

Burns Harbor Town Council  
Regular Meeting  
April 8, 2020

The Town Council of the Town of Burns Harbor, Porter County, Indiana met in its regularly scheduled session on Wednesday, April 8, 2020 in the Town Hall. The meeting was called to order by Council President Nicholas Loving at 7:20 p.m.

The Pledge of Allegiance to the American Flag was recited.

**Roll Call:** Toni Biancardi ----- Present  
Roseann Bozak ----- Present via teleconference  
Eric Hull ----- Present  
Nicholas Loving ----- Present  
Angie Scott ----- Present via teleconference

Clerk-Treasurer Jane Jordan was present. A quorum was attained.

**Additional Officials Present via Teleconference:** Attorney Clay Patton, Town Marshal Mike Heckman, Fire Chief/Sanitation Superintendent William Arney, Street Superintendent Pat Melton, and Building Commissioner Robert Wesley.

Councilman Loving announced that the Council is able to meet electronically due to Governor Holcolm's Executive Order 20-04 Section 5 Public Meetings/Open Door Laws. The meeting was streamed live using *Microsoft Team* software and *Facebook Live*.

**5. Public Meetings/Open Door Laws**

Public meetings conducted pursuant to Ind. Code § 5-14-1.5 *et seq.* should be limited to only essential matters critical to the operations of the governmental agency or entity for the duration of this public health emergency;

All specific statutory deadlines requiring a governing body to meet during the public health emergency are suspended for the duration of the emergency insofar as cancellations do not disrupt essential government decisions or services or when meetings are otherwise required by federal law;

All governing bodies of public agencies may suspend the requirement of explicitly adopting a policy for electronic participation and reduce the number of members required to be physically present to one member only (See Ind. Code § 5-14-1.5-3.6(c), (f), (g) & (h)). Entities should also adhere to the CDC guidance on gatherings and make efforts to allow the public to participate electronically, if feasible. All other provisions of Ind. Code § 5-14-1.5 *et seq.* remain in effect;

All governing bodies of public agencies may post notices and agendas for meetings solely by electronic means for the duration of this public health emergency; and

Any political subdivision or entity subject to the provisions of Ind. Code § 5-14-1.5-3.5 may comply with the provisions of section 3.6 as modified by this Order in conducting public meetings for the duration of this public health emergency.

Councilman Loving assured everyone that this last month has been very trying for all of us. Town emergency services have run uninterrupted. They will remain at the highest level throughout the pandemic. The Council is thinking about the residents of Burns Harbor all the time. We worry about you, your physical, mental, and financial health and wish you all the good fortune for the weeks and months to come. Be kind to one another. We are going to get through it.

**Approval of Minutes:**

Councilman Hull made a motion to approve March 18, 2020 meeting minutes. Councilwoman Bozak seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye. Councilwoman Scott – Aye. **Motion passed.**

**Reports:**

Clerk-Treasurer Jordan informed that the Cumulative Capital Development re-establishment thirty (30) day remonstrance period will end next week. The conferences scheduled for May, June and July have been cancelled due to the COVID-19 pandemic and therefore the June Council meeting will not need to be rescheduled.

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Councilman Loving thanked the department heads for submitting their written reports. Those are on file, if anyone has any questions please contact those department heads directly.

Councilwoman Bozak, Park Board Liaison, informed the Council that there was some wind damage in the park including an electrical panel from a falling pole; quotes are being sought. The Park Board requested guidance from the Council pertaining to May park building rentals. After discussion, the Council consensus was that renters should be called to inform them that the Park will be closed as long as the Governor's Order is in effect. Councilwoman Bozak informed the Council that the Park is finding it difficult to fundraise for the June Footloose5K during the State's stay at home order.

Councilman Loving informed that spring leaf pickup will be April 13<sup>th</sup> through April 24<sup>th</sup>.

Councilwoman Biancardi informed that the Storm Water Board and Sanitary Board meetings scheduled in April have both been cancelled.

Councilman Hull informed that the Redevelopment Commission is continuing to move forward with their projects. The State has confirmed that the grant money is still available. The Board's goal is to put people to work immediately once we come out of this pandemic.

No purchase orders were presented for discussion.

**Correspondence:**

IDEM – Notice of Public Comment Renewal Part 70 Operating Permit Metal Services LLC, Porter County

Porter County Election Board – moved primary elections to June 2<sup>nd</sup>

U.S. Congressmen Visclosky – keep public gatherings to no more than 10 people

Clerk-Treasurer Jordan – Burns Harbor Annual Report for Fiscal Year 2019

**Presentations, Resolutions, Ordinances and Remonstrance:**

None

**New Business:**

**Staff anniversary recognition:**

Council recognized the following employees' years of service whose anniversary date is in April: Pat Melton 14 years and Corinne Peffers 4 years.

