

**PORTER TOWN COUNCIL MEETING
NOVEMBER 9, 2004
PORTER TOWN HALL**

President Jenny Granat called the meeting to order at 6:32 p.m. and led the Pledge of Allegiance to the Flag. Those present were: Vice – President Bill Sexton, Sandi Snyder, Paul Childress, Sandy Boothe, Clerk-Treasurer, Attorney Dave Hollenbeck, Police Chief John Lane, Public Works Director Scott Guy, and Fire Chief Lewie Craig.

APPROVAL OF MINUTES

October 26, 2004 - Sexton made a motion to approve as presented. Boothe seconded. Motion carried 5-0.

CONSIDERATION OF CLAIMS

Claims: October 23 through 31, 2004 totaled \$32,280.80 Boothe made a motion to accept said claims. Childress seconded. Motion passed 5-0.

Payroll: ending October 31, 2004 totaled \$49,144.07. Sexton motioned to approve payroll claims, and Childress seconded the motion. Passed 5-0.

PETITIONS & COMMENTS FROM THE FLOOR

Tom Goldbin of the Indiana Dunes National Lakeshore spoke on the matter of the letter granting the vacation of certain roads. Granat said this had been approved on August 24, 2004. Hollenbeck said that Atty. Patrick Lyp had written one letter but that had addressed the Bike Trail. Childress said the Plan Commission had recommended this approval. Childress explained to Hollenbeck that the National Lakeshore had requested a vacation of certain roads in the National Lakeshore area. The Plan Commission asked that in exchange for that approval, they would like the widening of 15 ft on S Bailey Dr.

Lyp was to write the letter and Childress was to sign it. Goldbin had previously presented a letter but offered another copy for them. Hollenbeck questioned whether this was a quid pro quo. Goldbin said the letter states that the Lakeshore would make a good faith effort to follow through with that trade.

Hollenbeck made it clear to the Council that there is no binding contract with this trade. It would just be a "best faith effort". Goldbin said that just that afternoon, they were in the process of preparing the legal description.

After lengthy discussion, Snyder said that she feels Goldbin is sincere and felt that the Council should go forward. Sexton agreed. Hollenbeck said that by consensus the Council seemed to be in favor so that a motion should be made referencing the July 19, 2004 letter from the Superintendent to Patrick Lyp that they are willing to accept the perimeters. Sexton made the motion with Childress making the second. Motion carried 4-1 with Granat opposed.

REPORTS FROM TOWN OFFICERS AND DEPARTMENTS

CLERK-TREASURER

Pomeroy called the Porter County Treasurer and was assured the town would receive the balance of the CREDIT money (\$89,239.16) bring the total to approximately \$217, 915.

Commercial Audio Systems concerning the fax machine going into the elevator. They said it was not their problem but with a switch relay in the elevator. They said

that they would contact Kevin Kinel and have him contact the elevator people.

Preceding immediately all purchase orders from the department heads must be in the Clerk Treasurer's office by 10:00 am on Wednesday to be paid that week. Dire emergencies do not fall under this order. The purchase orders must be signed by the liaisons before they will be paid.

The only time Purchase Order needs to be used is for \$100.00 or more but department heads still need to get approval for anything under that amount.

Pomeroy they asked that residents of the town bring in their Christmas ornaments to be hung on the Town Hall tree.

ATTORNEY

Atty. Hollenbeck said he was going to mention the distribution of the CEDIT money. This year it had been withheld due to the fact it was only an estimate and they did not want to distribute too much and have to ask for it to be returned. Next year's amount should be the same figure with the only fluctuation being in income tax.

He had contacted Randy Moore who was recently put in charge of Northern Indiana water. His initial reaction to help us in the collection of sewer bills was a positive one and he will get back to Hollenbeck. Granat said this should be put on the next agenda. Hollenbeck agreed.

Hollenbeck had been asked to look into extending the Police Commission from three to five members. In 2001 the statute had been amended to permit this. The Council may appoint one or more of their members to serve in an ex-officio (non-voting) capacity. He said they could amend the ordinance 95-02 to enlarge the voting members to five.

Sexton said he would like Hollenbeck proceed on this ordinance. By consensus, he was order to draft an amendment.

Sexton explained the need to expand to allow members to carry on a conversation with other members of the commission without violating the open door policy.

Childress recommended that commission members should only be paid for meetings attended. Pomeroy said that the members now receive their money once a year and with the increase they will receive \$1050.00.

Hollenbeck said the pay should be addressed in the budget but that if they should only be paid for attendance should be included in the ordinance.

POLICE DEPARTMENT

Chief Lane reported that Halloween went quite well. He had extra officers and explorers working Sunday.

Lane thanked the Fire Department for their assistance.

He also said he had prepared a letter for the Police Commission to thank Mr. James Ruge of Porter Bank for the donation to purchase a "taser". The department will now have three and a third officer will be certified shortly. By consensus, the Council agreed to have the Commission send the letter.

