

**LOWELL TOWN COUNCIL
REGULAR MEETING
NOVEMBER 23, 2009**

The regular meeting of the Lowell Town Council was called to order on Monday, November 23, 2009 at 7:00 P.M. by President Philip Kuiper. The Pledge of Allegiance was recited and a moment of silence was observed. Clerk-Treasurer Judith Walters called the roll. Members present were President Phillip Kuiper Donald Huseman, Shane Tucker, John Alessia and David Gard. Also present were Town Attorney Greg Sobkowski, Director of Public Works Greg Shook, Town Administrator Susan Peterson, Director of Community Development Wilbur Cox, Police Chief John Shelhart, and three members of the media and eight interested citizens.

APPROVAL OF MINUTES

Councilman Gard made a motion to approve the minutes from the November 9th regular meeting, seconded by Councilman Tucker. The motion carried by voice vote.

APPROVAL OF VOUCHERS

Vice President Huseman stated that White Vouchers #2505-2578, Water Vouchers #2703-2732 and Waste Water Vouchers #3587-3607 were reviewed and recommended them for approval. Councilman Alessia made a motion to approve the vouchers as listed, seconded by Councilman Tucker. The motion carried by voice vote.

ORDINANCES & RESOLUTIONS

2nd Reading - Ordinance #2009-22- 2009-Amended Section 157.26 Downtown Historic District Map Councilman Tucker made a motion to adopt Ordinance #2009-22, 2009 Downtown Historic District Map, seconded by Councilman Alessia. Roll call vote carried with five eyes.

UNFINISHED BUSINESS

Lowell Public Works Department Update - Nothing was reported for any of the following items: WWTP JMOB Requests, Water Infrastructure Improvement Plan, East Side Sewer, Street/Sidewalks.

Morse Street Bridge - relocate water main and boring is finished and will start pulling the line soon.

Main Street Bridge - County is designing with sidewalks on both sides, the bridge can be opened for emergency vehicle only, will not allow pedestrian traffic. Fire Ambulance and Police are aware they can use Morse Street back entrance if needed

* Burr/Rt 2 Project - Approve Pay request #9 to DLZ - \$19,739.46 and forward to INDOT for 80% payment - \$15,791.57 Project will not be completed with year temporary paving and milling finished it is a lot smoother, paving and temporary markers will be done tomorrow. President Phillip Kuiper is not happy with the situation, this morning a crew from South Bend came and communication with INDOT, DLZ and Walsh & Kelly but no communication from Gariup. The Walsh & Kelly plant is closing Wednesday and they assured us they would not leave us, the situation is a lot better than was thought.

* Freedom Park - Little League Agreement was reviewed and Freedom Park Committee approved which was drafted by town attorney. Greg Shook, Tom Sullivan and Wilbur Cox met with Mr. Griesmer to discuss the agreement and the project, they are no longer using Turf Solutions and want to move forward, they have 34 acres for 25 years. Councilman Gard made a motion to accept, seconded by Councilman Alessia. The motion carried by voice vote.

Councilman Gard expressed that he is also unhappy with Gariup and the West Burr & SR 2 problem, its perception, this is a State project, untimely we as a town will suffer the questions as to why it took so long to start and is taking so long to finish. We should send a letter to Gariup because they are avoiding us, this is their fault, not ours, not Walsh & Kelly's. He would like the letter to strongly state that we would like someone with authority to come here and tell us why they dropped the ball. Also send a letter to the State telling them about our experience with Gariup and their unwillingness to communicate with us. They have not been working on Saturday's and they knew when the plant was closing, Walsh & Kelly agreed to finish, but Gariup refused to sign off. Everyone agreed to send the letter to Gariup.

Water Replacement Project - Approve Pay Request #6 to Underground Pipe & Valve - \$71,400.00 and forward to SRF/Indiana Finance Authority for payment. Councilman Tucker made a motion to approve Payment Request #6, seconded by Councilman Alessia. Roll call vote carried with five ayes.

Our insurance carrier is satisfied with the contract with Mavis, Councilman Guard made a motion to approve seconded by Councilman Alessia.

NEW BUSINESS

*Enter into annual agreement with St. Anthony Medical Center for Employee Assistance Program. Clerk Treasurer Judith Walters stated the (EAP) Agreement is no longer annual, it will automatically renew yearly unless we choose to cancel. Councilman Tucker made a motion to accept, seconded by Councilman Guard. Roll call vote carried with five ayes.

*Enter in proposal for grant writing for energy projects with Legacy Environmental Services

Carl Lisik from Legacy Environmental Services was present to discuss non profit work with organizations to become green and help apply and write no match grant thru State of Indiana that

will allow the Town to apply for lighting for up to \$100,000.00 and up to \$250,000.00 for energy, HVAC, doors, windows, motors. The object is to apply for two grants that are due on 12/7/2009, there is another opportunity next quarter if not successful. Other future grants for alternative fuel, drugs, energy related safety. State of Indiana alternative fuel for State and Department of Energy. We are working on a grant in partner with the High School. Want to work together and apply as groups, and register on National Registry. Councilman Alessia made a motion to enter into agreement, and was seconded by Councilman Guard, carried by roll call vote.

Director of Community Development reported a house fire on Burnham Street and the owner is not interested in rebuilding and wants to donate property to the town. Mr. Christ asked Wilbur Cox for a letter from the town so he can write off the donation in the amount of \$20,000.00. We would tear down the building and Hardings is donating the equipment. We look forward to using the property as a park for Lowell Health Care, which they are very interested in helping with.. We will need the Town Attorney to draw up a letter for the donation, the gross value of the house is \$18,300.00. Councilman Alessia made a motion to approve, seconded by Councilman Tucker. The motion carried by voice vote.

ANNOUNCEMENTS

Parade of Lights - Friday, November 27th at 6:00 P.M.

Lowell Football State Championship is in Indianapolis - looking for help with rings and asking for police escort on Saturday. Councilman Alessia made a motion to approve, seconded by Councilman Tucker. The motion carried by voice vote.

Next regular meeting - Monday - December 14th at 7:00 P.M

President Philip Kuiper wished everyone a Happy Thanksgiving

MEDIA QUESTIONS/PUBLIC COMMENTS

A member of the media asked about the rings, and the address of the house fire on Burnham, it is 303 Burnham. A Post reporter asked what is the breakdown of the problems on Burr Street. She was told utilities delay at the start, the weather could have been a problem back in the spring. They will have to resurface in the spring at no cost to us. The medium will remain, because of cross traffic and backup traffic thru intersection. In response to a question the Times reporter was told Legacy Environmental will be paid hourly.

There being no further business or discussion. Councilman Gard made a motion to adjourn, seconded by Councilman Tucker at 7:35 P.M.

Attest:

Phil Kuiper, President

Judith Walters, Clerk-Treasurer