

TOWN COUNCIL MEETING  
December 26,2018  
7:00 p.m.

I. CALL TO ORDER & PLEDGE OF ALLEGIANCE

President L. Kittredge called the meeting to order at 7:00 p.m.

II. ROLL CALL

Roll was called by Clerk-Treasurer S. Kuziela; present were Council Member J. Ton, Council Member L. Kittredge, Council Member D. Lafata, Council Member N. Cobbs, and Council Member E. DeLaney.

III. APPROVAL OF MINUTES

Council Member N. Cobbs made the motion to approve the minutes of the December 10, 2018 Council Meeting, seconded by Council Member J. Ton, motion approved by unanimous voice vote.

IV. CONSIDERATION OF CLAIMS

Council Member J. Ton made the motion to approve the claims as submitted, seconded by Council Member N. Cobbs, motion approved by unanimous voice vote.

V. PETITIONS AND COMMENTS FROM THE FLOOR

Council Member E. DeLaney stated, we are going to have comments from the public, but before we do that I want to read a statement, first of all I want to ask, how many people are in attendance this evening pertaining to the annexation on 1100, if I could see a show of hands. Ok we have a lot of business on our agenda tonight, so I want to make this statement; It needs to be understood that even if we were to annex this real estate tonight, it would not take affect until the year 2020 because of a quirk in Indiana law, a couple of heads are nodding, because it is a census year, they understand that. The proposed annexation agreement requires the property to come in under an R1 and any development that might take place would have to be pursuant to a P.U.D. (a Planned Unit Development), which is exactly how Stone Meadows came into town. Despite these requirements I see no reason to take action at this time because I believe everybodys' time would be much better spent working on a reasonable plan of development between all concerned parties, including interested environmental groups. Accordingly, I move that this annexation be tabled because it would not go into affect until the year 2020 and that the plan of development needs to be worked on. I would strongly advise the petitioner to meet with all concerned parties and not come back to Town until a reasonable plan of development has been arrived at. Motion seconded by Council Member J. Ton and he asked for a point of order, his point of order would be to move Ordinance 2018-25 to the present and ask for a roll call vote. Clerk-Treasurer called the roll; Council Member J. Ton – table, Council Member L. Kittredge – table, Council Member D. Lafata – table, Council Member N. Cobbs – table, Council Member E. DeLaney – table. Town Attorney Lukmann advised that the Ordinance is now tabled pursuant to the instructions

and requests that Council Member E. DeLaney made. Council Member J. Ton stated that he would like to make one more comment, once an Ordinance is tabled it takes a motion, and a second from one of the Council Members to take it off the table. It can not be taken off the table without a motion, a second, and a vote.

Ronald Zachara 2120 Pradera Trl. Chesterton – Mr. Zachara advised they have over 400 signatures on a petition against the P.U.D., they are not against the annexation, just the proposed development would not benefit anyone from Stone Meadows, Rose Hill, or any of the surrounding subdivisions.

William Stone 1451 Birdie Way – Mr. Stone stated the 400 signatures on the petition were against the P.U.D. not the annexation.

Evelyn Komenas 1087 N. Pearson Rd – Mrs. Komenas expressed concern over drainage issues this development would cause for her property which is adjacent to the proposed development. She stated that she already contends with issues cause by the Brassie Golf Course driving range, and balls hitting her home and damaging her property. She complained the decision about the golf course damaged her life in the front yard and this development would damage her life in the backyard. She also commented about drainage issues related to the development behind the post office because of problems and blockages in the Pope O'Connor Ditch.

Allan Hammond 1470 Maxmillian Dr. Chesterton – Mr. Hammond advised he has been receiving notices about this in his mailbox and asked those responsible for placing the notices in his mailbox to stop since it is a violation of Federal Law. He stated that he doesn't oppose the annexation, he advised the property is currently in County jurisdiction and he encourages people to support the annexation to increase the Town's tax base, and the Town Council would control the property development and take away the misinterpretation that the County doesn't care.

Mike Candiano 2101 Pradera Trl Chesterton – Mr. Candiano stated that he sent an email to the Council members with his concerns and position on the development and thanked the Council for the action they took tonight. He also stated that this was not just an issue for Stone Meadows, there are others in the community concerned about the proposed development.

Mary Jo Dolozinski 1888 Jacob Lane Chesterton – Mrs. Dolozinski enquired about how would anyone know if this Ordinance were taken off the table, and Council Member E. DeLaney advised prior to any decision it would be posted in the local media and the minutes are on the Town's website which also lists the Town Council's meeting dates and the agenda will also be available online.

Council Member J. Ton advised he has had conversations with Jim Jeselnick, the Primrose Circle group, and John Nekus and there are positive results coming from their discussions and the issue in no longer the problem with some that it had been.