**Large item trash pickup May 14<sup>th</sup>:**

Councilman Loving informed that there is some question whether or not the May 14<sup>th</sup> large item pickup will take place. Republic Services doesn't want anything at the curb that doesn't fit in the tote. They don't want their drivers getting out of the truck handling anything to help keep them healthy. Assume large item pickup on May 14<sup>th</sup> is cancelled and may be rescheduled. The matter will be readdressed at the May Council meeting.

**Burns Harbor Scholarship applications due May 31<sup>st</sup>:**

Councilman Loving reminded everyone scholarship applications are due by May 31<sup>st</sup> and can be found on the town's website. It is open to all town residents.

**Schedule town rummage sale date:**

Councilman Loving requested that this matter be placed on the agenda for next month to see how things are progressing with Governor's stay at home order.

**Remote meeting software:**

Councilman Loving informed that the Council is using Microsoft Teams to livestream the meeting this evening.

Councilwoman Biancardi informed that it's working and as we get familiar with the software, we will work to make it better.

**ArcelorMittal property closing status report:**

Attorney Patton informed the Council that he and Councilman Hull have had conversations with Meridian Title Company pertaining to provisions for remote notary signatures. Meridian Title is doing "curbside closing" since we are not allowed to be in small rooms together.

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Councilman Loving informed that Councilman Hull is comfortable signing on the Town's behalf once Attorney Patton and the title company get everything worked out.

Attorney Patton informed the Council that there will be some closing fees and he will email Clerk-Treasurer Jordan that information once it becomes available.

Clerk-Treasurer Jordan requested that the Town be informed of the details with as much lead time as possible because, the Town's bank is closed to walk-in visits without an appointment. A bank wire for the closing will require the scheduling of an in-person appointment.

**Box truck purchase from Town of Chesterton:**

Councilman Hull made a motion that the Town adopts **Resolution 2020-04 A Resolution of the Town Council of the Town of Burns Harbor Authorizing the Purchase of a Box Truck from the Town of Chesterton Pursuant to Indiana Code 36-1-11-8**

**WHEREAS**, the Town of Chesterton is the owner of a 1988 Chevrolet 6T1 utility vehicle with a Vehicle Identification Number of 1GBJ6T1E4JV119368 with approximately 129,000 miles (hereinafter collectively referred to as "Property"); and

**WHEREAS**, Indiana Code 36-1-11-8 authorizes a political subdivision to transfer property to a governmental entity upon such terms and conditions agreed upon by the governmental entities; and

**WHEREAS**, the Town of Chesterton is interested in selling the Property and the Town of Burns Harbor is interested in purchasing the Property for the amount of One Dollar and 00/100 (\$1.00); and

**WHEREAS**, the Town of Burns Harbor acknowledges and agrees that this vehicle is being transferred in its "AS IS" condition and that the Town of Chesterton has made no representations whatsoever regarding its condition and/or fitness of use for any purpose by Burns Harbor; and

**WHEREAS**, the Burns Harbor Town Council has considered the matter and has determined that it is in the best interests of the Town of Burns Harbor to accept the terms and conditions set forth herein;

**NOW, THEREFORE, BE IT RESOLVED** by the Burns Harbor Town Council as follows:

1. The Burns Harbor Town Council hereby finds that the purchase of the Property is in the best interests of the Town of Burns Harbor and shall be accepted, subject to the passage of a Resolution by the Chesterton Town Council agreeing to the same.
2. The Burns Harbor Town Council hereby authorizes and appoints the President of the Town Council to take such steps as may be necessary to close the transaction, including the signing of any and all documents as may be necessary.
3. That the Town of Burns Harbor will accept the Property "as is" and will take delivery of the Property in Chesterton, Indiana. The "as is" acceptance by the Town of Burns Harbor also means that there are no warranties, express or implied, regarding the Property. Further, that the Town of Burns Harbor will hold harmless and indemnify the Town of Chesterton from any and all liabilities, damages, losses, or destruction, and against all losses, liabilities, damages, injuries, claims, demands, costs and expenses of every kind and nature, including, but not limited to, third-party injuries and all other claims, arising from the Town of Burns Harbor's ownership, use, or operation of the Property.

Councilwoman Biancardi seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak- Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Resolution 2020-04 passed and was adopted.**

**Approval to Pay Vouchers:**

Councilman Hull moved to approve all vouchers for all town Boards with three or more signatures. Councilwoman Scott seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak- Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed.**

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**Approval of Financial Report:**

Councilwoman Biancardi made a motion to approve the March 2020 financial report. Councilman Hull seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak- Aye, Councilman Hull – Aye, Councilman Loving – Aye. Councilwoman Scott – Aye. **Motion passed.**

**Old Business:**

**Driver Policy:**

Councilman Loving informed the Council that Clerk-Treasurer Jordan and Deputy Clerk Peffers are drafting a policy and hope to have it ready for review at the May meeting.

