

**LOWELL TOWN COUNCIL
REGULAR MEETING
OCTOBER 10, 2011**

The regular meeting of the Lowell Town Council was called to order on Monday, October 10, 2011 at 7:00 PM by President John Alessia. The Pledge of Allegiance was recited. Clerk-Treasurer Judy Walters called the roll. Members present were Donald Huseman, Robert Philpot, John Alessia, Phillip Kuiper and David Gard. Also present were Town Attorney Greg Sobkowski, Director of Public Works Greg Shook, Chief John Shell hart, Fire Chief Clint Gorbball Town Administrator Susan Peterson, Director of Community Development Wilbur Cox, two members of the media and 20 interested citizens.

APPROVAL OF MINUTES

Councilman Kuiper made a motion to approve the minutes from the September 26, 2011 regular meeting and the September 26, 2011 public hearing, seconded by Councilman Gard. Councilman Philpot stated that he would like to see the Lieutenant and Assistant Chief are two separate positions and would like to see that incorporated in the last minutes. Clerk-Treasurer Walters stated that they were being paid out of the same line item and the Salary Ordinance separates them but the Budget did not but it does now because she changed it on the computer to read that way. The motion carried by voice vote.

APPROVAL OF VOUCHERS

President Alessia stated that he had reviewed White Vouchers #2157 - #2220, White – Police #4093 - #4102, Water #2607 - #2638, and Waste Water Vouchers #3479 - #3505. Councilman Kuiper made a motion to approve the vouchers as listed, seconded by Councilman Gard the motion carried by voice vote.

PETITIONS, COMMUNICATIONS, REMONSTRANCES, PROCLAMATIONS

MONTHLY REPORTS – September, 2011

Councilman Huseman motioned to approve the monthly reports, seconded by Councilman Philpot the motioned carried by voice vote.

Councilman Huseman asked Public Works Director Greg Shook about the two ponds at the Bel-Aire Subdivision, one on the east side of the High School and the other on the west side of the High School, and how they need to get new calculations on these ponds because 4 yards have flooded along with one house. He suggested that the two ponds be throttled down to let the two ponds hold more water or think about another way to drain Lake Bonnie. Public Works Director Greg Shook asked it these houses were on Lakeland. Councilman Huseman stated that they were and he had pictures showing Lake Bonnie when it got too high. Mr. Shook stated that he would check into this.

STANDING COMMITTEES - Annexation Committee

ORDINANCES & RESOLUTIONS

1st reading – Ordinance #2011-10 – amend Chapter 150.19 – Contractor’s License. President Alessia read the ordinance. Councilman Huseman motioned to amend Ordinance #2011-10, seconded by Councilman Kuiper, motion carried by voice vote.

1st reading – Ordinance #2011-11 – amend Salary Ordinance – Police Education Degrees. President Alessia read the ordinance. Clerk-Treasurer Walters explained that this is not paid out of the General Fund, it is being paid out of the Law Enforcement Fund from fines and fees that are collected throughout the year. Councilman Kuiper made a motion to amend Ordinance #2011-11, seconded by Councilman Gard, motion carried by voice vote.

Resolution #2011-09 – Approving Comprehensive Plan. President Alessia read the resolution. Councilman Huseman motioned to approve the Comprehensive Plan, seconded by Councilman Kuiper, motion carried by voice vote.

Resolution #2011-10 – Annual transfer from Sewer Operation & Maintenance Fund to Sewer Improvement Fund. President Alessia read the resolution. Clerk-Treasurer Walters explained that this was the annual transfer that they take from Operating to the Improvement Fund for Capital Projects. This is based on what their rates and charges are according to the Ordinance which shows that a rate study has to be done every two years and that is to determine what their cost of providing services to their customers and so they take what is a two month average and then you transfer O&M funds to Improvement fund and that will be used for capital projects. Councilman Kuiper motioned to approve the resolution, seconded by Councilman Gard, motion carried by voice vote.

UNFINISHED BUSINESS

Discussion & approval of Trash Rack Addition to WWTP Wet Weather Project. Public Works Director Shook explained that there was a joint Council meeting on Thursday, October 6, 2011 between the Lowell town Council and the Cedar Lake Town Council where there was a discussion about the WWTP Wet Weather Project. He is asking the Town Council to approve the addition of the Trash Rack and the Cedar Lake Town Council will be having this same discussion at their next meeting. Councilman Huseman wanted to know if each town would be approving this Trash Rack as presented. Councilman Kuiper stated that at the meeting last week everything was pretty straightforward regarding this project. Councilman Kuiper motioned to approve the

addition of the Trash Rack, seconded by Councilman Huseman, motion carried by voice vote.

Enter into additional services for Water Supply Evaluation - \$4,000 – Commonwealth Engineers. Public Works Director Greg Shook explained that the Town Council did approve a study to be made by Commonwealth Engineers regarding other water sources, one thing that they did not consider at that time and he wants them to consider it now is the sand pit south of the Water Treatment Plant. That sand pit seems to be full of water all the time. He is asking the Council to approve this addition of \$4,000 so that their well field could be studied to put in a sand strip, which would be approximately 100 – 200 feet wide and they would study the aquifer of the well fields that are already out there and determine how much water can go through that and be another option to have to get clearer water find out how much water they could get out of this. Councilman Huseman stated that he thought that it would be \$4,000 well spent if they could capture the aquifer in a longer distance going east and west. Councilman Huseman motioned to approve the \$4,000 for additional services, seconded by Councilman Kuiper, motion carried by voice vote.

Tabled from previous meetings:

*8/22 Request to extend electric line at North Meadow to 173rd & Village Parkway. Director of Community Development Wilbur Cox stated that he has talked to NIPSCO and they told him that they give the best deals to the Developers and the right-of-ways are still in the County from Cline Nichols west. Councilman Huseman stated that he thought that once a development went in, they would go to the center of the road, which would be 40 feet. Mr. Cox stated that the County usually does do this, but as of yet this has not taken place.

9/26 Park Rules. President Alessia explained that Attorney Sobkowski has provided a copy of the Indiana Code stating exactly what is a firearm. President Alessia read the Indiana Code. Attorney Sobkowski suggested that the word “firearm” should be taken out of paragraph 5.1 of the Park Rules and remove “Firearms” from the title and remove “firearms” from line 2 of section 5.1 and remove the words “gun and pistol” from the second line of section 5.2. Police Chief John Shell stated that he had a chance to look at the Park Rules and found that there were sections that did not apply anymore. He has converted the changes over to a Word document; he would like to finish up these updated with the help of Mr. Shook and submit it to Attorney Sobkowski in one document. He will try to get this ready for the next meeting.

Interlocal Agreement – Lake County 911 Consolidation. