

Burns Harbor Town Council
Regularly Scheduled Meeting
August 9, 2023

The Town Council of the Town of Burns Harbor, Porter County, Indiana met in its regularly scheduled session on Wednesday, August 9, 2023 in the Town Hall and streamed electronically with Zoom. The meeting was called to order by Council President Jennifer McHargue at 7:08 p.m.

The Pledge of Allegiance to the American Flag was recited.

Roll Call: Toni Biancardi ----- Present
Roseann Bozak ----- Present
Nicholas Loving ----- Present
Jennifer McHargue --- Present
Angella Scott ----- Present

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

Additional Officials Present Attorney Clay Patton, Town Marshal Jeremy McHargue, Fire Chief/Sanitary Superintendent William Arney, and Park Board Member Kylane Tumblin. Global Engineering Hesham Khalil was present via Zoom.

Approval of Minutes:

Councilwoman Scott made a motion to approve the meeting minutes of June 14, 2023. Councilman Loving seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Loving – Aye, Councilwoman McHargue – Aye, Councilwoman Scott – Aye. **Motion passed.**

Reports:

Clerk-Treasurer Jordan informed the Council that the NIRPC Executive Board adopted their 2050 plus Metropolitan Transportation Plan at their most recent meeting. The Plan can be found on NIRPC's website and in hardcopy form in the Clerk-Treasurer's office at Town Hall. City of Greenwood Mayor Myers as President of AIM has reappointed Clerk-Treasurer Jordan to the AIM Municipal Finance Policy Committee.

Attorney Patton informed the Council that he is in communications with representatives with Cleveland-Cliffs regarding the Oak Leaf Lane easement and is moving closer to getting that street dedicated to the Town.

Councilwoman Biancardi asked Global Engineering Hesham Khalil what is taking the road paving company so long to clean up and striping after the paving. Global Engineering Hesham Khalil explained that Old Porter Road was a full patch in some areas, but we found the street in better condition. Striping was not part of the quote it was patching only and striping Old Porter Road can be submitted in the next Community Crossing Matching Grant 2023-02. Further discussion took place pertaining to striping the roads that are less than the legal width of twenty-four feet wide and stop bars being painted.

Street Laborer Gucciardo informed the Council the department is doing the best they can with what they are capable of doing. Councilwoman Biancardi stated I agree. I appreciate you guys stepping up and taking care of stuff. I am thankful that Jeremy (Town Marshal McHargue) is there to help support you guys when you have questions.

Councilwoman Biancardi made a motion that the Town promotes Brandon Downey to Interim General Maintenance/Street Superintendent at the rate of pay of General Maintenance/Street Superintendent. Councilwoman Bozak seconded the motion. Councilwoman Biancardi stated I would be willing, I think Jeremy (Town Marshal McHargue) would, I asked to work alongside him and help him get on his feet and work through especially getting some fall employees, snowplowing and that kind of thing and anticipating if that goes well then possibly a recommendation to make it permanent later. Councilwoman Bozak asked did he do anything with the budgets? Town Marshal McHargue stated Brandon and I worked with Lori (GM/Building Clerk McCormick) on the budget. Obviously, it was the first time going through it and my seconded time. He was aware of what we were doing and why we were doing it. Answered a few questions through the process and he had input on certain things because him and Mike (GM/Street Laborer Gucciardo) are going to know more of what's going on with the equipment than I could guess from my chair. Yeah, he did have some input on it for sure. Clerk-Treasurer Jordan asked can I get some clarification from Toni? When do you anticipate this to take effect?

Burns Harbor Town Council
Regularly Scheduled Meeting
August 9, 2023

Councilwoman Biancardi stated tomorrow morning, August 10th. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Loving – Aye, Councilwoman McHargue – Aye, Councilwoman Scott – Aye. **Motion passed.**

Town Marshal McHargue informed the Council that he received Wayne James' resignation yesterday and asked who at the Town would accept the resignation? Attorney Patton stated I think the direct report is to you, so you receive it and accept a resignation unless you are going to talk someone out of resigning.

