune Reporter James Woods and Don Craft.

Approval of Minutes:

Councilman McGraw made a motion to approve the special meeting minutes of May 16, 2024. Councilwoman Draves seconded the motion. Councilwoman Bozak – Abstain, Councilwoman Draves – Aye, Councilman McGraw – Aye, Councilwoman McHargue – Aye. **Motion passed.**

Reports:

Town Council:

Nothing to report.

Town Attorney:

Attorney Patton stated that the two vacant parties, Clerk-Treasurer and Councilperson, were both members of the Democratic Party and the vacancies are to be filled by caucus of the Democratic Party under IC: 3-13-9-1. Because there are fewer than two persons eligible to be members of the caucus the Porter County Democratic chair, Craft, shall fill the vacancy within 30 days within the resignations being on May 8 for vacancies were to be filled by June 7. It's my understanding that you're speaking with the council president McHargue and Porter County Democratic chair craft and Nicholas loving has been appointed to fill the vacancy on the town council and he has sent that paperwork to the county clerk. Mr. Loving was not able to be present tonight but will be able to attend next month meeting on July 10, 2024, and can take his oath that night or anytime between now and July 10th. The chair did not fill the vacancy of the Clerk-Treasurer and as such under IC: 3-13-11-3 and 3-13-9-3. That vacant position of the Clerk-Treasurer is to be filled by the remaining four town council members under IC: 3-13-9-3. Notice of the meeting to fill that vacancy must be sent to the Town Council members in writing state the purpose of the meeting, the time and place of the meeting and may be sent by first class mail to each council member at least 10 days before the meeting. I do not believe that that formality was done and I would suggest that each of the four council members waive that requirement so we can fill that vacancy.

Councilwoman Bozak made a motion to wave the requirement of notice to the Town Council board members in writing ten days before meeting. Councilwoman Draves seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves – Aye, Councilman McGraw – Aye, Councilwoman McHargue – Aye. **Motion passed.**

Attorney Patton stated since all four council members unanimously waive that requirement. I think now is the appropriate time for the Council to make a motion and have any discussion regarding filling the office of county clerk Treasurer.

Councilwoman Bozak made a motion to appoint Nicole Migliorini as the Clerk-Treasurer for the Town of Burns Harbor effective immediately. Councilwoman Draves seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves – Aye, Councilman McGraw – Aye, Councilwoman McHargue – Aye. **Motion passed.**

Attorney Patton said that there is an Oath of Office and recognized State Representative Moseley was in attendance and able to swear in the new Clerk-Treasurer. Mr. Moseley swore Nicole Migliorini into office as the Clerk-Treasurer of Burns Harbor.

Clerk-Treasurer:

Clerk-Treasurer Migliorini thanked the Town Council for putting their faith behind her to step into the clerk position as well as Police Clerk Watkins and Secretary Sherrill for stepping up during the transition period to see that town operations did not cease. She also thanked the Town Council for the support provided during the transition period.

Town Engineer:

No Report

Building Department:

No Report

Street Department:

Downey said that he has been acting as the Building Commissioner at this time signing permits when he can. The Street Department is currently working on daily tasks such as brush pick up on Mondays. The town message sign is up and working again. Painting of the Clerk's office has been completed. Councilman McGraw thanked Superintendent Downey for stepping into the Building Commissioner position for the time being and all his continued hard work and effort.

Police:

On May 31st Police Clerk Watkins and Police Chief McHargue attended the Shared Ethics Summit. Officer Zolper submitted her resignation and her last day will be tomorrow. We have the approval to extend a conditional offer to Grant Boughter to bring him on, potentially starting August 1. There is a purchase order on the desk in regards to him, to get him through the physical and the psychological evaluation. In addition, there is also a purchase order for a Dell laptop assuming that there's available money in the CCD fund. There is generally funds budgeted for one laptop per pound per year.