Rob Such 1211 Woodland Dr. Chesterton – Mr. Such stated that 2 houses from his house they have the flag at half mast and upside down. He felt this person obviously doesn't realize this is a distress signal. Regarding the annexation and proposed development he asked if the owner and developer have been vetted by the Council and if so, what has been their success over the last 10-20 years. Council Member J. Ton advised the Council relays on the Plan Commission, once they get the P.U.D. to do their due diligence regarding the project. Council Member N. Cobbs advised this is just the first step, annexing land, a voluntary annexation. Mr. Such commented that if they were not annexed then they would have to approach the County for water, sewer and utilities. Council Member J. Ton stated they would be the governing body over the property. Mr. Such inquired if they could tap into Chesterton sewers and Council Member J. Ton advised

there are people not in Town limits that have tapped into Town sewer but that was for the Utility Sewer Board to review. Mr. Such was explained the process the Town staff uses to review the developers and the review of a project of this nature by all the department heads.

Dale Rhoton 2580 Bogey Blvd. Chesterton – Mr. Rhoton stated that if the Town annexed this property they would have control over the property and that is a good idea.

Jennifer Hanson 2600 Dogleg Dr. – Mrs. Hanson stated she was against the proposed commercial buildings.

Ashley and Steve Tolten 2009 Torino Dr. Chesterton – They advised they moved to Chesterton from Valparaiso in a residential neighborhood and signed the petition because they did not want a P.U.D. with commercial space.

Rick Foor 1195 Woodland Dr Chesterton – Mr. Foor stated he was against the annexation and hopes there was never another home built in Chesterton because we were losing the wooded areas. He also stated that he was the person flying the flag at half mast upside down because he felt this country was in distress. He advised he was a veteran of 27 years and felt that Mr. Such was trying to cause problems by inviting people to the neighborhood because of his flag.

Jerry Stephan 1511 Sandwedge Circle Chesterton – Mr. Stephan stated if this is tabled until 2020, it does not mean the county can move forward on it. He was advised that the county can do whatever they wish since this property is in their jurisdiction. Town Attorney Lukmann clarified that this annexation Ordinance is not necessarily tabled until 2020, however a development plan cannot be considered by the Plan Commission until 2020. Mr. Stone again asked about sewer connection since this is contiguous property to the Town and he was again explained that that would be determined by the Utility Service Board.

Anton Insurance – Jim Anton- presentation for renewal of property and casualty insurance and advised the cost increase would be approximately 3.56% due to changes within the Town and he recommended they remain with the current program. Council Member J. Ton made the motion to renew the insurance as recommended, motion seconded by Council Member D. Lafata, motion approved by unanimous voice vote.

## VI. REPORTS FROM OFFICIALS AND DEPARTMENT HEADS

A. POLICE - Chief Cincoski requested permission to begin the process for obtaining 3 new police vehicles with funds from the CCD Fund, and Clerk-Treasurer has advised there is ample money in the fund. Council Member J. Ton made the motion to grant permission to begin the process for obtaining 2 new police, vehicles, motion seconded by Council Member N. Cobbs, motion approved by unanimous voice vote.

B. FIRE - No Report

C. CLERK-TREASURER – Clerk-Treasurer S. Kuziela requested approval of the 2019 Holiday schedule, Council Member J. Ton made the motion to approve the 2019 Holiday Schedule, motion seconded by Council Member E. DeLaney, motion approved by unanimous voice vote. She also reported the additional appropriations the Council approved at the last meeting has been approved by the D.L.G.F. and at the next Council meeting she would have final transfer resolutions for the end of the year bills.

D. STREETS, SANITATION & CENTRAL SERVICES- Commissioner J. Schnadenberg reported that 4 of the 6 Community Crossing Projects are going to be let out for quotes and he requested that these quotes be opened at the January 14<sup>th</sup> Council meeting and that it be added to

the agenda for the 4 asphalt projects. Council Member N. Cobbs made the motion to open the quotes for the 4 Community Crossing Projects at the January 14<sup>th</sup> Council meeting, motion seconded by Council Member D. Lafata, motion approved by unanimous voice vote.

E. ENGINEERING – Absent.

F. BUILDING - Absent, Council Member J. Ton advised there is a request for waiver of permit fees for the Westchester Bird Sanctuary observation tower, and Building Commissioner M. O’Dell had no issue with granting the waiver. Council Member J. Ton made the motion to waive the building permit fees for the Westchester Bird Sanctuary observation tower, motion seconded by Council Member E. DeLaney, motion approved by unanimous voice vote.

G. PARK - No Report

H. ATTORNEY - No Report

I. UTILITIES - No Report

J. TOWN MANAGER- No Report

K. NIRPC REPORT - Council Member J. Ton reported no NIRPC meeting in December

## VII. PUBLIC HEARINGS, BID OPENINGS AND REMONSTRANCES

NONE

## VIII. ORDINANCES AND/OR RESOLUTIONS

ORDINANCE 2018-22 – An Ordinance of the Chesterton Town Council Establishing and Redesignating Certain Funds Maintained by the Town of Chesterton Department of Storm Water Management – Council Member J. Ton made the motion to approve Ordinance on 1<sup>st</sup> 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 N. Cobbs made the motion to approve the Ordinance on 2<sup>nd</sup> Reading, motion seconded by Council Member E. DeLaney, motion approved by unanimous voice vote.