Town Marshal McHargue explained this puts me down a fulltime officer and requested approval to open the hiring process to replace that vacant position. Councilwoman Biancardi made a motion that Town begin the hiring process for a fulltime police officer. Councilwoman Scott seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Loving – Aye, Councilwoman McHargue – Abstain, Councilwoman Scott – Aye. **Motion passed.**

Fire Chief Arney informed the Council that he checked with Circle R Electric on the status of the town complex's new generator. Circle R Electric is waiting for a call back from the generator vendor to see where that sits.

Sanitary Superintendent Arney informed the Council that lift station number two took a power surge causing electrical components to need replaced. We are still waiting on parts and will order extra high importance parts to shelf for future needs. The sanitary camera needs repaired and the company wants us to ship the camera to them. I am waiting to talk to the Sanitary Board about delivering it and picking it up ourselves rather than paying to ship it to Wisconsin.

Park Board Member Kylane Tumblin informed the Council that on October 28th the Park will be holding their Fall Fest from 5:30p.m. to 8:30p.m.; Trunk-or-Treat will be from 5:30p.m. to 7:00p.m. Anyone interested in volunteering should reach out to Park Director Burton.

Councilwoman Bozak informed the Council that the Redevelopment Commission continues to work on sections of the Marquette Greenway Trail. The Board approved the purchase of water rescue equipment for the Police Department.

In absence of Shared Ethics Advisory Commission Representative Joan Stewart, Clerk-Treasurer Jordan summarized SEAC Representative Stewart's email. The 2023 Share Ethic's Summit will be held on October 24th. RSVPs deadline is October 13th. SEAC is updating their ethics training video and materials for municipal employees, and the candidate ethics pledge will be sent out in August.

Correspondence:

IDEM – Notice of Approval FESOP Administrative Amendment for Walsh & Kelly, Inc., Valparaiso
Refund request residential trash service

Councilwoman Biancardi made a motion that the Town approves the trash refund request for Cory McClanahan in the amount of \$108.44 contingent on the house sale closing date on or before August 31st. Councilwoman Bozak seconded the motion. Councilman Loving asked shouldn't that just be done as a credit during the closing process? The buyer would give them \$108 dollars as part of the real estate transaction. Attorney Patton stated I think what Nick is saying is we are going to have a new property owner and we are going to have to bill them. We don't have their information yet and we don't want hiccups in the service. Councilwoman Biancardi stated that is how we have done it with Sanitation. I suppose you could do it either way. It has been few and far between. It's not something we encounter often. Attorney Patton stated I think it's the paying in advance is why they are coming here. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Loving – Aye, Councilwoman McHargue – Aye, Councilwoman Scott – Aye. **Motion passed.**

Presentations, Resolutions, Ordinances and Remonstrance:

Burns Harbor scholarship awards:

Clerk-Treasurer Jordan announced that the 2023 scholarships were awarded to Ashley Adler, Trinity Allen, Natalie Arney, James Broviak, Adam Davis, Griffin Doolan, Spencer

Burns Harbor Town Council
Regularly Scheduled Meeting
August 9, 2023

Doolan, Justine Keiser, Troy McCormick, Sofia Portugal, and Shelly Jensen-Williams and that each received \$1,000.00.

