

**PORTER TOWN COUNCIL MINUTES  
NOVEMBER 22, 2005  
PORTER TOWN HALL**

President William F. Sexton called the meeting to order at 7:40pm by leading the Pledge of Allegiance to the Flag. Present were Sandi Snyder, Vice President, Council members Sandy Boothe, Jennifer Granat and Paul Childress, Attorney Dave Hollenbeck, Police Chief James Spanier, Public Works Director Karl Bauer, Fire Chief Lewie Craig and Building Commissioner Bill Lewis.

**APPROVAL OF MINUTES**

Boothe made the motion to approve the November 8, 2005 minutes. Granat made the second. Vote 5-0.

**CONSIDERATION OF CLAIMS**

Granat made the motion to approve claims totaling \$156,966.20 with Snyder making the second. Vote 5-0.

Granat made the motion to approve payroll claims in the amount of \$45,988.16 with Snyder making the second. Vote 5-0.

**PUBLIC HEARING**

Stormwater Ordinance 2005-10. The Stormwater Ordinance 2005-10 was published enacting a fee of \$4.00 per month, per parcel of land, effective January 1, 2006, to fund the MS4 program mandated by the Federal government that is not funded by the Federal government.

Roy Olson, 451 Beam Street asked if this is for every household and if it was necessary? Sexton advised him that the money was needed to pay for mandated regulations and affects all property owners.

Jennifer Klug, 302 Lincoln Street thanked the Council for looking into the drainage issues. Sexton asked 3 times if there were any opponents. There were none. Sexton asked 3 times if there were any proponents. There were none. Sexton asked for approval to have 2<sup>nd</sup> reading of Ordinance 2005-10, Childress made the motion to have 2<sup>nd</sup> and 3<sup>rd</sup> reading and adopt by title only and Boothe made the second. Hollenbeck read. Vote 5-0.

**COMMENTS FROM THE FLOOR**

Bruce Niepokoj, 565 N. 3<sup>rd</sup> Street presented a petition and letter that they presented to the Porter Plan Commission at their November 16, 2005 meeting stating that the "resident homeowners of Dunes View Manor and Dunes Manor Retreat Subdivisions reside adjacent to the approximately 3.9 acres currently zoned R1 (Residential) that are up for rezoning to PB (Professional Business) on the November 16, 2005 Porter Planning Commission agenda. We are not opposed to changing the B3 zone to the east of this R1 acreage to Professional Business (PB). However, we *are* opposed to changing the residential **R1** section of the property to **Professional Business (PB)**. That R1 section of 300' X 572' (or approximately 3.9 acres) was purposefully left as a residential buffer when the former property owner, Canonie, re-zoned the original 10.4 acres of R1 (Residential) to become 6.5 acres of B3 (Commercial) zoned property. If this R1 section is approved for PB zoning, the subdivision loses this buffer and

ultimately no buffer would then exist. We feel that the existing buffer is needed and required, and that the subdivision should not *become* the buffer when a 300' wide buffer was already dedicated. Sincerely, Residents of the adjacent subdivision.” Mr. Niepokoj also attached a note directed to the Town Council stating that at the Plan Commission meeting a 4-3 vote in favor of PB zoning was granted to Mr. Finner and his representative, Mr. Millbranth. It is the petitioners understanding that this zoning recommendation matter will be addressed at the Town Council meeting on December 13, 2005. They request that the Town Council please take this petition into consideration when you vote on the matter at the December 13, 2005 meeting.

### **CLERK TREASURER**

Pomeroy asked the Council for permission to buy new software from Keystone in the total package amount of \$29,600 which includes a new computer for approximately \$4,000. and 2 laser printers which total approximately \$4,000. Snyder made the motion and Boothe made the second. Vote 5-0.

