

PORTER TOWN COUNCIL MEETING

April 13, 2004

Porter Town Hall

In the absence of President Jenny Granat who was ill, the meeting was called to order at 7:15. Present were: Bill Sexton, Paul Childress, Sandy Snyder, Sandi Boothe, Clerk/Treasurer Carol Pomeroy, Attorney Dave Hollenbeck, Chief of Police John Lane, Fire Chief Louie Craig, Superintendent of Public Works Scott Guy, and Building Commissioner Dave Babcock.

Sexton began with a statement praising Bob Griffin, who recently passed away, saying that he has had a positive impact in our community. Because of his dedication to civil service as a life-long member of the town, he will sadly missed. He had great knowledge of the people and history of the town.

APPROVAL OF MINUTES

Sexton asked for a motion to approve minutes of the March 23, 2004 meeting. Snyder made said motion, Childress seconded. Motion passed 4-0.

APPROVAL OF CLAIMS

**Pomeroy presented the claims for the period of March 20-31, 2004 totaling
Motion was made by Booth to accept them and seconded by Snyder. Motion passed 4-0.**

Pomeroy presented the Payroll claims ending March 31st totaling . Childress motioned and Boothe seconded. Motion carried 4-0

PETITIONS AND COMMENTS FROM THE FLOOR

None

REPORTS

CLERK/TREASURER

Pomeroy reported the general fund is \$321,839.00 with grand total \$717,024.

In reference to a phone call she received late today, Pomeroy said there would be payroll this month and the next month and the following months. No one is in danger of not making payroll. She also thanked the department heads on their control of spending.

ATTORNEY

Hollenbeck said that he had been attempting to resolve the issues between the law firm of Spangler, Jennings and Dougherty. Ed Hearn has left the firm and that another member of the firm, Al Zarembo died suddenly. He had met with the County Auditor and the final draft of the distribution letter has been made for the CREDIT money. The county has received one-half and plans to distribute 85% of that figure. A payment is expected soon with the next in May with one following in October. Once money is received, a public hearing needs to be held for the additional appropriation process.

He also attended a meeting on the Real Estate Property Taxes and the tax settlements will be at least 60 days late. Bills will be distributed by June and by law the public needs to be given at least 30 days. He is predicting no tax money until early August.

He has written a draft of the agreement on Animal Control with Dr. Reed of the Westchester Animal Clinic.

Hollenbeck has investigated the past contractual agreement with NIPSCO. It is his understanding that the parks receive \$5,000.00 and the town receives \$145,000. a year. He needs to find out the history of that agreement.

He has reviewed the Arrow contract and hopes to resolve that issue shortly.

Regarding the 344 Rankin Street, the town and other entities have been sued in a Quiet Title Action by Tax Lien Investments LLC. He reminded the town that he will handle this and as litigation these falls under the hourly basis.

POLICE

Chief John Lane requested that a written statement be drawn up for Porter Police's involvement with the National Lakeshore. He presented information to the council for their review and a legal opinion from the attorney.

Sexton asked about the Explorer Program and Lane said he is still looking for at least one more adult volunteer. He explained the meetings would be held on Wednesday after the Police Commission meeting. He needs someone to oversee the group.

FIRE

Chief Louie Craig said he had nothing other than his written report (on file at the Clerk's office). The council again complimented the Chief on a very informative report.

PUBLIC WORKS

Superintendent Scott Guy reminded that brush pick-up is the third full week of each month. He asked that the council approve establishing a list of residents that would like to receive clean fill i.e. concrete, wood chips, dirt. Residents could come to the town hall and sign up and would receive the fill in order of their request. By consensus, the council agreed.

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BUILDING DEPT

Commissioner Dave Babcock suggested that Guy be very aware of the area where he will be taking the fill – be sure of the property and not to be done in wetland.

Fourteen new contractors filled out their information bringing the total to 191. Childress made a motion to approve the contractors, Snyder seconded. Motion carried 4-0.

Sexton said the town had just received a letter from the Department of Natural Resources asking about Porter's flood plan and included a revised ordinance draft for Porter's adoption. Sexton said it needs to be submitted by June 11, 2004 so that the Council should take a look at this at the next meeting.