Ordinance 315-2023 To Regulate Stormwater Discharge Quantity Erosion & Sediment Control and Stormwater Quality for all Development and Redevelopment Occurring within the Town of Burns Harbor:

Councilwoman Biancardi made a motion that the Town adopts Ordinance 315-2023 To Regulate Stormwater Discharge Quantity Erosion & Sediment Control and Stormwater Quality for all Development and Redevelopment Occurring within the Town of Burns Harbor on second reading. Councilwoman Scott seconded the motion. Clerk-Treasurer Jordan asked Attorney Patton to discuss with her the publication process of this lengthy ordinance outside the meeting. Attorney Patton stated I thought the law changed that it could be published online. Clerk-Treasurer Jordan stated I will look into that. I agree the law changed some, but I need to look at the law again. Attorney Patton stated I thought it went away. Obviously, we have the benefit here in Porter County of having a publication of general circulation, but there are some communities in some counties that don't have regular newspapers anymore. Because of that, I thought there was a change in the state law that permits things such as this to be published online in a form of some sort. Clerk-Treasurer Jordan stated I will look at it again to refresh my memory. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Loving – Aye, Councilwoman McHargue – Aye, Councilwoman Scott – Aye. **Ordinance 315-2023 passed and was adopted.**

Ordinance 318-2023 Amending the Text of the Motor Vehicles and Traffic Ordinance:

Councilman Loving made a motion that the Town adopts Ordinance 318-2023 Amending the Text of the Motor Vehicles and Traffic Ordinance on second reading. Councilwoman Scott seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Loving – Aye, Councilwoman McHargue – Abstain, Councilwoman Scott – Aye. **Ordinance 318-2023 passed and was adopted.**

Resolution 2023-13 Appropriations Transfer GM/Street Department:

Councilman Loving made a motion that the Town adopts Resolution 2023-13 Appropriation Transfer for the GM/Street Department. Councilwoman Scott seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Loving – Aye, Councilwoman McHargue – Aye, Councilwoman Scott – Aye. **Resolution 202-13 passed and was adopted.**

RESOLUTION 2023-13 TOWN OF BURNS HARBOR APPROPRIATIONS TRANSFER

BE IT HEREBY RESOLVED BY THE TOWN COUNCIL of the TOWN OF BURNS HARBOR, PORTER COUNTY, INDIANA that the following transfer of funds be made within the General Maintenance Department's 2023 budget:

\$ 5,000.00 from Superintendent Wages, 3-111
into Miscellaneous Services, 3-392.

Resolution 2023-14 Appropriations Transfer MVH Department:

Councilman Loving made a motion that the Town adopts Resolution 2023-14 Appropriation Transfer for the MVH Department. Councilwoman Scott seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Loving – Aye, Councilwoman McHargue – Aye, Councilwoman Scott – Aye. **Resolution 2023-14 passed and was adopted.**

RESOLUTION 2023-14 TOWN OF BURNS HARBOR APPROPRIATIONS TRANSFER

BE IT HEREBY RESOLVED BY THE TOWN COUNCIL of the TOWN OF BURNS HARBOR, PORTER COUNTY, INDIANA that the following transfer of funds be made from the Motor Vehicle and Highway Department's 2023 budget:

\$ 4,000.00 from Other Materials, 6-237
into Rentals, 6-371.

Burns Harbor Town Council
Regularly Scheduled Meeting
August 9, 2023

New Business:

Staff anniversary recognition:

Council recognized and thanked Lori McCormick for her 22 years of service and Kenin Zolper for her 1 year of service to the Town.

Community Crossing Matching Grant 2023-01 crack seal contract:

Global Engineering Hesham Khalil informed the Council that the Town received a quote from ABC Asphalt in the amount of \$40,500. The Town would be responsible for the additional \$900 over the grant amount.

Councilman Loving made a motion that the Town authorizes Council President McHargue to sign the Notice of Award letter, the ABC Asphalt contract and the itemized proposal for the crack sealing project. Councilwoman Scott seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Loving – Aye, Councilwoman McHargue – Aye, Councilwoman Scott – Aye. **Motion passed.**

Community Crossing Matching Grant 2022-02 paving invoice:

Councilwoman Biancardi made a motion that the Town pays the Rieth-Riley Construction paving invoice in the amount \$870,728.75. Councilman Loving seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Loving – Aye, Councilwoman McHargue – Aye, Councilwoman Scott – Aye. **Motion passed.**

Schedule 2024 budget workshop meetings:

Council consensus was to hold a budget meeting on Thursday, August 17th beginning at 5:30p.m.

