

Burns Harbor Town Council
Regular Meeting
August 11, 2021

The Town Council of the Town of Burns Harbor, Porter County, Indiana met in its regularly scheduled session on Wednesday, August 11, 2021 in the Town Hall and virtually with Zoom. The meeting was called to order by Council President Nicholas Loving at 7:00 p.m.

This meeting was made available to the public in accordance with Governor Holcomb's Executive Order 20-09. It was streamed using Zoom and Facebook.

The Pledge of Allegiance to the American Flag was recited.

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

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

Additional Officials Present: Attorney Clay Patton, Town Engineer Martin Bobcek, Fire Chief/Sanitation Superintendent William Arney, GM/Street Superintendent Robert Wesley, Building Commissioner Jack McGraw, and Town Marshal Mike Heckman.

Approval of Minutes:

Councilwoman Scott made a motion to approve the meeting minutes of July 14, 2021. Councilwoman Bozak seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed.**

Reports:

GM/Street Superintendent Wesley informed the Council the department's new truck is on the road but, still needs striped. The street garage has standing water issues and to correct the problem, it was suggested that the floor drain be extended. Quotes were obtained from Ken's Landscaping and Royko Concrete with the lower quote coming in at \$9,400. GM/Street Superintendent Wesley asked how he should handle winter trail maintenance; informing the Council that a pickup truck cannot turn around at the end. Councilman Hull directed Superintendent Wesley to install a gravel pad at the west end of the trail. Councilman Loving asked what will the truck do to the trail in the wintertime? Councilman Hull stated the only thing is don't plow the bridge with the snowplow. Other than that, you are fine; a regular pick-up truck will be okay. Councilman Loving recommended that GM/Street Superintendent get quotes for a gravel turnaround pad and bring them to his budget meeting. Fire Chief Arney asked if the purchase of a Kubota has been discussed for use on the trail, informing that there is a community outreach grant available from Cleveland-Cliffs that could be used to purchase one.

Building Commissioner McGraw informed the Council that the department will soon be performing mill inspections.

Town Marshal Heckman informed the Council that the bikes purchased by the Redevelopment Commission are in service.

Fire Chief Arney informed the Council that some of the firefighters just returned from FDIC training. The Department launched a drone project which, has two (2) certified pilots. Currently, the pilots are flying their personal drones but, the department hopes to purchase a town owned drone with flare in the future.

Sanitation Superintendent Arney informed the Council the department finished phase one and is now working on upgrading its pumps.

In absence of a park representative, Councilwoman Bozak informed the Council that the beach is open on the weekends until Labor Day, tentative date for Trunk-or-Treat is October 16th, and shelters and the arts and crafts building are available for rental.

Redevelopment Commissioner Hull informed that there was nothing to report.

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The following purchase orders were presented for discussion: #2846, 2861, 2862, 2863, 2871, 2872, 2873, & 2874.

Correspondence:

IDEM – Notice of Public Comment for PVS Technologies, Inc. Porter County
IDEM – Approval Title V Operating Permit Renewal for Powder Processing Technology, Valparaiso
IDEM – Approval Title V Significant Source Modification Minor PSD for Cleveland-Cliffs Burns Harbor

Presentations, Resolutions, Ordinances and Remonstrance:

Resolution 2021-07 Fire Department budget appropriation transfers:

Councilwoman Biancardi made a motion that the Town adopts **Resolution 2021-07 Town of Burns Harbor Appropriation 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 Fire Department's 2021 budgets:

Fire Department General Fund:

\$ 7,000.00 from Insurance, 4-342
\$2,500.00 into Travel Expenses, 4-131;
500.00 into Garage and Motor, 4-224;
2,500.00 into Other Supplies, 4-243;
1,500.00 into Instruction, 4-311.

Fire Non-Reverting Ambulance Fund:

\$ 4,500.00 from Insurance, 4-342
into Miscellaneous Services, 4-392.

Councilwoman Scott seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott - Aye. **Resolution 2021-07 passed and was adopted.**

Resolution 2021-08 Town Funds budget appropriation transfers:

Councilwoman Biancardi made a motion that the Town adopts **Resolution 2021-08 Town of Burns Harbor Appropriation 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 Town's 2021 budget:

Cumulative Capital Development (CCD) Fund:

\$ 36,175.00 from Miscellaneous Services, 4-392
\$ 10.00 into Land, 4-411;
36,165.00 into Other Equipment, 4-444.

County Economic Development Income Tax (CEDIT) Fund:

\$ 15,830.00 from Other Equipment, 4-444
into Miscellaneous Services, 4-392.