### **ATTORNEY**

- Waste Collection bids. Hollenbeck and Bauer reviewed the 3 bids for that the Town received at the previous meeting. Hollenbeck said all bids were received by the deadline. They looked who was the lowest bidder which was **Regional Industries** at \$10.23 per unit for all 3 years with an alternate bid of \$9.53 per unit for all 3 years, **Able Disposal** was 2<sup>nd</sup> with a bid of \$10.75 per unit the first year, \$11.08 per unit the second year and \$11.42 per unit the third year. Able's alternate bid was \$9.95, \$10.25 and \$10.56 respectively. **Allied Waste** was 3<sup>rd</sup> with the following bids of \$21.90, \$23.00 and \$24.15 and no alternate bid. Hollenbeck stated that since Allied Waste was more than double that they did not consider their bids. Hollenbeck and Bauer then looked at Regional's and Able's responsiveness and agreed that both companies were responsible and were able to perform their task. They then did a reference check and again both were acceptable. Hollenbeck and Bauer then recommended to the Council to accept Regional Industries bid on the condition that they deliver their performance bond and an agreeable written contract. Childress made the motion that Regional Industries, be awarded a 3 year contract for garbage and re-cycling collection. The award is conditioned on the agreement to an acceptable written contract and their performance bond being delivered. Snyder made the second. Vote 5-0. Bauer asked Lance Hodge of Regional Industries if they would run an ad in the paper explaining their procedures for larger items like couches and refrigerators, to call them instead of the Town. Hodge agreed. Mr. Smith of Able asked if he could address the Council, which they agreed, and asked if they considered the number of years Able has been in business and also how close they are for residents to use as a waste transfer station. Sexton said he was offended by a letter that Smith sent that implied that Able would not take Porter back if Regional Industries proved not capable. Smith said those were not his intentions.
- Towing proposal. Hollenbeck will advertise. Boothe asked him to include towing for all town vehicles.

- Delinquent Sewer Accounts. Tabled until next meeting.
- Washington Street gross weight limit. Childress made the motion to number and read Ordinance 2005-11 Washington Street Gross Weight Limit. Hollenbeck did the 1<sup>st</sup> reading. Boothe made the second. Vote 5-0. The second reading will be at next meeting.

## **POLICE DEPARTMENT**

- Voyager gas cards. Spanier asked the Council to approve using the Voyager gas cards in emergencies and when out-of-town. The Council agreed by consensus to use but advised to buy in town whenever possible.
- Spanier reminded Council of the joint workshop scheduled for November 28<sup>th</sup> at 6:30pm.

## **FIRE DEPARTMENT**

- Craig advised the Council that the Fire Department asked the Street Department if they wanted their old tanker, the Street Department declined. Craig asked the Council if he could donate it to LaGrange County Fire Department. By consensus the Council agreed if they would come and get it.
- CEDIT monies. Craig asked if he could buy diving equipment with the remainder of his CEDIT monies in the amount of \$16,937. Assistant Chief Jay Craig was on hand to answer questions from the Council. He stated that the Town had a total of 7 certified divers but 1 is currently serving in Iraq. After much deliberations Sexton asked Police Chief Spanier is any officers would be willing to also join the dive team since the Police are usually the first arrivals in emergency situations. Chief Spanier stated that he would check and see. Assistant Chief Craig provided a list of equipment needed (see attached). Childress made the motion to approve buying equipment and Boothe made the second. Vote 5-0.

## **PUBLIC WORKS**

- Woodlawn Project is complete.
- Leaf Pick-up is 2 weeks behind.
- Wastewater Class 1 certificate. Bauer and McCoy passed their test.
- Porter Beach survey for replatting will start soon.
- Bauer asked the Council permission to buy 40 street signs to comply with the Federal law that signs should be 9” instead of the current 6” signs. Consensus of the Council was 5-0.

## **BUILDING DEPARTMENT**

Lewis reported only 1 new contractor. Snyder made the motion to accept with Boothe making the second. Vote 5-0.