IWorkQ maintenance software invoice:

Town Marshal McHargue explained there is an invoice for IWorkQ software that the Town used that has been shutoff for non-payment because there was a choice made not to continue use the software. Whether or not the contract was properly terminated and whether or not we are obligated to continue to pay for the past two years that we didn't use it are in question.

Attorney Patton asked if the Town has been receiving bills.

Clerk-Treasurer Jordan stated an email was forwarded from Scott Jardine on June 23rd indicating that a contract had been signed and according to the contract a sixty-day written notice would need to be submitted to terminate the contract. As Jeremy stated, the person that would know the most about this matter is no longer with the Town.

Further discussion took place on the contract terms, whether the contract automatically renews, who knew of the contract, whether to send contract termination notice, if the contract is a valid contract, the fact that the Town employees have not had the ability to use the software after the software renewal date possibly due to nonpayment, and who in Town has the authority to sign financial contracts obligating the Town.

Attorney Patton was asked to review the contract to see what the Town is obligated to pay and if it is a valid contract that would require the Town to send written notice of its termination.

Street sweeper rental agreement status:

Town Marshal McHargue informed that the Town has all the information on the equipment that we will need. He will work with Clerk-Treasurer Jordan to get an insurance certificate and move forward with scheduling a date to rent the equipment for a week. The company will deliver the equipment, train the guys on how to use it and then pick the equipment up once the rental is complete.

June property tax distribution:

Clerk-Treasurer Jordan informed the Council that the Town received their distribution on June 20th which was fifty point eight one nine five percent (50.8195%) of this year's total distribution. The Town received \$136,434 in tax abatement fees all of which was from Cleveland-Cliffs' abatements. The Town will receive its second distribution sometime in December.

Burns Harbor Town Council
Regularly Scheduled Meeting
August 9, 2023

Approval of June 2023 financial report:

Councilwoman Bozak made a motion to approve the June 2023 financial report.
Councilman Loving seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak- Aye, Councilman Loving – Aye, Councilwoman McHargue – Aye, Councilwoman Scott – Aye. **Motion passed.**

Approval of July 2023 financial report:

Councilwoman Scott made a motion to approve the July 2023 financial report.
Councilman Loving seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak- Aye, Councilman Loving – Aye, Councilwoman McHargue – Aye, Councilwoman Scott – Aye. **Motion passed.**

Approval to pay vouchers with 3 or more signatures:

Councilwoman Scott moved to approve vouchers with three or more signatures.
Councilman Loving seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak- Aye, Councilman Loving – Aye, Councilwoman McHargue – Abstain, Councilwoman Scott – Aye. **Motion passed.**

Approval of purchase orders submitted with 3 or more signatures:

The following purchase orders were presented for discussion: 3100, 3101, 3115 & 3117.

Councilwoman Scott made a motion to approve all purchase orders submitted to the Council with three or more signatures. Councilman Loving seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak- Aye, Councilman Loving – Aye, Councilwoman McHargue – Abstain, Councilwoman Scott – Aye. **Motion passed.**

Old Business:

CF-1 statement reviews for 2023 pay 2024 abatement:

Attorney Patton explained he forwarded to the Council and the Clerk-Treasurer the email he received from Attorney Jon Schmaltz, attorney for 347 Melton, LLC (MasterLink). They are acknowledging that they did not meet the requirements for the tax abatement and asked this to be pulled off the agenda. And understands as a result, the application is denied and there are no further deductions on this particular tax abatement going forward. He indicated that Mr. Slater is extremely appreciative of Town support and encouragement over the last several years and that the business continues to operate at its existing location and will hopefully continue to operate in the Town of Burns Harbor for years to come.

Attorney Patton stated Jane (Clerk-Treasurer Jordan), I am not sure if there is anything you feel the Council needs to do to move forward and let the officials at the County know that the tax abatement the benefits to this property owner should not continue moving forward.