Fire:

Fire Chief Nowacki stated that the Fire Department has not been particularly busy but he continues to have issues with his take home vehicle. Yesterday, it just started knocking so I tried replacing a connecting rod. It turns out the connecting rod was bad before but it was bad because the lifter underneath it is failing. We must get deeper into the motor which is a nightmare. I have had it at the Chevy dealership and taken the vehicle to Cergizan's Auto. They both said the engine needs a cam and lifters and I got quotes for \$9,000 and above and then they both offer engine replacements for it at \$10,000 with a three-year 100,000-mile warranty on the vehicle. Councilwoman Draves asked what the KBB trade in value is on the vehicle, Nowacki stated he was not sure.

Nowacki said that he had a meeting this morning with the Ford dealership and the ambulance is currently over there. They are taking pictures and trying to figure out the value on that vehicle. We had previously spoken about maybe using it as a trade in. I had planned to take the Tahoe as well to discuss trade in value. Councilwoman Draves asked if the Tahoe was a 2015 and Nowacki confirmed. Nowacki also stated that the vehicle has been involved in three different accidents. Councilwoman Draves asked if we have the maintenance records on the vehicle, Chief McHargue stated we do keep records of all Town vehicles. Nowacki stated that the Fire Department operates under NFPA guidelines and under the NFPA guidelines, I technically shouldn't be driving around with fire gear inside of the vehicle. With an SUV I am kind of forced to. There is a compartment in the back that holds the fire gear but it does not separate it from the breathing air and in the hole inside of the vehicle. I would like to potentially get into a pickup truck, separate myself from that equipment completely and be able to add better equipment to what I'm hauling on these calls. The ambulance is going to be at the dealership for a few days because there are photographers coming to take photos. These photographs go out not only to dealerships but they try to find immediate people that would show interest in the vehicle. Right now, if we decided we wanted to buy a brand-new ambulance, we wanted to start that process rather quickly. We could put an order in today and we're not going to see that truck until after 2027. That vehicle in its current condition with low mileage and as a four-by-four chassis on a 550-power stroke engine it is a highly sought after deal. Councilwoman McHargue said the Town should wait to see what the Ford dealership says regarding the matter.

Nowacki stated that the Fire Department has another vehicle in need of new tires and there is a purchase order ready for the Council to review. I do have a need for the replacement or for laptop computers soon.

Sanitation:

Interim Superintendent Friday stated that they have been rather busy. Lift stations four and six had emergency call outs, the issues have been resolved. It was discovered that the call box does not dial long distance numbers so Downey has not been getting notified of call outs. Councilwoman McHargue asked if Downey has received calls in the past to which he responded no. We conducted lift station maintenance in the Trailcreek subdivision and found a lot of rock in the line. The lines were jetted and cleaned out. We also jetted out along Rak Road. There is a manhole on Rak Road that was uncovered and will need to be brought up to grade. Greg at the mill informed me that there have been no high flows reported. The lift station three flow meters have been moved to lift station six. We replaced the air releases on Old Porter Road. Pump down test have been completed and all looks good. Availability with Superior Pumping has not been good, so I have been seeking out quotes from other vendors to fix lift station two. The phone lines at lift stations five and six have been repaired. I have spoken with Downey to see about getting fresh gravel down at the lift station locations. We are looking into costs to do so. The sludge has been cleaned from all lift stations. We conducted a vacuum and pressure test for phases five, six, seven and eight in The Villages of Burns Harbor and all passed. We had emergency repairs to lift stations three and four, they both triggered low level alarms. The Street Department has been trained to help with locates as I will be out of town from July 17th through August 5th.

Stormwater:

Downey reported that things are going alright. We are still receiving weekly updates from Putman Builders. There was a report in regards to an issue with the pond at Traditions having murky water and they were worried about their fish. According to the Town engineer the pond is a retention pond and not intended to home fish. We are not liable for any harm to the wildlife in the pond. We investigated the new development in The Villages of Burns Harbor and found there were a handful of manholes that had no baskets so as it rained mud and soot flowed in there. Putman resolved the issue and the clarity of the pond has improved.

