

Burns Harbor Town Council  
Regular Meeting  
July 8, 2020

The Town Council of the Town of Burns Harbor, Porter County, Indiana met in its regularly scheduled session on Wednesday, July 8, 2020 in the Town Hall. The meeting was called to order by Council President Nicholas Loving at 7:00 p.m.

The Pledge of Allegiance to the American Flag was recited.

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

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

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

**Also Present:** Lily Rex of the Chesterton Tribune.

**Approval of Minutes:**

Councilwoman Bozak made a motion to approve June 10, 2020 meeting minutes. Councilman Hull 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 the Council that the Department of Local Government Finance approved the town's request to set their Cumulate Capital Development Fund tax rate at four (4) cent for years 2021, 2022, and 2023.

Councilwoman Biancardi informed the Council she has had correspondence with INDOT about declaring State Road 149 a quiet zone. There is a procedure and requirements the Town will need to meet and asked the Council to allow her to continue to investigate the process. Council gave their consent.

Attorney Patton informed the Council that the Governor signed two more executive orders last week including the extension of the public health emergency through August third. Extending the option for the Town to hold public meetings remotely. If things take a turn for the worse, the Boards can meet remotely if they choose.

Council discussed the equipment they were using to stream previous meetings and its poor sound quality. Clerk-Treasurer Jordan reminded the Council that the Town was awarded a \$58,528 reimbursable grant that would cover any CODIV related expenses which includes technology to hold meetings virtually. Councilman Hull will present quotes for technology at the next meeting.

Building Commissioner Wesley informed that he will be meeting with International Organization of Standardization (ISO) later this month to evaluate the building department and requested permission to move forward with the \$1,300 quote to install a sneeze guard in the building department. Council approved the department's request to install the sneeze guard. Building Commissioner Wesley informed the Council that he met with the property owner of 1182 Salt Creek Road and the owner has agreed to take down the unsafe buildings on the property.

Street Superintendent Melton informed the Council that the department will begin tree trimming in the next couple of weeks. Councilwoman Scott informed that the dump trucks are still traveling on Salt Creek Road and asked if they have been told they cannot be on that street now that it has been paved? Street Superintendent Melton said he would call Walsh & Kelly.

Town Marshal Heckman informed the Council that he had a \$2,074.50 quote from Lakeshore Ford for the vehicle with transmission and other problems. Councilman Hull made a motion that the Town accept the \$2,074.50 quote to repair the police department's SUV. Councilwoman Bozak seconded the motion. Councilwoman Biancardi – Aye,

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Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye.  
Councilwoman Scott – Aye. **Motion passed.**

Councilman Hull and Street Superintendent discussed the cause of the flooding in the Town Hall maintenance closet, speculating it was due to the air conditioning condensation drain pipe being clogged, and necessary repairs.

Fire Chief Arney informed the Council the Department has been busy, the ladder truck required repairs and was tested while at the shop. Rob Wesley will perform the Class B annual maintenance on the truck. Councilman Hull informed that donations can be accepted to help fund the town's ambulance service.

Sanitation Superintendent Arney informed the Council the Department has been busy with lift station call outs.

Councilwoman Bozak, on behalf of the Park Board, informed the Council the playground is open but the beach is closed due to high levels of Escherichia coli. The youth archery event is still scheduled to take place on July 18<sup>th</sup>, registration for the event is required. The damaged pole and some fencing were repaired.

The following purchase orders were presented for discussion: #2761 & 2762.

**Correspondence:**

IDEM – Title V Significant Source Modification for Ardagh Metal Beverage USA, Inc. Valparaiso  
IDEM – FESOP Minor Permit Revision – Walsh & Kelly, Inc. Valparaiso  
US EPA - NIPSCO Bailly facility correction action public participation period July 6<sup>th</sup> - August 19<sup>th</sup>

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

**Burns Harbor Scholarship Awards:**

Councilman Loving informed that due to the pandemic, the recipients and their families were not invited to receive their awards in person. 2020 scholarship awards of \$1,000.00 to assist with college expenses will be mailed to each of the following recipients: Mireya Barrientes, Quinlan Doolan, Spenser Doolan, Haven Dutro, Hailee Ellenwood, Meghan Hull, Addison Keiser, Justin Keiser, Sky Kelley, Madelynn Lessard, and Isabella Portugal.

**New Business:**

**Staff anniversary recognition:**

There were no employee anniversaries in July to recognize.