Clerk-Treasurer Jordan stated the form CF-1 had a date for a public hearing. Since we are not having a public hearing can we discuss what needs to be done on that form and send that in?

Attorney Patton stated or talk to the folks at the County and let them know maybe even forward the communications from the attorney to let them know that essentially, they are not contesting the Council's decision from May or June.

Clerk-Treasurer Jordan stated I'll contact the Assessors and see what they need.

Sanitary Board Membership:

Attorney Patton stated that is still something that is on my to do list.

Building Department ice and water damage:

Town Marshal McHargue informed the Council that the walls were opened up in the building department office by the GM/Street Department and the surfaces were treated for mold. They are going to work on preparing an estimate and timeline to do the repairs. It seems to be something we will handle inhouse.

Employee application recommendation:

Clerk-Treasurer Jordan informed the Council that New Focus HR reviewed the two applications, the one we currently use for the town employees and one for the volunteer

Burns Harbor Town Council
Regularly Scheduled Meeting
August 9, 2023

firefighters. We also indicated we use an abbreviated version for the park teen employees. New Focus HR recommendations some language changes on the Town application and encouraged us to use the same application for everyone, doing away with the abbreviated one for that Park. We are making those recommended changes and suggest that any other applications stop being used if that is the desire of the Council.

Pre-employment background check policy:

Town Marshal McHargue informed the Council we have had a few discussions this past month, but recent developments have outweighed everything else.

Clerk-Treasurer Jordan informed the Council we have put together a draft offer letter that gives the prospective hire an idea of what our expectation are and what they can expect.

EMS Budget:

Councilwoman McHargue stated we are out of funds again. Did anyone come up with any suggestions?

Councilman Loving stated I made the motion to go through August first because I thought we were going to have the budget meetings by now and we would know exactly what we were going to do for next year. I guess the question is, how do we get from here to there. We just need to figure out what we are going to do for next year that is when we do budgets.

Councilwoman McHargue stated I don't think we will find enough. Eventually, we will be in the same spot. That wouldn't be a solution. I think we need to come to a solution not just another Band-Aid.

Clerk-Treasurer Jordan stated I had authorization to pay the EMS staff their wages through August first. That date has come and gone and I believe the EMS staff are still working. Come next Wednesday when its payday, I will have no idea how to pay them. I cannot continue to pay them from a (Emergency Medical Services #2215) Fund that is still in the negative. The revenue stream coming in is so low that I don't anticipate the Fund being in the black even in October like we initially thought or hoped it would be. So, by December 31st, if the Fund is still in the red, the Council is going to have to make a decision on how to put it into the black. It cannot cross the yearend in the red. If that means borrowing money from the Rainy Day Fund, like we do some of our grant funds that are reimbursable, the longest the State would allow you to borrow those funds would be June 30, 2024 by state statute.

Councilwoman McHargue asked what are we in the negative right now, do you know?

Clerk-Treasurer Jordan stated as of July 31st, negative \$18,106.62 that has to be back to zero by December 31st.

Councilwoman Biancardi stated number one, these people need to be paid next week so, where are we going to pay them?

Councilman Loving stated out of what account do we pay them? That is the question now.

Councilwoman McHargue stated we have been paying them out of CEDIT correct?

Clerk-Treasurer Jordan stated that is correct.

Councilwoman McHargue stated I feel like there is really no permanent solution nobody's come up with even for me.

Councilwoman McHargue passed the gavel to Vice-President Bozak.

Councilwoman McHargue stated it's with a heavy heart I would make the motion to shut down the ambulance service. We are unable to maintain funding. Attorney Patton stated what date? Councilwoman McHargue stated how much time? Fire Chief Arney stated you tell me when, I already prepared for it. Councilwoman McHargue stated what is the end of the first payroll in September, I guess? Clerk-Treasurer Jordan stated the next payroll period ends August 15th, then August 29th, then September 12th, and then September 26th.

