

The Town Council of the Town of Burns Harbor, Porter County, Indiana met in its regularly scheduled session on Wednesday, July 10, 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 ----- Absent
 Councilman John (Jack) McGraw ----- Present
 Councilwoman Jennifer McHargue --- Present

Clerk-Treasurer Nicole Migliorini was Present. A quorum was attained.

Additional Officials Present Attorney Clay Patton, Town Engineer Shem Khalil, Town Marshal Jeremy McHargue, Fire Chief Ryan Nowacki, Park Board President Kylan Tumblin, Mike Gucciardo, Interim Sanitary Superintendent Adam Friday, Nicholas Loving, and Burns Harbor Resident Bernie Poparad

Clerk-Treasurer Migliorini swore Nicholas Loving into the Town Council.

Approval of Minutes:

Councilwoman Bozak made a motion to approve the meeting minutes of June 12, 2024. Councilman Loving seconded the motion. Councilwoman Bozak – Abstain, Councilwoman Draves – Aye, Councilman McGraw – Aye, Councilwoman McHargue – Aye. **Motion passed.**

Reports:

Town Council:

Nothing to report.

Clerk-Treasurer:

Clerk-Treasurer Migliorini reported to the Council that she had hired a new Deputy Clerk, Madeline Parker, whom started on July 8th.

Town Attorney:

Attorney Patton stated that a representative from Cleveland Cliffs noticed that there was a missing page from the legal description of the Dedication right-of-way. The page was recorded, and it has been finalized.

Town Engineer:

Khalil stated that there is a pay application that was submitted to the town regarding 2023-2 CCMG. It is going to be part of the closing document that the payment has to be made by the Town.

Bozak made a motion to approve the payment of \$112,397.54. McGraw seconded the motion. Councilwoman Bozak – aye. Councilman McGraw -- aye. Councilwoman McHargue – aye. Councilman Loving – aye. Motion passed.

Khalil said regarding 2024-2 CCMG I believe we are still looking over the budget. Our recommendation is that we make a decision tonight seeing that the deadline is July 31st. I would recommend that we look at previous years and revert back to \$1,000,000.00 instead of \$2,000,000.00 to move the project forward.

Bozak made a motion to approve the CCMG payment up to \$1,000,000.00 McGraw seconded the motion. Councilwoman Bozak – aye. Councilman McGraw -- aye. Councilwoman McHargue – aye. Councilman Loving – aye. Motion passed.

Kahlil brought up the APRA money that had been allocated to the Storm Board and Councilman McGraw stated that we currently have 100% of the budgeted line item remaining. The Council previously dedicated these funds to the project on Haglund Road. Kahlil stated that the Haglund Road Project came in at \$260,000.00. We found that the condition of the pipe was in pretty good shape, and we did not need to use the maximum funds for the project. The project stopped because of a Nipsco gas line that was in close proximity to the pipe itself as well as the condition of the pipe being in better shape that we predicted. That money now needs to be dedicated before December. We are

recommending that we use the remaining money to build a salt shed. In order to do so, we will have to bid the project again. Bidding the project takes close to sixty days, so the allocation of funds needs to go towards that. Councilwoman Bozak asked Attorney Patton if a motion was needed at this time to dedicate funds. Patton stated he believes a Resolution will be needed to move the funds, which can be done at the next meeting. Councilman McGraw asked if we need to make a motion to seek bids at this time; Patton replied yes. Kahlil stated that previous bids came in very high and believes the previous bid received was \$434,970.00, which was the only bid received at the time. The prices in the market have remained steady, but are trending up. It could be expected to be within ten percent of previous bids. Councilwoman McHargue asked how much money we have left in the ARPA funds. Clerk-Treasurer Migliorini replied I am not sure because I have not seen the costs from the Haglund Road project yet. The line item currently states we are at one hundred percent, but that is because the funds have not been pulled to pay for the projects yet so the numbers may not be completely accurate. I will look further into the questions revolving around the ARPA funds.

Councilman Loving made a motion that the Town seeks bids for the salt shed project. Councilwoman Bozak seconded the motion. Councilwoman Bozak – aye. Councilman McGraw -- aye. Councilwoman McHargue – aye. Councilman Loving – aye. Motion passed.