Park:

Tumblin stated that the Footloose 5K walk is quickly approaching, Saturday June 29th. This year's theme is Karate Kid. Children's 1K begins at 5:15 p.m. the 5K run/walk begins at 6:00 p.m. and the after event will go from 6:00 p.m. until 10:00 p.m. There will be live music, food, and beer/spirit vendors. Day camp and art camp are going on this week. The next week for the camps will be July 8th through 12th from 9:00 a.m. until 12:00 p.m. and 12:30 p.m. until 2:30 p.m. We are still in need of additional lifeguards.

Redevelopment Commission:

Councilwoman Bozak said there is a lot of work going on at the trail. Everything is moving along smoothly. We did take a recess at the end of the RDC meeting this evening. We need to get with Clerk-Treasurer Migliorini in regards to the check register.

Shared Ethics:

Nothing to report

Correspondence:

IDEM – Notice of Decision revisions to permit requirements Urschel Laboratories, Inc.

New Business:**Staff anniversary recognition:**

Councilwoman McHargue said Attorney Patton has been with us for 9 years.

Approval of May 2024 Financial Report

The report was not available. Tabled

Letter of Certification Chapter 15:

Tabled

Secretary Salary Ordinance:

Councilwoman McHargue said Secretary Sherrill currently makes \$50 per meeting plus her salary of \$16 per hour. We are looking to change here rate back to the previous rate of \$350 per meeting and having her handle board correspondence at home on her time. We

are looking to make a change to the salary ordinance. Chief McHargue stated that the purpose of the salary change would be to allow Secretary Sherrill to work on her board material from home which would allow her to pick up more tasks around the Clerk's office during office hours.

Approval of Side-By-Side Donation from Cleveland Cliffs:

Councilwoman Bozak made a motion for the Town and the Park Foundation to seek a donation from Cleveland Cliffs for funds to cover the cost of a side-by-side vehicle.

Councilwoman Draves seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves- Aye, Councilman, 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, Councilman McGraw – Aye, Councilwoman McHargue – Aye. **Motion passed.**

Approval of purchase orders submitted with 3 or more signatures:

Councilwoman Bozak made a motion to approve all purchase orders submitted to the Council with three or more signatures. Councilwoman Draves seconded the motion.

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

Approval of Clerk-Treasurer Training Service Agreement:

Clerk-Treasurer Migliorini said she provided a copy of Ms. Alyea's contract for the Council to review.

Councilwoman Draves made a motion to approve training for Clerk-Treasurer Migliorini for three days per week conditional of contract approval by Attorney Patton.

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

Old Business:

CF-1 Statement Reviews for 2024 Pay 2025 Tax Abatement:

Conversation was held regarding previous CF-1 statement reviews. Councilwoman McHargue stated that F1 Tax Abatement Resolutions: 2015-04, 2016-20-BHPHB, 2017-14BH, 2016-14 BH Phase A, 2019-06, 2019-07 and 2019-08 are looking for approval from the Council this evening.

Attorney Patton said for discussion purposes, the Council President and Clerk-Treasurer have been authorized to sign and complete the CF-1 form to state that the property owner is in substantial compliance.

Councilwoman Bozak made a motion to approve all seven abatements previously listed by Council President McHargue. Councilwoman Draves seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves- Aye, Councilman McGraw – Abstain, Councilwoman McHargue – Aye. **Motion passed.**

Attorney Patton said we have one abatement pending for Linde at this time

Town Complex Generator Status

Councilwoman Draves said we are currently still waiting on Nipsco whom requested a complete survey of the existing devices within the building that utilize natural gas. I spoke with Peter Borché from Bloomingfield Mechanical who came to the Town on June 6th. He told me he is trying to "kick Nipsco into gear" and the matter is now in Nipsco's court. I have reached out to Nipsco four separate times now and they have not responded. I have also spoken with Circle R several times as well and they informed me that they have reached out to Nipsco as well. Chief McHargue stated it is his understanding that the money for the project was encumbered in 2023, is there a point where we will lose out on spending this money? If it comes down to them having to deliver the generator on site, so that we can cut the check as opposed to losing out on this maybe that is something that will need to be done.