Babcock reported that Munson Place, a commercial subdivision to be developed by Lake Erie Land Co. will be going in east of town between St Rd 49 and Andershock's. He said that after speaking to the Howard Engineering Company for Lake Erie in Texas that Porter needs to have this project built to Porter's specifications and monitored closely. He feels that with the road, curbs etc going in that the town should be protected and not have to pay for any part of this. Lake Erie should be responsible.

He was unable to find an existing ordinance on the books and suggested one could be drawn up.

Childress said in the past Art Powell would go out and approve the development. At present, for sewer, a call would go in to Scott Guy and one of his men would go out. The last infrastructure to go in was Wagner Hills. Hass and Associates took care of it. They could do this but need to be paid.

From the floor, Bernie Poparad of Burns Harbor Town Council spoke. With two new developments going in, they have the town engineer inspect. All dealings go through the town council and the town engineer is paid through the town from the developer. He suggested the plan commission have this document and the developer sign it stating they would pay for all inspections. Sexton asked for a copy of Burns Harbor ordinance and Poparad said he furnish it.

Sexton brought up a complaint from a resident on Woodlawn that he had spoke to Babcock about earlier. He said the resident would bring a letter to Babcock. Babcock said anyone who has a complaint against a neighbor or a situation regarding buildings should bring a letter to Town Hall and he would follow up on it.

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ANIMAL CONTROL

Sexton said that J.J. Craig has two pit bulls that no one seems to want. He has contacted the SPCA and they will take them but will cost Porter \$30.00 per dog. By consensus Craig has been given permission to do so. Sexton also said that Craig had not yet been reimbursed for his cell phone and fuel. Boothe is liaison and will handle this in the future.

DRUG AWARENESS UPDATE

Sexton said that Porter would like to set up a public workshop that would help the towns adjacent to Porter that would help. The council agreed on April 19th at 6:00 p.m. at the Town Hall.

From the floor, Bernie Poparad said that Burns Harbor would be in attendance next week with some other officials from his town and are very interested in joining the cause. He stressed it must be a community effort if anything is to be accomplished.

Chief Lane spoke on the new problem his department has discovered concerning little canisters that are used to make whip cream. These little pellets at first glance seem to be from an air gun. He showed examples of these canisters called "whippits". They contain nitrous oxide. He explained the effect. These items can be purchased from restaurant supply companies and over the internet. It is not illegal to possess them; it is illegal to use them. He creates a short-term euphoria and the need to use more and more to create that as time goes by.

From the floor, Rita Newman asked if Lane has considered going to the schools and speaking on this matter. He said he had but had not considered going to elementary because of their inability to purchase them.

From the floor, Dale Brewer asked if the police or the council had considered sending an officer to be part of the County Drug Unit. Lane said that actually an officer had been assigned for about three years but at this time the force is short handed. Sexton said they would look into it. Brewer invited everyone to attend the Drug Awareness Walk on April 24th to raise money for a rehab center in the

area.

In relation to the drug problem, there was a question and comments from Jennifer Klug who asked the council to address the Midnight parade. Sexton said that the parade as well the Taste of Porter would be addressed at the next meeting.

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NEW BUSINESS

Duneland Chamber of Commerce - Laurie Franke-Polz distributed flyers concerning upcoming projects. She commended the communities for addressing the drug program. She also complimented the council on their election and the progress the new group is making.

She spoke on a three-year program that included the sign program that been installed with the exception of two remaining for Porter. Landscaping will be forthcoming using the boy scouts and working with department heads.

She presented a new community map giving the history of the towns within the Duneland area. They will be available at the Town Hall. She also asked the Council to look at Duneland magazine to see if they would like to have input. The council will take this under advisement.

Mr. John Wilhelm of Dune Acres said that the road between Porter and Dune Acres will not cost Porter anything. The Dudley Road project will go right up to the line. The grating will allow heavy equipment to travel without fear of sinking in the sand. They will also address the drainage on the west side of Dudley. The road will have a locked gate on Dune Acres property with access only by Dune Acres security people and Porter's security people. The arrangement with surrounding property owners exclusively prohibits anyone from using the road except emergency vehicles.