Burns Harbor Town Council
Regularly Scheduled Meeting
August 9, 2023

Councilwoman McHargue stated so through September 12th could we continue using CEDIT Funds (#4436) to get through the closing of the EMS service? That's my motion.

Fire Chief Arney stated so September 12th would be the last day of operations?

Councilwoman McHargue stated yes.

Attorney Patton stated there is a motion on the floor.

Councilwoman McHargue stated I don't know what else to do. This was long before me a problem.

Attorney Patton stated the motion needs a second for discussion.

Councilman Loving stated I'll second for discussion. I've got nothing to say. It's a tragedy.

Councilwoman McHargue stated it is. This is not something I wanted, but I don't understand we can cut peoples' budgets, but it's not going to be a solution. I don't know how else to solve this problem.

Councilwoman Bozak stated any more discussions on it? I don't know what more to discuss. Unless the ceiling opens up and all kinds of money falls out. We have had many people who have taken many opportunities to look and find and here we all sit staring at each other because nobody knows what to do.

Councilwoman Biancardi stated I guess an operational question is, what happens to the equipment and everything that we have? Do you continue to use it as a first responder?

Fire Chief Arney stated I can look to see if the truck would be beneficial for like a dive unit or something like that or sell it off. It is up to the Town. We can put it out like we have sold an apparatus before. We could auction it. I would say this is the second time I ever have tried EMS, so I would not say it would ever be successful at trying this again, so there would be no use to hang onto the ambulance other than if I could use it for another reason for like a dive truck or something like that for my dive unit. All the EMS equipment would be dispersed into my units for BLS response. It helps when we respond. We will do what we can do until an ambulance gets here. What I would suggest, for instance, the cot or something like that, the stair chair we keep. We could utilize that. Anyhow, the equipment we could use, we would keep and the other equipment we would sell.

Councilwoman Biancardi stated and then you would outfit your trucks for BLS and if there is a volunteer on duty, they would be a first responder?

Fire Chief Arney stated yes. That is what we do now anyway. Right now, as the ambulance is out at eight o'clock, that is what we're doing now anyhow. It is just a matter of if I have a volunteer or not. Through the daytime it's just me once they're gone. We've tried it. Done it. I most certainly appreciate the Council efforts in trying and the RDC as well. You can only bleed for so long before you're bled out. It is sad. It's very scary. You ain't got to talk to me, talk to any of the fire chiefs in the County right now. What is happening to our EMS services.

Councilwoman Biancardi – Aye, Councilwoman Bozak- Aye, Councilman Loving – Nay, Councilwoman McHargue – Aye, Councilwoman Scott – Nay. **Motion passed.**

Councilwoman McHargue stated I am really sorry.

Councilwoman Bozak returned the gavel to Councilwoman McHargue.

Good of the Order of the Community:

Councilman Loving reminded everyone that the scholarship program is valid for Burns Harbor residents of all ages attending trade schools, two-year or four-year degree colleges and universities, or continuing education. Please utilize the program.

Burns Harbor Town Council
Regularly Scheduled Meeting
August 9, 2023

Councilwoman McHargue apologized to the Burns Harbor residents for canceling the ambulance service because the Town cannot fund its operations. Fire Chief Arney thanked the Council for their efforts.

Clerk-Treasurer Jordan informed the Council that the Town received a message on Facebook asking the policy for collecting mushrooms along the trail. Councilwoman Bozak informed that no one can collect anything on National Lakeshore property and that a policy is being drafted.

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

There being no further business to discuss, the meeting concluded at 8:24 p.m.

Approved at September 13, 2023 meeting.

TOWN COUNCIL OF THE
TOWN OF BURNS HARBOR
Jennifer McHargue, President
Roseann Bozak, Vice-President
Toni Biancardi
Nicholas Loving
Angella Scott

ATTEST:
Jane M. Jordan, IAMC, MMC, ACPFA, CPFIM, CMO
Clerk-Treasurer