

TOWN COUNCIL MEETING  
September 28, 2020  
7:00 p.m.

I. CALL TO ORDER & PLEDGE OF ALLEGIANCE

President S. Darnell called the meeting to order at 7:00 p.m.

II. ROLL CALL

Roll was called by Clerk-Treasurer C. Udvard; present were Council Member J. Ton, Council Member D. Lafata, Council Member S. Darnell, Council Member J. Fisher, and Council Member L. Kittredge.

III. APPROVAL OF MINUTES

Council Member D. Lafata made the motion to approve the minutes of the September 14, 2020 meeting; motion seconded by Council Member J. Fisher; motion approved by unanimous voice vote.

IV. CONSIDERATION OF CLAIMS

Council Member D. Lafata made the motion to approve the claims as presented, motion seconded by Council Member J. Ton, motion approved by unanimous voice vote.

V. PETITIONS AND COMMENTS FROM THE FLOOR

**Vacate a Right of Way**—401 S. 10<sup>th</sup> St.—Kelly Foster of 401 S. 10<sup>th</sup> St. stated she has come before the council with intentions of building a semi-permanent fence on her property. The fence is in existence and is currently built in the Town right of way. A building permit denial letter from the Town of Chesterton was issued on September 15, 2020. This letter states that the fence permit application has been denied because the application drawing showed the fence being installed on Town right of way, outside the legal property description. The Town of Chesterton has a total of 66 feet public right of way along Lincoln Avenue. Thirty-three feet north and south of the centerline is all owned by the Town of Chesterton. The front of the house at this property is only 12.3 feet south of the north property line. A fence cannot be installed more than 12.3 feet north of the house. Furthermore, the letter stated that the homeowner needed to remove the posts and fence installed without permit within the next 10 days of the letter. The homeowners have the right to appeal this decision through the BZA, next meeting date October 22<sup>nd</sup>, 2020.

**Dennis Maxwell** - 401 S. 10<sup>th</sup> St.—Dennis Maxwell presented pictures of gas lines, electric, and storm sewer on this property. He stated he put the above mentioned fence in after not getting any denials on his permit request and that the fence was meant to contain his service dog. Council Member J. Ton mentioned concern that vacating a right of way in this situation could set a precedent. Town Attorney Parkinson said ordinarily this type of issue is set for public hearing. The statute requires a public hearing and certain findings to be made. The homeowners would be required to prove that the vacation would not hinder the use of the public way. In the meantime, the fence was ordered to be taken down via letter from the building department on September 15, 2020. Council Member J. Fisher said she was sympathetic to the homeowner’s situation and that she is in the position to deny the petition to vacate the right of way. The application for the building permit was submitted on July 9, 2020. Within a week, property owners were informed via voicemail that this project was located in the Town right of way. Town Code states that accessory structures are not to be placed within the right of way.

**Maura Durham- Duneland Chamber of Commerce - Corkscrew & Brew** - Maura Durham discussed the new date for this event was being set to November 7, 2020. Durham asked for permission to update their contract regarding hours of operation for the event (change from 9am-6pm to 9am-7pm). The flow and floor plan would be the same. Durham has discussed the plans with Police Chief Cincoski and the Porter County Health Department. Durham said they have volunteers and security set in place to uphold plans for the event. Town Attorney Parkinson would review the layout and contracts on file. Council Member J. Ton made the motion to approve the additional hour of operation for Corkscrew & Brew (from 9am to 7pm vs. 9am to 6pm), motion seconded by Council Member L. Kittredge, motion approved by unanimous voice vote.

**Becky Lombardini**—1105 Dune Meadows Dr.—Lombardini stated she is running for the Porter County Commissioner position in the upcoming election and said she was here to listen to any comments or concerns moving forward.

## VI. REPORTS FROM OFFICIALS & DEPARTMENT HEADS

**A. Police**—Police Chief D. Cincoski stated that whether or not the Town will hold trick or treat hours this year will be determined at the October 8, 2020 Police Commission meeting. Chief Cincoski also stated that the CDC recommends not holding trick or treat this year. He asked if Council has any strong opinion on the matter, to please make him aware.

**B. Fire** – Fire Chief J. Jarka talked about the accident that occurred involving one of the Town’s fire engines. Chief Jarka said everyone is doing fine and that all employees are doing well. Plenty of people reached out, including the Mayor of Valparaiso & Valparaiso Fire Chief, to offer assistance. Fire protection will not be effected in any way. Chesterton Police and Street Departments were of great assistance in helping with the accident.

**C. Clerk Treasurer—NO REPORT**

**D. Streets, Sanitation, & Central Service** —Street Commissioner J. Schnadenberg asked the Council to declare the following as surplus: a 2006 Chevy Impala, a Snow X Salt Spreader V-MAX 7550, a Swenson V Box Salt Spreader, a 2007 Dodge Charger, & a 1998 Vermeer 1800 Turbo Brush Chipper. Council Member L. Kittredge made the motion to approve declaring the above-mentioned list surplus, motion seconded by Council Member D. Lafata, motion approved by unanimous voice vote. In regard to this, Commissioner Schnadenberg suggested staging the vehicles at a car lot instead of an auction (due to pandemic), and then accepting sealed bids for purchases. Council Member J. Ton made the motion to approve this process, motion seconded by Council Member J. Fisher, motion approved by unanimous voice vote. Commissioner Schnadenberg discussed the Calumet Avenue. Paving project. NIPSCO is still completing their gas line project, so paving had to be postponed. The Town’s next and final try for milling and paving this area this year will be on October 12, 2020.