Councilwoman Bozak seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott - Aye. **Resolution 2021-08 passed and was adopted.**

Resolution 2021-09 Redevelopment Operation budget appropriation transfers:

Councilwoman Biancardi made a motion that the Town adopts **Resolution 2021-09 Town of Burns Harbor Appropriation 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 Redevelopment Commission's Operation Fund 2021 budget:

\$ 1,000.00 from Board Member Wages, 1-111;
400.00 from Stationary & Printing, 1-212;
408.00 from Office Supplies, 1-213;
149,000.00 from Miscellaneous Services, 1-392;
150,000.00 from Other Equipment, 1-444
\$278,680.00 into Part-time Paramedic Wages, 1-113;
750.00 into INDOT ERC Wages, 1-114;
17,326.00 into Social Security, 1-121;
4,052.00 into Medicare, 1-126

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Councilwoman Scott seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott - Aye. **Resolution 2021-09 passed and was adopted.**

Resolution 2021-10 Marshal Department budget appropriation transfers:
Councilwoman Bozak made a motion that the Town adopts **Resolution 2021-10 Town of Burns Harbor Appropriation 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 Marshal Department's 2021 budget:

- \$ 7,500.00 from Professional Liability, 2-125;
- 1,000.00 from Office Supplies, 2-213;
- 450.00 from Building Materials, 2-231;
- 4,280.00 from Insurance, 2-342;
- 500.00 from Building Repairs, 2-361;
- 1,000.00 from Promotion of Business, 2-396;
- 800.00 from Office Equipment, 2-443;
- \$ 3,000.00 into Other Supplies, 2-243;
- 430.00 into Freight, 2-321;
- 4,760.00 into Subscription & Dues, 2-391;
- 2,340.00 into Miscellaneous Services, 2-392;
- 5,000.00 into Other Equipment, 2-444.

Councilwoman Scott seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott - Aye. **Resolution 2021-10 passed and was adopted.**

Resolution 2021-11 General Maintenance Department budget appropriation transfers:

Councilwoman Bozak made a motion that the Town adopts **Resolution 2021-11 Town of Burns Harbor Appropriation 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 2021 budget:

- \$ 4,000.00 from Laborer wages, 3-112
into Part-time Clerk wages, 3-115.
- \$ 18,000.00 from Health insurance, 3-123
 - \$ 7,500.00 into Superintendent wages, 3-111;
 - 3,000.00 into Other garage & motor supplies, 3-224;
 - 500.00 into Bituminous blacktop, 3-235;
 - 2,000.00 into Repair parts, 3-236;
 - 1,000.00 into Other supplies, 3-243;
 - 3,000.00 into Miscellaneous Services, 3-392;
 - 1,000.00 into Office Equipment, 3-443.

Councilwoman Scott seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott - Aye. **Resolution 2021-11 passed and was adopted.**

Resolution 2021-12 Building Department budget appropriation transfers:

Councilwoman Bozak made a motion that the Town adopts **Resolution 2021-12 Town of Burns Harbor Appropriation 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 Building Department's 2021 budget:

- \$ 1,000.00 from Health insurance, 5-123
into Office equipment, 5-443.

Councilwoman Scott seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott - Aye. **Resolution 2021-12 passed and was adopted.**

Councilwoman Biancardi asked do we generally have this many transfers this time of year. Clerk-Treasurer Jordan explained it varies and with this being budget time, necessary transfers were brought to light. The situation with raises has caused a lot of these.

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New Business:

Staff anniversary recognition:

Council recognized the following employees' years of service that have August anniversary dates: Lori McCormick 20 years and Jose Reyes 2 years.

Ambulance service abatements:

None.

Review crack seal project bids for Community Crossing Grant funds:

Town Engineer Martin Bobcek informed the Council the only quote the Town received for the crack seal work was for \$111,770.81 from Diamond Coring which, was well beyond our project budget. The reason for the difference could be the contract time constraint or that it is a busy year for contractors in general. The Town has to sign a contract by September 29th and has one year from the date of the contract to use the funds or return them to the State.

Councilwoman Scott made a motion that the Town formally rejects the quote for crack sealing from Diamond Coring. Councilwoman Bozak seconded the motion.

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

Castle Street full reconstruction:

Town Engineer Martin Bobcek recommended to the Council that Castle Street be placed on the 2022 road reconstruction list. The road was resurfaced in 2018 but, needs subgrade treatment and reconstructed.

Councilman Loving read Martin Bobcek's July 19th email into the record.

Hello Burns Harbor Town Council,

I had a discussion with Street Superintendent Rob Wesley regarding Castle Street. This roadway was originally designed as a full reconstruction in summer 2018, but we were instructed to not close the roadway to limit resident frustration. As a result, a 2.5" structural surface asphalt course was installed in lieu of the full pavement cross section. There were some areas that were undercut with full-depth pavement that are settling differential to the rest of the roadway surface.

Because this work was not performed in accordance with the original design intent, it is not warrantied and the roadway still needs to be reconstructed. I think this would be a good candidate for the 2022-1 CCMG Application Call (January 2022 Call). Phasing the construction to one lane at a time would facilitate residential construction during the entire project. If this is acceptable to the Town, I would like to begin sending letters this Fall 2021 to alert them of the Spring/Summer 2022 construction.