2024 Fire Service Contract:

Councilwoman McHargue said she sent out a list of dates that she was available to meet. We are now to July and unfortunately my availability is very limited. If anyone else on the

board is willing to step in to assist at this time, the help would be welcomed. Otherwise, we will have to table this matter until July.

Fill open positions:

Councilwoman McHargue said we are currently in need of a cleaner as well as a building commissioner. Councilman McGraw said we are currently in the interviewing process to fill the cleaning position.

Creating a Public Works Department:

Councilwoman Bozak said I feel that switching over to a Public Works Department would be a great thing for the town, and I feels it is a good time to investigate this transition. Budget time is coming up so I reached out to Tina and asked for some advice. She offered to consult on the project and if we would like to pursue that I would like to make a motion to hire Karnerblue not to exceed \$12,250 to help us move forward with creating a Public Works Department. I know this is a large sum but this matter has been on the agenda for several months now and we are all very busy with other Town business. We can investigate adding this to the budget for 2025 or it can be pushed back to 2026. Councilman McGraw said he feels that we should table this matter for next year given the current work load of the Council. Councilwoman Draves asked where the funds would come from. Councilwoman Bozak said they would come from the general fund. Superintendent Downey said he feels we should table this matter as well. Councilwoman Bozak asked Attorney Patton if he thinks the bulk of the work for this project will be a matter of budgeting or restructuring. Attorney Patton said it is the Town Code that would need to be updated. It will be more than tweaking the budget and that would be a lot to do before handling next year's budget. Councilwoman Bozak asked if it would be better to budget to have a consultant to help us with the project in the next year's budget. Attorney Patton recommended that we make the changes for next year, effective 2026.

Sale of 2015 Horton Ambulance VIN 1FDUF5HT2FEC17729

The Council tabled for the July meeting.

Decommission 2015 Horton ambulance VIN 1FDUF5HT2FEC17729:

The Council tabled for the July meeting.

Town Garage Sale

Councilwoman Bozak asked Clerk-Treasurer Migliorini if the Town has advertised the sale yet, Migliorini said it has not but it is on her radar. I currently have a list of residents who have called in and requested that their residence be added to the Town map.

Good of the Order of the Community:

Councilwoman McHargue said we need to discuss the pay for the Clerk-Treasurer. Attorney Patton said the pay is set by position. Chief McHargue suggested the pay be effective June 12, 2024. Councilwoman McHargue asked where we are in regards of hiring a new Deputy-Clerk.

Councilwoman Draves made a motion to post the job listing for the Deputy Clerk.

Councilman McGraw seconded the motion. Councilwoman Bozak – Aye, Councilwoman Draves- Aye, Councilman, Councilman McGraw – Aye, Councilwoman McHargue – Aye.

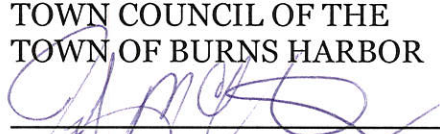
Motion passed.

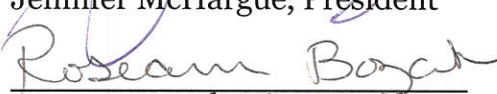
Councilwoman Draves made a motion to adjourn. Councilman McGraw seconded.

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

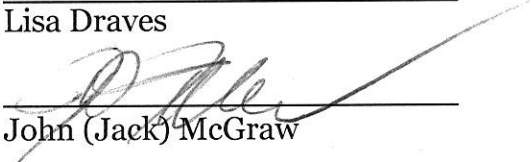
There being no further business to discuss, the meeting concluded at 8:36 p.m.

TOWN COUNCIL OF THE
TOWN OF BURNS HARBOR


Jennifer McHargue, President


Roseann Bozak, Vice-President

Lisa Draves



John (Jack) McGraw

Vacant Seat

ATTEST:



Nicole M. Migliorini
Clerk-Treasurer