Westchester Fire Agreement- Chief Craig looked at the proposed agreement and found it to be in order. Hollenbeck concurred. Childress questioned the cost of the calls. He wants to make sure Porter is not subsidizing another department out of Porter's budget. Sexton asked that Craig look into this prior to next budget meeting. Craig said the township has a big fund and that they have been very generous with their donations to Porter totaling well over \$500,000.00. There is currently at least \$127,000 to be divided between Chesterton and Porter. This is why he has not looked into the cost of the calls. Childress moved to approve the contract and Boothe second. Motion carried 4-0.

Child Abuse Prevention Proclamation- Snyder read the proclamation. By consensus the Council declared April as Child Abuse Prevention month in Porter Indiana.

Delinquent Sewer Bills – Childress said there are three significant issues to be addressed. One is the balance in the sewer fund of approximately \$180,000.00. There is a significant amount of bills totaling \$58,000.00 accrued by people who filed bankruptcy. As a council, Childress feels that they need to set up a procedure to handle this so that in the future there will be a practice to follow. Second, there is approximately \$100,000.00 worth of

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collectible bills. The previous council has turned over these bills to a collection agency. In some cases, liens were placed on the property. The Council needs to establish a policy. The water company does not want to help by turning off the water when bills are past due.

Hollenbeck volunteered to talk to the Indiana American Water Company. He is under the impression that in

other communities the water company has agreed to shut off water when sewer bills have not been paid. He explained that when someone declares bankruptcy it does relieve them of paying the back bills but they will owe bills from the filing forward. According to the State Board of Accounts, there is absolutely no reason to carry bills from bankruptcy on the town's books. He suggested a list be compiled to clean up and bring to a Town Board meeting and write them off. He feels that the most aggressive way to handle this is to file liens. There is a statute to follow in that manner. Pomeroy said the minimum time of delinquency allowed would be 90 days. This is cheapest and most efficient way of handling this. He also suggested that some clients have installed balloons to shut off sewers. Childress said he would write up a policy handling this situation. He will distribute these to all members and Hollenbeck for input. One other issue for the sewer department is the people who have holding tanks in their front yard. Sexton said that the tanks are on private property and according to the ordinance there is nothing the town can do. Childress asked why the town is pumping these tanks. Sexton said we shouldn't be. He said in the ordinance, it is the financial responsibility of the property owner. Sexton said in ordinance # 751 that those are local lateral sewers under applicable laws are the financial responsibility of the property to be serviced.

When the grant was done for the sewers to be put in, there was a list made and people with small diameter sewers would have their tanks pumped out. People that got in after that time were never added to that list. Two issues need to be addressed. One is that everyone who has these holding tanks needs to empty the tanks themselves. Second, to those who have the tanks and are pumping them really don't have sewer service. What they have is solids that they are handling them personally. Sexton said this should be addressed through the rate study. The town has the responsibility to make sure the small diameter pipes on our (the town's) property to clean those and make sure they are functional.

Another ordinance # 800 which says that if the property owners cause the town's system to back up, we have the right to go on their property and clean it up. It then becomes their cost and not the town's. Childress argued that some of the town that have this service are subsidizing the service for the rest

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of the town that have full service. When residents are paying to have that done, they are paying to have that sewage treated. Sexton agreed. The people that who don't have the holding tanks, have regular sewer service. Sexton said that is the reason for the rate study to analyze this problem.

COMMENTS FROM THE COUNCIL

Sexton congratulated Daniel Ehn of 334 Rankin on becoming an Eagle Scout. He stressed the importance of this accomplishment of the highest award.

Scott Guy said he had been "issued an arrest warrant" for the Muscular Dystrophy Charity drive. He needs to raise "bail" of \$1000.00 for the cause and would like help. Clerk/Treasurer Carol Pomeroy said she had been "issued a warrant" also. Donations will go directly to the MDA fund.

ADJOURNAMENT

Boothe made a motion to adjourn with Boothe seconding it. All were in favor. Meeting adjourned at 8:40.

William Sexton, President

Sandy Boothe

Sandi Snyder

Paul Childress

ATTESTED: _____
Carol Pomeroy, Clerk Treasurer