**E. Engineering**—Town Engineer Mark O’Dell spoke about the emergency vehicle preemption funding application through NIRPC. Engineer O’Dell said he and Fire Chief Jarka have been working with Robinson Engineering on specifics for this application. MOUs from other agencies are needed to move forward. The application is due October 25, 2020. Council Member D. Lafata made the motion to allow this process to proceed, motion seconded by Council Member J. Fisher, motion approved by unanimous voice vote. Engineer O’Dell said the best-case scenario, funding could be provided at an 90/10 rate, worst case 80/20.

**F. Building** —Building Commissioner Mark O’Dell thanked everyone for their time discussing the vacation of right of way. Commissioner O’Dell said his staff tries to do everything they can to work through projects with residents. He reported that Dollar General is working on their footings. Aldi has plans under review currently.

**G. Park- NO REPORT**

**H. Attorney—NO REPORT**

**I. Utilities—NO REPORT**

**J. Town Manager—NO REPORT**

VII. PUBLIC HEARINGS, BID OPENINGS, & REMONSTRANCES

NONE

VIII. ORDINANCES AND/OR RESOLUTIONS

**Ordinance 2020-12—Amending a Planned Unit Development District- Easton Park--** Town Attorney Parkinson explained that this ordinance is an ordinance amending the PUD which was forwarded to the Town Council from the Plan Commission with a favorable vote 7-0. This ordinance re-numbers some lots and makes a change to the definition of lot coverage. Council Member J. Ton made the motion to approve the ordinance on first reading, motion seconded by

Council Member D. Lafata, motion approved by unanimous voice vote. Council Member J. Ton made the motion to suspend the rules, motion seconded by Council Member D. Lafata, motion approved by unanimous voice vote. Council Member D. Lafata made the motion to approve the ordinance on 2<sup>nd</sup> reading, motion seconded by Council Member J. Fisher, motion approved by unanimous voice vote. Kathy Harris was in attendance on behalf of Easton Park Developers.

**Ordinance 2020-13—Amending the Town Code—Town Manager—Town Attorney**

Parkinson explained that this ordinance makes certain changes to section 2-71 of the Chesterton Town Code concerning the powers and duties of the Town Manager description. This included adding and updating responsibilities. Council Member J. Fisher made the motion to approve the ordinance on first reading, motion seconded by Council Member J. Ton, motion approved by unanimous voice vote. Council Member D. Lafata made the motion to suspend the rules, motion seconded by Council Member L. Kittredge, motion approved by unanimous voice vote. Council Member J. Fisher made the motion to approve the ordinance on second reading, motion seconded by Council Member J. Ton, motion approved by unanimous voice vote.

**Ordinance 2020-14—Amending the Town Code—Park Hours—Town Attorney Parkinson**

explained that this ordinance came as a recommendation from the Park & Recreation Board. The ordinance puts specific times on opening and closing hours of operations versus the wording “dawn to dusk.” Council Member L. Kittredge made the motion to approve the ordinance on first reading, motion seconded by Council Member D. Lafata, motion approved by unanimous voice vote. Council Member J. Fisher made the motion to suspend the rules, motion seconded by Council Member J. Ton, motion approved by unanimous voice vote. Council Member J. Fisher made the motion to approve the ordinance on second reading, motion seconded by Council Member D. Lafata, motion approved by unanimous voice vote.

**Resolution 2020-08—Arbor Day—Town Attorney Parkinson**

explained that this Resolution designates the period from October 12-October 17 as urban forestry days, with October 16, 2020 being proclaimed as Arbor Day. Council Member L. Kittredge made the motion to approve the resolution, motion seconded by Council Member D. Lafata, motion approved by unanimous voice vote.

IX. COMMUNICATIONS

NONE

X. OLD BUSINESS

**Quiet Zone-** Town Manager B. Doyle said diagnostics are still being reviewed by the Federal Railroad Administration. Council Member J. Ton said the new project date is February 2021, which will put us ahead on the quiet crossing. Overhead lights (INDOT funded) would be

installed.

XI. NEW BUSINESS AND/OR UPDATES

**Memorandum of Understanding- Porter County 911 Upgrades**—Police Chief Cincoski said Porter County is upgrading their 911 system software for dispatch and records management. For Chesterton to stay on board with Porter, the Town will have to upgrade as well. Costs are based on 2010 Census population. MOU was about \$170,000. This can be broken down into \$18,000-\$19,000 a year with annual maintenance of \$12,000 a year. Most of this cost is for the purchase of the new system and information migration. This is over a 10 year cost program. Clerk Treasurer C. Udvard is working with Chief Cincoski on the budget for this. Council Member J. Ton made the motion to upgrade the Town’s system, motion seconded by council Member J. Fisher, motion approved by unanimous voice vote.

**New Liaisons**-Council Member L. Kittredge asked for approval to transfer street liaison from himself to Council Member D. Lafata. The Council approved this decision.

XII. COMMENTS FROM THE BOARD

Council Member S. Darnell:	No Comment
Council Member J. Fisher:	Council Member J. Fisher asked that our parks please be respected. There have been instances of recent vandalism.
Council Member L. Kittredge:	No Comment
Council Member J. Ton:	No Comment
Council Member D. Lafata:	No Comment

XIII. ADJOURNMENT

Council Member J. Fisher made the motion to adjourn; motion seconded by Council Member L. Kittredge; motion approved by unanimous voice vote.

ATTEST:

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COUNCIL PRESIDENT

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CLERK TREASURER C. UDVARE