**Westport PUD application:**

Mike Micka, Partner, Vice-President Development Holladay Properties, explained that his company submitted the PUD application for the Westport Development. The PUD ordinance has gone through the Planning Commission process and has been sent to the Council with a favorable recommendation.

Councilman Loving asked if Global Engineering has approved the solution for the water issues?

Mr. Micka stated they and Adam Mash are, I don't know if they formally approved it, but it is being worked through and part of the primary plat as well. We are getting more of the engineering to the plat.

Councilman Hull made a motion that the Town adopts **Ordinance 296-2020 An Ordinance of the Town of Burns Harbor, Porter County, Indiana establishing a Planned Unit Development District on first reading.** Councilwoman Scott seconded the motion. Councilman Hull stated this has thoroughly been vetted at Plan and RDC and Plan. Made it multiple stages and multiple reviews. I believe everyone in here has had a chance or an opportunity to look at it, multiple times, have some input. The question I believe you had was about the water, yeah, we're good on that one. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye. Councilwoman Scott – Aye. **Ordinance 296-2020 passed on its first reading.**

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**1182 Salt Creek Road condemned under Indiana's unsafe building statute:**

Matter discussed earlier in meeting under department reports. The matter can be removed from the agenda.

**Employee handbook revision:**

Councilman Loving informed that the handbook revision contains changes to the FLMA language paid for by New Focus HR and the driver policy, adopted by the Council at their June meeting, was added which will be paid for by the Town.

Councilwoman Scott made a motion that the Town adopts the employee handbook revision. Councilwoman Roseann seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye. Councilwoman Scott – Aye. **Motion passed.**

Councilwoman Biancardi asked that the handbook revision acknowledgment form includes a description of the sections of the handbook that have been changed.

**Human Resources processed through Clerk-Treasurer's Office:**

Clerk-Treasurer Jordan requested that Council requires all prospective hires be directed to the Clerk-Treasurer's office for processing to make sure the Town is in compliance with all state and federal requirements and that all required paperwork is in order before that employee is placed on the work schedule.

Councilman Hull informed this is not to give the Clerk-Treasurer any hiring or firing. It is to have one central place for all HR processing paperwork.

After further discussion, Council consensus is that all human resource processing is done through the Clerk-Treasurer's office and new hires are not put on the work schedule until all local, state and federal requirements have been met and completed.

Fire Chief Arney requested a process for adding new volunteer firefighters as drivers.

**Other Business:**

**Reestablishing the Burns Harbor Economic Development Commission:**

Attorney Clay informed the Council that by town ordinance in 1989 the Economic Development Commission was established. In a Town Council meeting on April 12, 2012 there was discussion about dissolving the Board but, no resolution or ordinance to delete the provision in the Town Code was ever adopted. The Board remained a part of Town Code, it just was not active and no appointments were made. It is a three (3) person body, one (1) person appointed by the Town Council President, one (1) person by the Town Council, and one (1) person by Porter County Council. Based on discussion of various projects going on around town, it was suggested we have an active Economic Development Commission.

A resolution was presented to the Council that explained the history of the EDC and reestablishing the Body. It's a three (3) person Board; the Town Council President's appointee serves for three (3) years, the Town Council's appointment serves for two (2) years and the Porter County Council's appointment serves for one (1) year. Those terms run from February first after the original appointment. The one (1) year term would go until February 1, 2022, the two (2) year until 2023 and the Town Council President's three (3) year would be February 1, 2024.

Councilman Hull made a motion that the Town adopts **Resolution No. 2020-05 A Resolution of the Town Council of the Town of Burns Harbor Authorizing the Reestablishment of the Economic Development Commission**

**WHEREAS**, in July 1989, the Burns Harbor Town Council, through Ordinance 125, established the Burns Harbor Department of Economic Development to be controlled by the Burns Harbor Economic Development Commission; and

**WHEREAS**, in April 2012, the Burns Harbor Town Council voted to disband and/or dissolve the Burns Harbor Economic Development Commission until such time that the Town Council foresaw a need for it in the future; and

**WHEREAS**, such action was taken through a motion, discussion and voice vote at the April 2012 meeting of the Burns Harbor Town Council, and not through a formal repeal of Ordinance 125 or a Resolution regarding the same; and

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**WHEREAS**, Article II, Sections 2-8 through 2-11 establishing a Department of Economic Development, to be controlled by a commission known as the Burns Harbor Economic Development Commission, has remained a part of the Burns Harbor Town Code since July 1989; and

**WHEREAS**, the Burns Harbor Town Council recognizes the benefits and current need of an active Department of Economic Development and Economic Development Commission; 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 reestablish and reorganize the Burns Harbor Economic Development Commission.