Perhaps this would be something we could address at the next Council meeting.

Regards,

Martin Bobcek, PE

After discussion, Councilwoman Biancardi made a motion that the Town adds full reconstruction of Castle Street to their January 2022 Community Crossing Matching Grant call list. Councilman Hull seconded the motion. Clerk-Treasurer Jordan asked if Castle Street would be the only road the Town applies for in January 2022. Engineer Bobcek said he would go down the list, see what is left, and give recommendations for the remaining.

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

Ambulance service to Cleveland-Cliffs:

Councilman Loving informed the Council that the Town supplied a list to Cleveland-Cliffs' government affairs department of all the instances where the town ambulance service was either put on call or called into direct service at the mill. We are awaiting their response.

Shadyside Park land update:

Councilman Loving informed the Council the matter has been discussed with Cleveland-Cliffs' government affairs department and they are working on it.

Town picnic donation:

Councilwoman Bozak made a motion to donate \$1,000.00 to the Burns Harbor Picnic Committee for the 2021 town picnic. Councilwoman Scott seconded the motion.

Councilman Hull asked if a thousand dollars would be enough. Councilwoman Biancardi

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stated it takes about \$1,200 to \$1,800 depending on entertainment and food. A big chunk of that are the postcards that are mailed. We did not have it in 2020. Generally, the Picnic Committee will solicit donations from our local businesses. They are extremely generous. We haven't done that for a few years. We are in a position now, to ramp that back up next year so, this donation would help with this year. It will be August 29th 1:00 p.m. – 3:00 p.m. in Lakeland Park with live music. Councilwoman Biancardi – Aye, Councilwoman Bozak- Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed.**

Approve revisions to handbook:

Councilwoman Biancardi made a motion to approve the changes to the employee handbook. Councilwoman Bozak seconded the motion. Councilman Loving stated just for clarification these were changes and clarifications made by the Council at their May meeting. Councilwoman Biancardi – Aye, Councilwoman Bozak- Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed.**

Mosquito fogging:

After discussion of cost, number of 2021 applications, and effectiveness of fogging, no motion was made to fog for mosquitos.

Approval to Pay Vouchers:

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

Approval of July 2021 financial report:

Councilwoman Scott made a motion to approve the July 2021 financial report. Councilwoman Bozak seconded the motion. Councilwoman Biancardi asked if there were any outstanding encumbrances. Clerk-Treasurer Jordan informed that the only outstanding encumbrance was the Park's John Deer gator. Councilwoman Biancardi – Aye, Councilwoman Bozak- Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed.**

Old Business:

INDOT Town road inventory update status report:

Town Engineer Bobcek informed the Council that the firm is developing the legal description for the road right-of-way easement of Oak Leaf Land. Once completed, they will send it to Attorney Patton to draft an easement agreement.

COVID-19 State of Emergency protocols:

Councilman Loving informed that the Governor's order has been extended to August 30th.

Council consensus was to continue current town protocols.

Waiving waste water late fees due to State Health Emergency:

Councilwoman Biancardi informed the Council that the Sanitary Board has gone month by month looking towards the Governor's health emergency to determine whether to extend the waiving of late fees. At the last Sanitary Board meeting, the Board moved to continue waiving those fees until the health emergency has ended. If we affirm that tonight, as Sanitary Board President, I would communicate to you once charging of fees commences.

Councilwoman Bozak asked are there a lot of people behind.

Councilwoman Biancardi stated no, normal.

Attorney Patton informed the Council in regards to the state of emergency protocols, the Governor can only renew for thirty days so, I expect sometime during the last two days of August it will likely be renewed for the month of September. That continues to allow us to meet remotely, for Councilman Hull to be on Zoom and not have to follow the newly adopted electronic meeting resolution policy.

Councilwoman Biancardi made a motion to affirm the waiving of sanitary late fees for the duration of the state health emergency. Councilwoman Bozak seconded the motion.

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

Rainbow Community Mobile Home Park condemned under Indiana’s unsafe building statute:

Building Commissioner McGraw informed the Council there was no report at this time.

Instate trash service fee:

Councilman Loving informed the Council that due to the fluctuations in the trash and recycling market, the Town’s current service provider does not want to quote the contract until the last possible moment. Councilman Loving will contact other vendors.

Good of the Order of the Community:

Building Commissioner McGraw introduced representatives from CIT who are working with the Board of Zoning Appeals to move to Burns Harbor.

Fire Chief Arney informed the Council that Tech Drive it in such bad repair that it is unsafe for emergency vehicles to drive down it. Council directed the Building Department to send a copy of the last letter sent to the Property Owners’ Association on this matter to Attorney Patton for his review before sending a similar letter to the POA requesting that they make road improvements.

Fire Chief Arney thanked the Street Department for assisting the Stormwater Department with storm drain repairs.

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 7:57 p.m.

Approved at September 8, 2021 meeting.

TOWN COUNCIL OF THE
TOWN OF BURNS HARBOR

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