Councilwoman McHargue asked if they- Reith Riley- would be coming back to Babcock Road. Kahlil said absolutely. When they added the binder, there was some failure due to the rain the day before. Because of the minor failure, they have to undercut and make corrections to the road.

Building Department:

No Report

Street Department:

Mike Gucciardo said on behalf of Brandon, myself, and the street department- we would like to thank Adam and the council for providing confined space training. We learned a great deal about safety and going down into confined spaces and the rescue processes and dangers we would have to look for and what not. It was very informational.

Councilwoman Bozak asked if signage is needed for the newer portion of the trail that is currently under construction. Gucciardo said that can be taken care of.

Police:

Chief McHargue said he would like to highlight Assistant Chief Lucas's investigation in regards to a child abuse molestation case that resulted in the arrest of one of our citizens. We learned of this through the safe body awareness program with the Duneland schools. The Lakeland Park vandalism is an ongoing case. We have three suspects at this time, and I will let you know when things proceed any further. On May 24th, the Council received my updated job descriptions. I'm unsure if a motion is needed at this time, but in the past the Council have accepted those and noted in the meeting. I need to be able to have the descriptions validated. When we switched the department, it changes all of the job titles, there was a bit of verbiage in them that changed. Significantly, the most important thing is that the job descriptions are for Town Marshall, Assistant Marshall, and Deputy Marshall; and it has changed to Police Chief, and Assistant Chief.

Councilwoman Bozak made a motion to accept the new police job descriptions. Councilman McGraw seconded the motion. Councilwoman Bozak – aye. Councilman McGraw -- aye. Councilwoman McHargue – aye. Councilman Loving – aye. Motion passed.

Fire:

Nowacki reported that it has been a busy month. During training, a piece of equipment was damaged. It is currently out for a quote now to see what the repair costs will be. It does not seem to be major, but it is a crucial expensive tool. The part was sent to the McQueen Company. The Lake of the Four Seasons has shown interest in the ambulance, so much so that they came and test drove it. They requested a mechanical inspection be done on their expense. I took it to Hoosier Diesel in Merrillville, and they did a full inspection. They found that the oil system on the ambulance has a two-pan system and a two-filter system. One filter requiring to be changed at every oil change, and the other could be changed every 30,000 miles, which had never been done. The bad filter allowed the oil pressure system to get too much pressure, and it blew oil seals on the motor itself. The estimate for repairs from Hoosier Diesel was \$8,200.00, and I have a copy of their report here. The good news is Lake of the Four Seasons still made an offer of \$30,000.00 from the original

\$40,000.00 that we were originally asking. We have a current offer of \$30,000.00 for the town ambulance, as is, with the cot. Councilwoman Bozak asked if we can take the ambulance to be appraised or to find the trade in value. Nowacki said that he took the ambulance to Ford; and they were not interested in giving it a value; but they did send it around the country; and the offers that they received came in really low. Councilman Loving asked Nowacki if, in his opinion, we could get an offer any better than \$30,000.00. Nowacki stated that the longer we sit on the ambulance, the less value we will get as it is losing its value daily. Nowacki said he isn't sure what it takes to go between a municipality and the Lake of the Four Season's fire force, but I believe it is their incorp that wants to purchase the ambulance- not the Town or its government entity. I am hoping that Mr. Patton could provide us with a better idea for a resolution. Patton stated that we could put the ambulance out for bid, and they could submit a bid and we could receive others as well. The Town wouldn't necessarily have to accept the bid. Nowacki said the only input he has is that we are guaranteed the \$30,000.00 through the Lake of the Four Seasons, and if we send the ambulance to bid, they could offer us a lower amount.

Councilman Loving made a motion to accept the terms of the offer from the Lake of the Four Seasons for Ambulance. Councilwoman Bozak seconded the motion. Councilwoman Bozak – aye. Councilman McGraw -- aye. Councilwoman McHargue – aye. Councilman Loving – aye. Motion passed

Attorney Patton stated that, once this is finalized- or it could be done now, we will have to have the ambulance taken off of our insurance and decommissioned. We would also need to determine the delivery and how they would pay the funds as well as sign the title over to them. I would suggest you clarify the amount and receive a certified check. Nowacki stated that everything has been removed from the ambulance, and he would just need to remove our name from the vehicle.