ORDINANCE 2018-23 – An Ordinance of the Chesterton Town Council Establishing a Fund for Fire Department Hazardous Materials Clean-up Charges - Council Member E. DeLaney made the motion to approve the Ordinance on 1<sup>st</sup> Reading, motion seconded by Council Member N. Cobb, motion approved by unanimous voice vote. Council Member N. Cobbs made the motion to suspend the rules, motion seconded by Council Member E. DeLaney, motion approved by unanimous voice vote. Council Member J. Ton made the motion to approve the Ordinance on 2<sup>nd</sup> Reading, motion seconded by Council Member D. Lafata, motion approved by unanimous voice vote.

ORDINANCE 2018-24 – An Ordinance of the Chesterton Town Council Authorizing Employment of Certain Town Employees and Determining the Compensation Thereof – (2019 Salary Ordinance) – Council Member D. Lafata made the motion to approve the Ordinance on 1<sup>st</sup> Reading, motion seconded by Council Member E. DeLaney, motion approved by unanimous voice vote. Council Member D. Lafata made the motion to suspend the rules, motion seconded by Council Member E. DeLaney, motion approved by unanimous voice vote. Council Member

N. Cobbs made the motion to approve the Ordinance on 2<sup>nd</sup> Reading, motion seconded by Council Member E. DeLaney, motion approved by unanimous voice vote.

IX. COMMUNICATIONS

NONE

X. OLD BUSINESS

NONE

NEW BUSINESS

Yearly Compost Agreement – Town Attorney Lukmann presented the yearly compost agreement between the Town and the Porter County Recycling and Waste Reduction for the Crocker site. Council Member J. Ton made the motion to approve the agreement, motion seconded by Council Member N. Cobbs, motion approved by unanimous voice vote.

Firefighters 4600 Contract – Town Attorney Lukmann advised there was a successful meet and confer session and the contract is ready for Town’s approval. Council Member E. DeLaney made the motion to approve the contract, motion seconded by Council Member N. Cobbs, motion approved by unanimous voice vote.

Redevelopment Appointments – Council Member E. DeLaney made the motion for Council Member N. Cobbs to be Town Council President for 2019, and Council Member D. Lafata to serve as Vice President, motion seconded by Council Member J. Ton, motion approved by unanimous voice vote.

Council President L. Kittredge passed the gavel to Council Member N. Cobbs so he could make Presidential appointments to the Redevelopment Commission. Council President select N. Cobbs appointed Nicholas Walding, Emerson DeLaney, and Dane Lafata to the Redevelopment Commission. Council Member L. Kittredge made the motion to appoint Lynda Schoberth and Jeff Trout to the Redevelopment Commission and the Town Council’s appointments, motion seconded by Council Member J. Ton, motion approved by unanimous voice vote.

Council President select N. Cobbs commented there were many persons who applied for the various boards and commissions, some may be made tonight, however other may have to wait until the January 14, 2019 meeting. Council Member N. Cobbs appointed James Ton as the Presidential appointment to the C.E.D.C. Council Member E. DeLaney made the motion to appoint Richard Riley as the Town Council’s appointment to the C.E.D.C. , motion seconded by Council Member D. Lafata, motion approved by unanimous voice vote.

Council Member N. Cobbs appointed Thomas Kopko as the Presidential appointment to the Storm Water Board.

Council Member D. Lafata made the motion to retain the current members to the Tax Abatement Board, motion seconded by Council Member J. Ton, motion approved by unanimous voice vote. Council Member N. Cobbs appointed John Schnadenberg as the Presidential appointment to the Utility Service Board.

By consensus the Council advised the remaining appointments can be addressed at the January 14, 2019 Council meeting. They also advised the interviews which will be 15 minutes for each

applicant and would begin at 5:15 p.m on January 14, 2019. Council Member J. Ton made the motion to reappoint all the department heads for 2019, motion seconded by Council Member L. Kittredge, motion approved by unanimous voice vote.

Council Member E. DeLaney advised the Kim Goldak, a member of the Board of Zoning Appeals, would be unable to attend several meetings because of personal reasons and they can appoint a temporary alternate for this time period. Council Member E. DeLaney made the motion to temporarily appoint Rob Corder to the Board of Zoning Appeals in Mrs. Goldak’s place, motion seconded by Council Member J. Ton, motion approved by unanimous voice vote.

XII. COMMENTS FROM THE BOARD

Council Member E. DeLaney: Council Member E. DeLaney thanked Council Member L. Kittredge for his service as Council President.

Council Member N. Cobbs: Council Member N. Cobbs also thanked Council Member L. Kittredge for his service as President. He also thanked all the persons who attended this evening’s meeting and appreciated their input.

Council Member D. Lafata: No Comment

Council Member J. Ton: Council Member J. Ton thanked the people who attended tonight and wished everyone a Happy New Year.

Council Member L. Kittredge: Council Member L. Kittredge thanked the other Council Members for the opportunity to be Council President and wished everyone a Happy New Year.

XIII. ADJOURNMENT

Council Member E. DeLaney made the motion to adjourn, seconded by Council Member N. Cobbs, motion approved by unanimous voice vote. meeting adjourned.

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COUNCIL PRESIDENT

ATTEST:

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Clerk-Treasurer S. Kuziela