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

1. The Burns Harbor Town Council hereby reestablishes the Burns Harbor Economic Development Commission.

2. The Clerk-Treasurer of the Town of Burns Harbor is directed to notify promptly the Town Council of the Town of Burns Harbor, the President thereof and the Porter County Council of the reestablishment of the Burns Harbor Economic Development Commission and of their duty to nominate, select and/or appoint members of the Burns Harbor Economic Development Commission.

3. The Burns Harbor Economic Development Commission shall meet to organize within thirty (30) days after appointment of its members upon call of the President of the Town Council of Burns Harbor and shall notify the Director of the Indiana Department of Commerce in writing of the re-formation of such commission within thirty (30) days of the organization meeting.

Councilwoman Biancardi seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak- Aye, Councilman Hull – Aye, Councilman Loving – Aye. Councilwoman Scott – Aye. **Resolution 2020-05 passed and was adopted.**

Appointments to the Board will be made at the August Council meeting.

Councilwoman Bozak asked if the appointments will be Council members or residents or if there are party affiliation requirements.

Attorney Patton stated the Town Code does not put a requirement that they be residents of the Town. After reviewing State Code, Attorney Patton informed the Council there was no resident requirement to serve on the Board.

**Approval to Pay Vouchers:**

Councilman Hull moved to approve vouchers 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.**

**Approval of June 2020 financial report:**

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

**Old Business:**

**COVID-19 Safety and Action Plan:**

Councilwoman Biancardi explained at last month's meeting the Building Department's office mentioned the necessity to be able to interact with people in person. Following that, we did put in place some precautions, requiring masks, temperatures be taken, and a visitors' log be kept. The response plan that is encouraged by the State is along the lines of what we're doing at the Building Department so, that our staff and visitors are aware of what's going on. The hope was that we would be in a different place on July fourth and things would open up.

Clerk-Treasurer Jordan expressed concerns of opening the Town Hall for business.

Councilwoman Scott reminded that we are still under a public health emergency until August third and we were closed until the public health emergency ended.

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Clerk-Treasurer Jordan indicated that if there is business that needs to be conducted and there is no other way to handle the matter, we need to be available to do that. That is what we are here for but, I would like to stay closed as much as possible.

Councilwoman Scott suggested that they have to schedule an appointment, they have to wear masks, they have to take temperature. They can do everything online or drop a payment in the payment box.

Councilwoman Biancardi informed that that is how the Building Department is operating. The door is always locked. The sign on the door says if you need assistance call or knock and the building clerk will triage the situation. If they need to come in, then there is a protocol in place. We are still under the health emergency so, we have to take precautions and having conversations with our staff in the event that we need to have visitors in the buildings. I think we are in a good place with technology so, we can continue to do business.

Councilman Hull reminded everyone of the telephone in the Town Hall foyer. Council requested instructions be placed next to the telephone in foyer so people can contact us while the offices are locked during the health emergency.

Clerk-Treasurer Jordan informed that some of the buildings she has entered since the health emergency has taken temperatures, closed off areas to visitors and turned off drinking fountains. We have not had anyone complaint that people were unable to conduct business with our department.

Councilwoman Biancardi expressed that if we decide to allow visitors that we take similar precautions as the Building Department, locking doors, limiting entry, appointment only, temperatures, masks, visitors' log.

Clerk-Treasurer Jordan expressed concern with the opening in the plexiglass between the public and our office is located right where people speak. The police department has an opening in the same location.

Town Marshal Heckman informed that no visitors are entering the building to conduct business with their department. Visitors are met outside.

Councilwoman Biancardi stated whatever they decide, it's just having that protocol in place so they know what to do. I think that is what the State encourages so your staff understands and the public knows when they come what the expectation is.

Councilman Loving directed Building Commission Wesley to have the plexiglass contractor look at the Police Department and Deputy Clerk's windows.

Councilman Hull asked if the Town needs a return to work policy for employees. With HIPAA, can we ask them to be tested for COVID before they return if they took a sick day?

Council discussed requirements of the County and other employers indicating that some are asking their employees to log temperature, where they have been, or if they have been exposed. Staff at the start of their shift, people who attend board meetings or enter the building to conduct business should have their temperature taken. The temperature should be under one hundred degrees to be admitted. If we need to try to get more supplies, we have grant money.