**AIM 2020 dues:**

Councilman Loving informed the Council that the dues should not increase more than three percent (3%) each year. Once the Town receives a revised invoice the Council will take it into consideration.

**Shadyside Park status report:**

Councilwoman Scott informed the Council that the Street Department removed damaged and outdated equipment. The park has been cleared of dead trees, brush and trash. An estimate was submitted for two (2) slides from NuToys. The quote for the slides includes delivery and installation for \$7,070.00. This equipment will allow for possible future expansion of playground equipment.

After discussion, Councilman Hull made a motion that the Town accepts the quote dated April 8<sup>th</sup> from NuToys in the amount of \$7,070.00 and that the invoice be paid from the Cumulative Capital Development Fund. Councilwoman Biancardi seconded the motion. Councilman Hull asked why would we not take that out of Park Fund. Councilwoman Scott stated this is a sensitive subject with the Park Board. Since the Town does not own the property, we shouldn't be putting money into it. This was voted on by the last Park Board. They also don't maintain the property down there. The Street Department has been. Councilman Hull stated we are all one town and we are all trying to do something together. Councilwoman Biancardi stated just like we paid for the ADA equipment at (Lakeland) Park, this purchase wasn't necessarily planned for in their budget this year. Clerk-Treasurer Jordan stated in December they spent \$20,000.00 on new playground equipment at the Lakeland Park as well. Councilwoman Biancardi stated we need ArcelorMittal to work out the land donation. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed.**

Councilman Hull stated I would like the Park Department to start to maintain the facility and equipment at Shadyside with the intent that it is going to be theirs whenever we can get this transfer done. Technically we have a lease that does make it park. Let's make that the Park Department's responsibility to give them the authority. They can maintain it. They can take care of it.

Councilwoman Scott made a motion that the Town's Park Department take over the maintenance of Shadyside Park. Councilman Hull seconded the motion. Councilwoman Bozak asked who is going to be responsible for making sure that this happens. It has been the responsibility for the park maintenance to maintain the parks, as far as I know and I was on the Park Board for several years, and things just weren't happening. Who is responsible for making sure they are maintaining the parks other than Lakeland? Councilman Loving stated after we have voted yes on this, the Park Board will have been instructed, really, it's the Park Director who is responsible. Councilwoman Biancardi stated and everyone, just like Angie (Councilwoman Scott) has been having the Street Department helping now, if there is a situation where we need to work together and help, then we need to make that happen. Councilman Hull stated the Park Board should tell the Park Director and they should then tell the employees and if that stuff can't get done, because you don't have the time, the resources or skills, come back to the Street Department. I'll come down there and help you. We are all one town. We are in this together. Councilwoman Scott said the Street Department has done a major overhaul down there so, maintaining it should not be difficult at this point. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed**

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**INDOT Town road inventory status report:**

Councilman Loving informed that Oak Leaf Lane may have more information at the May meeting.

**Community Crossing Grant paving status report:**

Councilman Loving informed the Council that Walsh & Kelly is working this week and early next week on some grading on a couple of the streets. Work continues for them. We are, currently, the only active road project for Walsh & Kelly.

**Good of the Order of the Community:**

Councilwoman Biancardi informed that the recycle drop off bins have been moved and are now behind the Street Department building.

Councilman Hull asked that we all respect the COVID-19 social distancing request. Please respect those people around you.

Councilman Hull made a motion that the Town dismisses the two (2) tickets that were written during the snow emergency in February. Councilwoman Bozak seconded the motion. Town Marshal Heckman said you have the ability to dismiss them if that is what you want to do because it is a town ordinance. It is entirely up to this Council. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Nay, Councilwoman Scott – Aye. **Motion passed.**

Councilman Hull requested that parking be added to the agenda in late summer early fall.

Councilwoman Biancardi thanked the staff and everyone that is working at the Town and interacting with the Town. Our offices have still been busy and seem to be working well with the online, phone calls and email. Councilman Loving reminded everyone that offices are still closed to public face-to-face business until further notice. Our staff is still working so, you can reach them by telephone or email.

Fire Chief Arney informed the Council that Town of Chesterton would need the Resolution for the Box Truck because they want to move on it at their April 13<sup>th</sup> meeting. Attorney Patton informed that Town of Chesterton will need to adopt a similar resolution.

Councilwoman Scott made a motion that we adjourn. Councilwoman Bozak seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed.**

There being no further business to discuss, the meeting concluded at 8:08 p.m.

Approved at May 13, 2020 meeting.

TOWN COUNCIL OF THE  
TOWN OF BURNS HARBOR  
Nicholas Loving, President  
Eric Hull, Vice-President  
Toni Biancardi  
Roseann Bozak  
Angie Scott

ATTEST:

Jane M. Jordan, IAMC, MMC, CPFA, CPFIM  
Clerk-Treasurer