

## **TOWN COUNCIL MINUTES**

**NOVEMBER 13, 2007**

President William F. Sexton called the meeting to order by leading the Pledge of Allegiance to the Flag. Present were Lorri Wickberg, Vice-President, also present were Council members Sandi Snyder and Jennifer Granat, Clerk Treasurer Carol Pomeroy, Police Chief James Spanier, Fire Chief Lewie Craig, Public Works Director Brenda Brueckheimer and Attorney Patrick Lyp. Absent were Park Superintendent James Miller who was attending school and Council member Paul Childress.

**APPROVAL OF MINUTES OF OCTOBER 23, 2007.**

Wickberg made the motion to approve the minutes as presented, Snyder made the second. Vote 4-0

**APPROVAL OF CLAIMS**

Granat made a motion to approve the claims in the amount of \$87,572.22 and Wickberg made the second. Vote 4-0

**COMMENTS FROM THE FLOOR**

None

**CLERK TREASURER REPORT**

Pomeroy stated that there were 10 new contractors. Snyder made the motion to accept and Wickberg made the second. Vote 4-0

**ATTORNEY REPORT**

None

**POLICE DEPARTMENT**

Spanier stated that he had received an insurance check in the amount of \$2,908.25 that went into the General Insurance Refund Revenue, for the damage to radios and etc and asked the Council to move to appropriation #101-002-235 Police repair so that he can pay from that line item. Granat made the motion and Snyder made the second. Vote 4-0

Spanier also stated that at Waverly Road and Highway 20 had its first accident since the State changed the red light configuration. It had nothing to do with the left turn light just that the motorist was not paying attention.

**FIRE DEPARTMENT**

Craig stated that he also received insurance checks in the amounts of \$2,069.00 and \$2,135.00 for the boat and motor that was totaled and asked the Council to move \$3,433.38 to appropriation #241-001-365 Miscellaneous Services so that he could pay for the motor. Granat made the motion and Wickberg made the second. Vote 4-0

Sexton also asked Craig if the Town had auto-aid on all structure fires that are toned with Porter which includes Burns Harbor and Chesterton and Craig said yes.

## **PUBLIC WORKS DEPARTMENT**

Brueckheimer submitted a report to Council that is attached.

She wanted to remind residents to separate tree limbs from the leaves as the limbs jams the leaf vac and takes twice as long to gather.

Beam Street Sewer lining. She stated that it will probably take another week or so. Two sections have already been completed.

Oak Hill Lift Station. The lift station is now running on the new pumps but the contractor is waiting for NIPSCO to run the gas line and electric before this can be switched over to the new control panel.

## **OLD BUSINESS:**

### **Ray Cahnman alley vacation.**

Attorney Robert Welsh representing Ray Cahnman for the alley vacation said he met with the TAC committee this summer and they advised him to come before the Town Council first and if the Council gives a favorable recommendation then he would go to the Plan Commission and then the BZA. At the Plan Commission he would ask that the Cahnman property and the alley be platted into 1 parcel. Then go to the BZA for a variance on the set-back so that the garage could be built on the property line. Cahnman commits not to build any part of the garage on the alleyway. Cahnman would put a deed back to the Town in escrow after the Plan Commission and BZA give approval and he has 1 year to build the garage. Then the Town could pull the deed and have it recorded and have the title put back in the Towns name and then would have ownership back of the alley. Lyp stated that he would need to look at the escrow agreement but would probably advise against it.

Sexton asked if there were any proponents. There were none.

Sexton asked if there were any opponents.

1. Elka Nelson 111 Duneland Drive. Stated that she is a full time resident at Porter Beach and in the past other Councils vacated alleys and this Council has finally got a hold on alley vacations and easements and asked the council not to sell our alley to a private owner. She also stated that Cahnman already has a garage that is contiguous to his home plus he was offered the use of another garage that he co-owns with Michael Shea next to the property that he wants to build a garage on and has refused. She asked the Council to look at the ordinances and rules and follow them. She referenced Cahnman proposal to give back the alley to the Town is no bargain, they are giving back what the Town already owns
2. Michael Shea Glenwood Beach Trail. Stated that he co-owns property with Cahnman which borders the parcel where Cahnman wants to build the garage and said he has offered him the garage that is already there. He felt that the Council should not give public property away.
3. Sherrill Newman 300 Franklin Street. Asked the Council what will happen in 20 or 30 years with different owners, they may not honor the easement. She said that her family rented a home by a lake in Wisconsin for many years and had an easement to go to the beach and then after the property was sold they were denied access to the path to the beach even though there was an easement.

Sexton noted there were 2 emails that also were opposed to the vacation and are attached to the minutes. Snyder made a motion to table the vacation in order to digest what has been stated, Granat made the second. Mr. Welsh asked if he could comment on the above opponent comments. Snyder then made a motion to rescind her former motion to table and Granat made the second, motion rescinded. Welsh wanted to comment on Newman's statement that easements are property rights and are enforceable and that the Town could reclaim the alley at any time and that her concerns would be addressed in unmistakable terms that access would be preserved. He also noted that Cahnman spent \$30,000 to provide access to the beach by building a staircase in the alleyway that is open to all residents to use and never has refused access to the beach. Dave Babcock, former Building Commissioner, reminded the Council that Cahnman built the staircase and 2 sheds without Town's permission or building permit. Granat made a motion to deny the vacation and Wickberg made the second. Vote 4-0 Motion denied.

**Mark Zaranski, 60 E. Oak Hill Road Permission to tie-on sewer.**

Zaranski stated that he lives in unincorporated Porter County said his neighbor to the East is Fairhaven Church and the property to the West is a vacant lot and the owner has no intentions of developing the property. He stated that Porter County Health Department is encouraging him to abandon his septic system and connect to a sanitary sewer. Snyder asked him if he has asked Chesterton to connect to their sewer. She also noted that the Town has an agreement with Chesterton that the Town cannot connect anyone who is not a resident of the Town without their permission. Snyder also said that Fairhaven is connected to Chesterton utilities. He was advised to attend their meeting to get permission.

**NEW BUSINESS**

**Eagle Scout Andrew Bailey Troop 928.**

Sexton congratulated Andrew Bailey by reading a letter from the Council for achieving the rank of Eagle Scout. Andrew's project was building 12 picnic tables for the Park Department.

**Resolution 2007-06 Section 125 Premium only plan.**

Granat made a motion to number and read and Snyder made the second. Vote 4-0. Motion passed.

**Munson Place Bond Reduction.**

Was tabled until next meeting.

**COUNCIL COMMENTS**

Granat asked about Department Heads Evaluation for salary raises. It was agreed that Council liaisons would evaluate their departments and return their recommendations to Pomeroy by November 23<sup>rd</sup> so that they would be ready for the November 27<sup>th</sup> meeting. Granat reminded Council that it was agreed that 3% was budgeted for raises.

Chief Spanier asked the council if the employee handbook could be amended for schooling. The Council agreed to put on next agenda.

Sexton reminded Council about NIRPC open house.

Gary Cutter reminded the Council of a meeting on November 26 at 6:00 at the Town Hall for the sesquicentennial. He said more volunteers are needed and invited the incoming Council to attend.

Granat made a motion to adjourn and Wickberg made the second.

Dated this \_\_\_\_\_ day of November, 2007.