Councilwoman Biancardi made a motion that the Town staff takes their temperature, reports that it was taken, prior to beginning work and also that we follow protocol for visitors by appointment including masks, temperature, locked doors, limiting one visitor to the building at a time except for public meetings, closing off access to spaces indefinitely or at least until August twelfth when Council meets next. Councilwoman Bozak seconded the motion. Building commissioner Wesley asked if an employee has a temperature of one hundred or more, we send them home. Councilman Loving said yes. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed.**

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Council consensus is that the Police Department can continue to conduct business with their visitors outside.

Council discussed the purchase of a disinfectant sprayer. Councilwoman Biancardi made a motion that the Town purchases the disinfectant mister and three (3) cases of solution. Councilman Hull seconded the motion. Councilwoman Bozak asked it would be one (1) machine that would be shared by all departments and would that include the park. So, if someone were to rent out the arts and crafts building, we could use that too. Fire Chief Arney said I will create a sign out log, too, that way if it does go, we know where it is at. Councilman Hull asked who is going to maintain it. Fire Chief Arney stated we'll use it probably the most because of the ambulance right now but, we will have a log like we do with anything else we sign out. Councilman Hull said if the park needed it on the weekend, Pat's guys come down and spray or once a day they could go through and do all the buildings as part of their morning. Fire Chief Arney stated I am sure you are following the numbers. We are on an up climb in Porter County. Councilwoman Biancardi – Aye, Councilwoman Bozak- Aye, Councilman Hull – Aye, Councilman Loving – Aye. Councilwoman Scott – Aye. **Motion passed.**

Councilwoman Biancardi suggested that if the disinfectant has a long shelf life, we might want to order more than three (3) cases.

**Schedule budget meetings:**

Council confirmed budget meetings for August 17<sup>th</sup> and August 18<sup>th</sup> beginning at 6:00p.m.

**Crosswalk painting quotes:**

Councilwoman Scott informed the Council that the list of crosswalks consists of three (3) in Trailcreek, seventeen (17) in the Village in Burns Harbor, one (1) in Parkwood Estates, five (5) in Harbor Trails, and nine (9) in Corlin's Landing subdivisions.

Councilman Loving informed they selected locations based on high traffic areas around where we knew the bus stops to be. We only connected ADA sidewalk ramps to each other.

Council discussed bus stop locations in older subdivisions adding three (3) additional crosswalks to the list which will cost \$112.00 each crosswalk plus one mobilization fee of \$1,000.00.

Councilwoman Scott made a motion to approve up to forty (40) crosswalks to be painted this year. Councilwoman Bozak seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak- Aye, Councilman Hull – Aye, Councilman Loving – Aye. Councilwoman Scott – Aye. **Motion passed.**

**Speed Humps on town roads:**

Due to unforeseen circumstances, Attorney Patton requested the Council grant his office more time to review the matter.

**Schedule town rummage sale date:**

Council consensus was to cancel the town rummage sale this year due to the State of Emergency.

**Vehicle transfer agreement VIN 1GBJ6T1E4JV119368 Tow of Chesterton:**

Attorney Patton informed the Council he has reached out to the attorney for the Town of Chesterton and is still waiting to hear back.

**Shadyside Park status report:**

Councilwoman Scott informed the Council the Town is still waiting to hear back from ArcelorMittal about the property.

**Community Crossing Grant 2020 paving status report:**

Street Superintendent Melton informed the Council that all the roads are now paved. The shoulder work, seeding, cleanup and striping still needs to be completed. There is a water issue on Rak Road that still needs to be addressed as well.

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Clerk-Treasurer Jordan informed the Council that the State sent out a notice that the 2020 Community Crossing Grant second call scheduled for July has been postponed. The State will reevaluate the matter in September.

**LTAP Pavement Assessment Plan:**

Councilman Loving informed the Council that the Town's plan expires at the end of this year. The Plan is required to receive road grant funding from the State. Global Engineering charged the Town one hundred and forty (140) hours for the last plan they drafted.

Councilwoman Biancardi asked that Global Engineering submit a proposal of not to exceed number of hours.

Councilman Loving volunteered that he and Clerk-Treasurer Jordan would contact Global Engineering's Martin Bobcek to discuss the matter.

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

Burns Harbor resident Sarah Oudman of 321 Clifford Way thanked the police and fire for participating in the Village in Burns Harbor subdivision's Fourth of July parade.

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

There being no further business to discuss, the meeting concluded at 8:29 p.m.  
Approved at August 12, 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