Sexton questioned Lane on something that happened when Lane was on vacation concerning the recently passed Violation Bureau ordinance. Sexton said it was made very clear at the first meeting that the department was not to write moving violations. Those were to be written under state statute. Lane acknowledged he knew that. Sexton said there was a second meeting where the ordinance was passed when Asst. Chief Jim Menn was present. Both Sexton and the attorney made it very clear to him that moving violations must be written under state statute. He questioned why the officers were not informed of this

fact. Sexton said officers wrote tickets and then came back and said the Council needed to get their act together. He directed Lane to straighten out this problem and the police department needed to get their act together. Despite the fact that Lane went on vacation, he did not convey this information to anyone. Menn did not relay this information to anyone after he attended the meeting.

Sexton said the Council had made it very clear at the meeting and no excuse was acceptable. Granat said the majority of the Council makes the rules and no one person can change a rule. Sexton said information received at meeting needs to be taken back to the officers. Granat said she had other issues with the tickets that she would discuss after the meeting.

Lane disagreed by saying that this had transpired while he was on vacation and he learned of it when he returned. Sexton disagreed.

FIRE

Chief Craig submitted his written report. He also said that the department is collecting non-perishables for two need families in Porter for Thanksgiving. Residents are asked to make donations by November 19th.

He said that Indiana Water is installing hydrants in at Porter Beach on Glenwood Beach Trail on private property. Craig had telephoned Mr. Lemon to inform him of this and that the town of Porter would not accept them nor pay for them. Sexton agreed. Craig then received a letter from Indiana Water saying that Craig had approved these two installations. Craig said he did not authorize these hydrants.

Craig said there was an agreement with the previous Council that these hydrants be installed. Sexton had accompanied Craig out to Porter Beach when Craig told them Porter would not pay for hydrants on private property. Sexton said they went ahead anyway.

Sexton asked Hollenbeck to contact Indiana Water on the matter. Craig said he asked for plans on future installations. Hollenbeck said he would write a letter stating that all installations must be approved before they are done and that Porter will not pay for any on private property.

Childress address complaints from Porter Beach they had been shorted on the hydrants. He said residents should contact Craig who has all the facts and figures.

Sexton complimented Craig on the department and their visibility on Halloween. The kids really enjoyed the fire truck being out and distribution of candy by the firefighters.

Childress asked about the fire department's contract with the town; brought up by the State Board of Accounts. Hollenbeck said it was on his desk and would be taken care of before the first of the year.

PUBLIC WORKS BUILDING DEPT.

Supt. Guy referred to the intersection of Verplank and Babcock. Porter put signage up that represents the area as a curve but Burns Harbor put up signs indicating a stop. This needs to be resolved between the towns and Guy suggested that the Police Commission look into this matter.

Lane said this issue was to be resolved before he went on vacation but that it had not been. He said he would get in touch with Police Chief Price of Burns Harbor. Guy said it would be counterproductive to line the road if Burns Harbor calls it an intersection.

Guy also said signs had been installed on US 20 at east and west entrances welcoming people to Porter. Historical signs have also been installed.

With windstorms and leaves, the pick up continues. He hopes to be caught up within the next two weeks. He commented on the height of the pile of leaves.

He has received his certification for working with pesticides. He will apply for his Certified Applicator License.

He said he had just been informed of one known case of West Nile Virus in the town's limits. The resident lives on Riverview Dr. Guy requested a line item be put in the budget for materials for combating mosquitoes – cost of about \$750.00.

Guy requested \$227.00 for a Seal kit for N. Bailey Dr. It was approved by consensus.

Granat questioned the procedure for the mosquito war. Guy said it would start in early spring right after the thaw to begin killing larvae. Granat said she would like more information on the process. Guy said he would like to bring in experts on the matter to address the situation.

Granat and Childress asked for the update on the list of streets, alleys, storm drains etc. Childress asked to schedule a workshop to prioritize and the Council needs to know what kind of money is available. They agreed what was needed is a four year plan and exactly what can come out of LRS fund. Guy suggested it should be done by November 19th.

Guy said he would also like to contact Chesterton High School to erect a Salt Hut at the Municipal Building.

BUILDING

In Dave Babcock's absence, Granat said there were four new contractors. Sexton motioned to approve. Boothe seconded. Motion carried 5-0.

Granat said a letter had been received from the DNR. They have received the signed ordinance 2004-12 and the Town of Porter is in compliance with National Flood Program.

OLD BUSINESS

LIABILITY INSURANCE Snyder reported that she and Sexton had selected Anton Insurance of Chesterton who offered the best premium. She is anticipating a better premium after meeting with department heads on Wednesday. Several employees were listed wrongly in departments and should alter the final cost.

Sexton expressed appreciation for Snyder in handling this matter.

RECOMMENDATION STORM WATER BOARD MEMBER – Granat and Childress chose Ed Pilarski as a replacement. He is a resident and works in Valparaiso and has much knowledge of storm water. Boothe made the motion and

Childress seconded. Motion carried 5-0. His term will expire in 2005. Granat will notify Pilarski.