Councilman Loving made a motion to authorize the Clerk-Treasurer to decommission the 2015 ambulance once the transfer is complete. Councilman McGraw seconded the motion. Councilwoman Bozak – aye. Councilman McGraw -- aye. Councilwoman McHargue – aye. Councilman Loving – aye. Motion passed.

Attorney Patton suggested that Clerk-Treasurer Migliorini go through insurance policies and see what they need from the Town.

Nowacki asked if it would be possible to earmark the funds to go towards a new Chief vehicle. The Chevy Tahoe is currently being worked on at the firehouse. We are trying to place a lifter cylinder to get it up and going again. I wasn't given a number but was told that the vehicle could be used as a trade in. The Tahoe is currently out of service.

Councilwoman McHargue stated I do not believe you can earmark funds, but we can work to find a solution.

Nowacki said that in 2020, the Town signed off on the Opticom System to commit to this project, which is being overseen by the town of Chesterton. The project is now being called an EVP, Emergency Vehicle Preemption System. What this does is gives emergency vehicles the green light when we approach intersections with traffic lights. The reason this project is very critical for our Town is because every other down is doing it. This is not a part of the Opticom System that the Town signed off on; it is actually an upgraded system that uses GPS in every vehicle; because multiple emergency vehicles could approach the same intersection at the same time. I went to a meeting in Chesterton, and we went over the system. What they need is us to sign off again on an updated form. Instead of an 80/20 split, it is now a 90/10 split, as they have found more funding from the state. I have all the paperwork on that, and I can actually break it down regarding what it will cost the Town. The total would be \$38,000.00, and I believe that buys and purchases each kit for each vehicle, but it doesn't cover the installation costs. Councilwoman Bozak asked where this system would work for our equipment. Nowacki responded all of our neighboring communities, not Valparaiso or Lake County. Councilwoman McHargue asked if the \$38,000.000 will cover all vehicles or just fire. Nowacki stated that it is listed as the Town of Burns Harbor, so it will cover police and fire. What they are really looking for immediately is to get these engineers to check the stop light boxes and start figuring out what systems will have to be installed. Councilwoman Bozak asked if Chief Nowacki and Chief McHargue have discussed this project regarding what funds they suggest the Town pay from. Chief McHargue asked when would this project need to be paid, is this a budgetary issue for this year? Chief Nowacki stated he does not believe that this is a current budget issue for this year. At this time, they just want to know that the Town is on board. Attorney Patton suggested that Chief Nowacki scan and email the proposal to all of us, and we revisit the proposal at next month's meeting.

Nowacki said the Fire Department is in need of new laptops. I currently have four laptops, two are newer than the others, and the older ones are still operating on Windows 7, and I can't get Windows 10 on them. The new P1 System the county is switching to for our

Dispatch Center requires Windows 10. Councilwoman McHargue asked if Nowacki had quotes for the new laptops. Nowacki said he spoke with Always a Solution who provided a quote of \$3,287.00 per computer. I asked them to build a computer that will allow us to move forward in the future. There may be a small decrease in that price however, because we were quoted for computers with 5G cards built-in, and we currently use 4G cards with no issues. Councilwoman McHargue clarified that the computers would cost \$3,287.00 per computer; Nowacki said correct. Councilwoman McHargue asked how many computers the Fire Department currently has in total, and Nowacki responded 4. McHargue then asked if there was a way we could split the purchase through multiple years. Councilwoman Bozak asked what fund the project would be paid from. Chief McHargue stated he believed his laptops were purchased from the CCD fund. Councilwoman McHargue asked Nowacki to provide more bids for the project. Nowacki said he also received a bill form Brainstorm for work completed. Clerk-Treasurer Migliorini said she has not seen the bill and asked that Nowacki provide her with a copy of the invoice, so it can be looked into and resolved.

Sanitation:

Friday said we reinstalled flow meters in Corlin's Landing and Trailcreek. The new flow meter for lift station two has been ordered, and we are waiting on delivery. We had confined space entry training on Tuesday, and I thank the board for allowing us to complete the course.