## **OLD BUSINESS**

- Salary Ordinance 2005-08. Council instructed Pomeroy to remove the minimum salary rates and to change the verbiage stating that the Department heads, at their discretion, could hire lower than the stated salaries. The amount listed is the maximum to be paid. Tabled until next meeting.
- Employee Handbook. Police Disability. Sexton stated that if a policeman is injured on the job, they do not received Workmen's Compensation. Perf pays them if injured, for example 3 months, then they would have to work 3 months longer. Chief Spanier said that it takes a month or 2 for Perf to kick in and this could be a financial disaster for the officer. Council agreed to table until next meeting.
- Porter Beach National Lakeshore Parking lot. Sexton advised residents that the northern drive will be gated and only be used for emergencies or maintenance. The southern drive will be used for entering parking lot.
- Police Commission. Granat stated reasons for going from a 3 member board to a 5 member board this year. A few reasons were commissioners not showing up and not having a quorum, two commissioners could not have discussions on issues because it would constitute a quorum. Granat wants Council input. Tabled until next meeting.

## **NEW BUSINESS**

- LaSalle Street storage sheds that were removed. See Attached. Attorney Robert Welsh said his client Ray Cahnman, of Porter Beach was not aware that he had to get a permit to build a shed at the bottom of the staircase or ask the Council permission. The shed became overcrowded so Eric Gastevish, also of Porter Beach, built a shed also. Welsh asked permission to replace the 2 sheds. Council stated that there were complaints filed because of being an eyesore and parties being held on the platform. Childress suggested that Cahnman notify property owners within 300 feet of the platform that he wants to replace the sheds and there will be a hearing on January 24<sup>th</sup> meeting for residents to voice their concerns. Hollenbeck will advertise meeting.

## **COUNCIL COMMENTS**

- Sexton said Roger Abraham of the Stormwater Board is resigning because he is moving. Sexton advised Pomeroy to write a letter to the newspaper asking residents to apply for positions on boards or commissions. The last day to apply is December 12<sup>th</sup>.
- Access to Chesterton sewage plant denied. November 2, 2005 Porter filed a lawsuit seeking access to the sewage plant. Chesterton alleges that Porter did not authorize the litigation at a public meeting. Hollenbeck believes this is an effort to deflect attention from the real issue, Chesterton's refusal to admit Porter representatives into the plant for the purpose of appraising it. Hollenbeck recommended that the Council reaffirm its intentions to seek a court order. Childress made the motion to dismiss the current action and refile the lawsuit and have the Town's Attorneys take whatever action is necessary to get an appraisal to determine the value of the treatment plant. Boothe made the

second. Vote 5-0. Sexton said Chesterton has agreed to allow Porter's appraiser to view documents related to the treatment plant on November 29.

- Merger of Chesterton, Porter and Burns Harbor.
  - ❖ Sexton- I personally think it never hurts to talk. I do not believe it's the politicians' decision, it's the residents of the town.
  - ❖ Snyder- thinks the sewer issue needs to be resolved before any discussion of a merger can take place. I do not have an opinion one way or the other.
  - ❖ Granat- I prefer accepting public input at a merger meeting, however I question whether Chesterton would allow it. Sexton said that they could make that request.
  - ❖ Childress- I will attend a merger meeting but I have received 12 phone calls from residents and not one was for it. Unless I am presented with convincing evidence, I am not in favor of a merger. Sexton agreed.
  - ❖ Boothe- asked what is the benefit for Porter?
  - ❖ Snyder made the motion to table until a later date. Granat made the second. Vote 5-0

Boothe made the motion to adjourn. Snyder made the second. Vote 5-0.

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William F. Sexton, President

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Sandi Snyder, Vice President

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Sandy Boothe

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Jennifer Granat

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Paul Childress

ATTEST: \_\_\_\_\_  
Carol Pomeroy, Clerk Treasurer

Dated this \_\_\_\_\_ day of December, 2005