DISPATCH SOFTWARE - Lane recommended Valor systems costing approximately \$74,600.00. He intends to use the CREDIT funds and still will need an additional \$810.00 to complete the purchase. The system could be delivered in 30 days and one of the selling points is that the system is backed up by a center in Amarillo Texas. In the event of a disaster, the system can be accessed by another location.

When asked by the Council, Porter Police Commission President Chad Brooks spoke. He said that he had talked with the detectives and this would certainly enhance their job. Pomeroy said the \$810.00 would be available.

Lane said he would need an additional \$162 per unit (\$3240.00) to upgrade. Childress offered to cut that cost in half. Lane is to work with Childress on this matter.

Sexton made the motion to purchase the software contingent the extra \$810.00 is available. Childress seconded it. Motion carried 5-0.

NEW BUSINESS

PREVIOUS ATTORNEY BILLS –Granat said prior to the last meeting she had received a \$6000.00 bill from Spangler, Jennings, and Dougherty for past legal services. Hollenbeck said the Council had asked him to address several items on a previous bill. That bill totaled \$9,472.00 and was stamped “final bill” dated February 27, 2004. The result is this additional \$6000.00 bill for services rendered in the Friends of Porter suit dating back to 2002. Granat said the charges on the original bill that were questioned totaled around \$1000.00 and some are for the transition which never took place.

Boothe asked Hollenbeck to look into the charges. Hollenbeck said that Granat would be the only witness he could call who was present during the previous session.

Bruce Snyder spoke from the floor and said these charges posted are under a difference file number. Granat said she had asked many times that the bill be presented in a timely manner.

Childress said there definitely was not an extra \$16,000.00 to pay these bills.

After a lengthy discussion, Hollenbeck suggested a letter be sent to Spangler, Jennings, and Dougherty asking that a representative attend the November 23 meeting to explain the late charges going back several years and certain billing amounts.

COMMENTS FROM COUNCIL

Childress brought up a recent Park Board meeting he had attended. He felt that services provided by the Police, Fire and Street Departments should be paid for by the schedule event. He specifically mentioned the Taste of Porter and the Chesterton Art Fair. Childress said both have donated to the town but did not reimburse for services rendered during their event. Granat asked if a bill should be presented and Sexton said no but that in the future the town needs to review such activities.

Granat addressed the recent Park Board meeting also concerning the liability insurance for the Taste of Porter. A Park Board member, Nancy Whisler asked why the park’s insurance could not cover the Taste. Whisler said the non-profit organization had to pay \$600.00 for insurance for one day and this would prevent the group from making a donation to the town.

Granat said she had received a letter from the insurance carrier stating that it would not cover the event. If the committee had been told they were covered in the past, they had not been according to the insurance carrier. Porter’s insurance does not extend to organizations apart from the town.

Bud Tilden said he was a member of both the Park Board and the Taste of Porter committee. He questioned if the Council knew how the Taste started out. He said if the Council wanted to, it could kill the thing like it did the Porter Parade. He said it sounded like a pick on the Taste of Porter night to him.

Granat said that was not the case but certain matters need to be addressed. Resident Linda Hodges said she had attended one meeting and it was made very clear that the Taste did not want any input from this

Council. She said if they want to remain independent, they need to provide their own insurance. Tilden said if that is the case, so be it.

Pomeroy said Connie Goysich told her when she took office there was \$2000.00 available for her to use for the town. She took approximately \$700.00 and brought trash containers, which are now at both entrances to the Town Hall. With the approaching Christmas season, Pomeroy asked for money to put up decorations and was told there was none available. She said she question what happened to the remaining \$1300.00 and was told the Taste had to pay for their own insurance so that took the money. She said that was \$600.00 and still left \$700.00. Goysich said there was no more money.

Jennifer Klug spoke from the floor. She said the change in the Porter Parade was a good thing and perhaps the Council needs to institute guideline to make the Taste a safer event.

By consensus, the Council agreed to set up a Street Department workshop at a later date.

Granat said several positions are up for appointment in January. Residents should submit their resumes. She urged current members of these boards to reapply. The Plan Commission will have a Republican, as will the Park Board and Storm Water Management. The BZA will need one Democrat and the Redevelopment will need three members – two of which are town council members. As the Police Commission increases to five members, three of either party will be available. She said if residents have previously applied, they are encouraged to renew their applications.

Childress asked about what is happening with the Website and its management. Granat said that she had received a letter from Mr. Grossbauer. Childress suggested this be put on the next agenda and Grossbauer should be asked to come.

Sexton made the motion to adjourn. Boothe seconded it and the meeting was adjourned at 8:35 p.m.

President Jennifer Granat

Vice President William Sexton

Sandy Boothe

Sandi Snyder

Paul Childress

ATTESTED: _____
Carol Pomeroy, Clerk-Treasurer

This _____ day of _____ 2004