Stormwater:

Nothing to report

Park:

Tumblin said that camp is in full swing this week at the park- weather permitting. The next camp will be held July 29th through August 2nd. Our teen beach party will be on July 17th from 6:00 until 8:00 p.m., and the free youth archery event is on July 20th from 9:00 a.m. until noon. We would like everybody to show up at 8:30 a.m. to sign in. The back-to-school party is on August 1st from 6:00 p.m. to 8:00 p.m. Kim is working with the insurance company on how to move forward with the repairs to the park. Chief Nowacki thanked the Parks Department for inviting them to the 5K Fundraiser and said it was a great way to raise a little bit of money for the Fire Department.

Redevelopment Commission:

Councilwoman Bozak said we are reissuing a RFT for the Safe-Streets-for-All, due to a clerical error. We are making great progress on the trail; and, hopefully, we will be ready to do some sort of opening of it soon. It has been paved, and we are working on the landscaping.

Shared Ethics:

Nothing to report

Correspondence:

IDEM – Notice of Decision Sun Cosmetics LLC air permit application was approved
IDEM - Notice of Decision Scrap Metal Services, LLC air permit application was approved

Presentations of Resolutions, Petitions, Communications, Ordinances and Remonstrance:

1. Secretary Salary Ordinance

Notice has to be provided for publication of the update to the Ordinance. Conversation continued.

Councilman Loving made a motion to recess. Councilwoman Bozak seconded the motion.

All in favor: aye from all. Motion passed.

Council was back in session at 8:11 p.m.

Chapter 15, Plan Commission Letter of Certification regarding temporary uses, Ordinance 324-2024.

Councilwoman Bozak made a motion to approve the adoption of Ordinance 324-2024.

Councilman Loving seconded the motion. Councilwoman Bozak – aye. Councilman McGraw -- aye. Councilwoman McHargue – aye. Councilman Loving – aye. Motion passed.

New Business:**Staff anniversary recognition:**

No anniversaries

Keystone Renewal:

Clerk-Treasurer Migliorini said that her software license is set to expire on August 1st, and she is seeking approval from the board to proceed with the payment, so there is no interruption in service. The quote for the updated licensing is north of \$8,000; and this is a time sensitive matter, as I have twenty days before I lose my access to the Keystone software. I believe it would be quicker to seek a motion for approval, rather than create a purchase order.

Councilman Loving made a motion to approve payment for the Keystone software renewal not to exceed \$9,000. Councilwoman Bozak seconded the motion. Councilwoman Bozak – aye. Councilman McGraw -- aye. Councilwoman McHargue – aye. Councilman Loving – aye. Motion passed.

Linde SB-1 Tax Abatement Form:

Attorney Patton said, on the day of the great resignation, a copy of the Linde tax abatement form was forwarded to him via email. I believe I forwarded that email to the Treasurer's office and Town Council at the June meeting, and I am not sure if you have seen that or not. Based on what was estimated on the SV1 for employees and additional employees and salaries, they met or exceeded those numbers- both in the number of employees and the salaries.

Councilman Loving made a motion to approve the continuation of the tax abatement from Linde SB-1 Tax Abatement Form. Councilwoman Bozak seconded the motion.

Councilwoman Bozak – aye. Councilman McGraw -- aye. Councilwoman McHargue – aye. Councilman Loving – aye. Motion passed

Approval of May and June 2024 Financial Report:

Councilwoman Bozak made a motion to Approve May and June 2024 Financial Report.

Councilman Loving seconded the motion. Councilwoman Bozak – aye. Councilman McGraw -- aye. Councilwoman McHargue – aye. Councilman Loving – aye. Motion passed

Approval to pay vouchers with 3 or more signatures:

Councilwoman Bozak moved to approve vouchers with three or more signatures.

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

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

Old Business:**2024 Fire Service Contract:**

Councilwoman McHargue asked InCorp President Friday if they were still planning to meet on July 15th. Friday confirmed and said they planned to meet at 6:00 p.m. McHargue asked if there was another councilmember that would be available to meet for the meeting, as Councilwoman Draves may not be available to meet. Councilwoman Bozak said she would be available.

Fill open positions:

Councilman McGraw said that the Town Custodial position has been filled. He will start Friday the 12th, and he will be reporting to the Police Chief. We have an interview set up Friday for the Building Commissioner position, as well. Councilman Loving said, at this time, there is an open position on the Plan Commission. The seat is a councilmember/employee seat that was vacated by Nicole when she became the Clerk-Treasurer.

