

**LOWELL TOWN COUNCIL
REGULAR MEETING
July 26, 2010**

The regular meeting of the Lowell Town Council was called to order on Monday, July 26, 2010 at 7:00 P.M. by President Phillip Kuiper. In the moment of silence he asked that everyone keep the Benton and Walters family in their thoughts. The Pledge of Allegiance was recited and a moment of silence was observed. Town Administrator Susan Peterson called the roll. Members present were Donald Huseman, Shane Tucker, John Alessia, David Gard, and Phillip Kuiper. Clerk-Treasurer Judith Walters was absent. Also present were Town Attorney Greg Soblowski, Director of Public Works Greg Shook, Town Administrator Susan Peterson, Director of Community Development Wilbur Cox, three member of the media, and approximately forty interested citizens.

TREASURER'S REPORT

Councilman Gard made a motion to approve the Treasurer's Report for June, 2010 as presented, seconded by Councilman Alessia. The motion carried by voice vote.

APPROVAL OF MINUTES

Councilman Huseman made a motion to approve the minutes from the July 12th regular meeting. The motion was seconded by Councilman Tucker and carried by voice vote.

APPROVAL OF VOUCHERS

President Kuiper stated that he had reviewed White Vouchers #1944-2003, Water Vouchers #2428-2455 and Waste Water Vouchers #3399-3424 and recommended them for approval. Councilman Alessia made a motion to approve the vouchers as listed, seconded by Councilman Gard. The motion carried by voice vote.

CORRESPONDENCE

President Kuiper read a letter from resident Beverly Racine of 215 E. Main Street, that said that she had a heart attack in her back yard and the fire department responded immediately and saved her life. She wanted to thank the Town and the Lowell Fire Department for their training and professionalism.

ORDINANCES & RESOLUTIONS

Resolution #2010-09 - Transfer of funds - Park Fund - The Park asked the Council if they could transfer \$5,000.00 from line 311 trips to line 222 soccer supplies. Councilman Alessia made a motion to approve Resolution #2010-09, seconded by Councilman Huseman. The motion carried by voice vote.

UNFINISHED BUSINESS

West Side Sewer Project to New Middle School - Approve Pay Request #3 to B&D Sewer in the amount of \$86,570.84 - Director of Public Works Greg Shook asked the Council to approve payment upon contingent on receiving invoice from Commonwealth. Councilman Gard made a motion to approve Pay Request #3 to B&D Sewer, seconded by Councilman Huseman. The motion carried by voice vote.

Approve Police Commission Bond - Martin Freeman. Councilman Alessia made a motion to approve the bond, seconded by Councilman Huseman.

Tabled from previous meeting - 4/12 Enter into agreement with INDOT for curb & sidewalk grant on Route 2 - Director of Public Works Greg Shook stated that the grant is in the amount of \$342,000.00 and construction would not be started until 2012, he also stated that he would be applying in the second round of grants for more money. Councilman Huseman made a motion to approve entering into the agreement, seconded by Councilman Tucker. The motion carried by voice vote.

Councilman Huseman asked about Nichols Street and Director of Public Works Greg Shook said that he is still waiting on the grant and it probably won't be until 2011. Councilman Huseman asked if the water valve could be fixed on the corner of Washington and Nichols. Director of Public Works Greg Shook responded that he would check into it.

NEW BUSINESS

Police Protection at new Lowell Middle School - Police Chief John Shelhart asked the Council to approve Police protection for the new Lowell Middle School even though it is outside of the Town Limits. Councilman Alessia made a motion to approve police protection, seconded by Councilman Tucker. The motion carried by voice vote.

ANNOUNCEMENTS

President Kuiper announced the next regular meeting will be on Monday, August 7th at 7:00 P.M. and there will be a Public Hearing on Ordinance #2010-03 an Ordinance to Establish Clean Air Standards

MEDIA QUESTIONS/PUBLIC COMMENTS

A member of the press asked for a copy of the letter from Beverly Recine.

Councilman Huseman commented on a pallet he observed at the new Lowell Middle School that was covering a manhole and said that it was full of mud and rocks etc. and it is being pumped

LTC REGULAR MEETING - 7/26/10 - Page 3 of 4

into our lift station. Councilman Huseman would like a letter to be sent to the school regarding this matter. Councilman Huseman made a motion to send a letter to the school, seconded by Councilman Gard. The motion was carried by voice vote. Director of Public Works Greg Shook stated that he is aware of this and he had planned to talk to Nate Kleefisch about it, he also suggested that the Town do the televising and stated that he would write the letter.

Bill Carlson, 141 W. Commercial Avenue, apologized to the crowd for calling them and telling them that this was the date for the public hearing about the clean air ordinance, but he hopes that since people are there he hopes that they will talk about it.

Councilman Huseman asked when any changes would be made to the ordinance. President Kuiper responded that they will wait to see what happens at the public hearing.

Scott Pickering, 1608 Dewey Drive, commended the Council for considering looking at the ordinance. He also mentioned two instances when traffic accidents could have occurred in town, he suggested that there be a no left turn sign put up at the exit of McDonald's.

Glen Buche, 541 Shawnee Drive, asked why he see's Lowell Police in Crown Point. Chief Shelhart explained that they were probably working on grants. He also asked what was going to be done on North Nichols Street, and was told when the grant comes through it will be re-paved. He went on to say that he is against the no smoking ordinance and that all the Town's should have the same rules and go with what the State says.

Alice Neal, 5817 Highgrove, thanked the Council for approval of police protection at the new Lowell Middle School, and stated she will check on the manhole problem.

Donna Deleu, Lowell, stated that the clean air ordinance is not about clean air but about more revenue for the Town and that it is about scams and hidden agendas.

Sharon Patterson, 5301 BelAire, thanked the Council for letting people speak publicly. She is very much in support of the clean air ordinance and thinks that it is common decency that smokers go outside.

Bob Hill, Italian Outpost Restaurant in Lowell, stated that he would be in compliance for the clean air ordinance in dining rooms and restaurants, but formally requested that bars that can be closed off be exempt from this ordinance.

Linda Gunning, Driftwood Drive, said she is saddened that people have to come in front of the Council and beg Council to do what they want on their own property.

Brenda Roberts, 15008 Morse Street, stated that everyone is talking about constitutional rights, but what about her rights as a non-smoker.

LTC REGULAR MEETING - 7/26/10 - Page 4 of 4

Troy Lafoon, 116 Halsted Street, stated that businesses should be able to control what they do in their own businesses.

Sara Pierce, 111 E. Main Street, stated that she is not in favor of a smoking ban, and objects to the wording of the ordinance and hopes that the Council will re-write it.

There being no further business or discussion, Councilman Gard made a motion to adjourn, seconded by Councilman Tucker at 7:36 P.M.

Phillip Kuiper, President

Attest

Susan Peterson
Town Administrator