Councilman Loving made a motion to appoint Michelle Watkins to the open seat on the Planning Commission. Councilwoman Bozak seconded the motion. Councilwoman Bozak – aye. Councilman McGraw -- aye. Councilwoman McHargue – aye. Councilman Loving – aye. Motion passed

Town Complex Generator Status:

Tabled until August.

Sale of 2015 Horton Ambulance VIN 1FDUF5HT2FEC17729:

Addressed prior in the meeting.

Decommission 2015 Horton ambulance VIN 1FDUF5HT2FEC17729:

The board authorized Clerk-Treasurer Migliorini to decommission the 2015 Horton Ambulance.

Good of the Order of the Community:

Councilwoman Bozak said she would like to set dates for the budget meetings. Clerk-Treasurer Migliorini said that she has a budget workshop scheduled with the SBOA for August 5th. Councilwoman Bozak asked when we will need to see about scheduling the meetings and if they needed to be held before the next Council meeting. Patton responded that the budgets will need to be approved in the September/October time frame, and we would need to have the workshops scheduled before that time frame. The Council scheduled budget workshops for August 19th and 20th.

Councilman McGraw asked about a letter the Town had received in regards to the Duneland Tourism board. Attorney Patton said he believes there may have been some confusion. Three Duneland Towns make a joint appointment to the board. I am not sure if there has been anyone else that has expressed interest. Jen, you may want to reach out to the Chesterton Town Council President and the Porter Town Council President for more clarification.

Councilwoman Bozak asked about the Scholarship Board. We are unsure who currently has possession of the Board materials, and we need to further investigate. The Scholarship Board is separate from the Town. Attorney Patton asked if we have any minutes from previous Scholarship Board meetings; and Bozak responded that this was a rather relaxed board; and, around the time of the election, former Board President Phyllis Constantine decided to resign from her position. There was a bag of stuff she provided to Kurt Jordan, when he was a Councilman back in January; and we are unaware where that bag is currently at. Patton asked if we have any copies of bank statements, Bozak said yes, we should have that information. Patton said he was, currently, reviewing the Indiana Secretary State website, and it is listed that the Burns Harbor Scholarship Fund Inc. is an active nonprofit entity. The president is currently listed as Phyllis Constantine, and the registered agent is Jane Jordan- with an address of 1240 North Boo Road. We need to determine what we need to do now, because I know that Ms. Constantine did send a letter of resignation that was given to Ms. Jordan. We will need to get the meeting minutes and bylaws for the board. The business entity report was filed on January 13, 2023; and a report is due to be filed every two years; so, there's one due in January 2025. We need to find the proper policies and procedures to replace vacancies. Councilman Loving said, when the fund was originally created by Bob Poparad, it was designed so that the Council- and any subsequent Councils- cannot touch the funds. It was originally ceded that it is the lease from the tower that feeds into it, and that's where we decided that the money would be placed in the investment account. We would never have to touch the principal again, and we could give away the interest money to scholarships. Councilwoman McHargue asked if this is a task a couple of the Council members, and Nicole will need to sit down, review and fix. Attorney Patton replied yes, we will need to track down the records. Just keep in mind, there will be another business report due by December 31, 2025.

Councilwoman McHargue said we will need to assign Councilman Loving a department to be the liaison of. I would like to assign him to the Street Department. She also asked Clerk-Treasurer Migliorini how training is going with Susan Aleya. Migliorini replied that Susan is in the office usually in four-hour increments. Susan is currently looking through our reports and figuring out how the previous Clerk-Treasurer handled things, because every municipality operates differently. McHargue recognized that the contract was originally

approved for a two-week timespan and wanted to see where we are at regarding the approved timeframe. Migliorini replied that she will continue tracking Ms. Aleya's billed hours and notify the Council when we are approaching the 80-hour time frame.

Councilwoman Bozak 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 8:40 p.m.

TOWN COUNCIL OF THE
TOWN OF BURNS HARBOR

Jennifer McHargue, President

Roseann Bozak, Vice-President

Lisa Draves

John (Jack) McGraw

Nicholas Loving

ATTEST:

Nicole M. Migliorini
Clerk-Treasurer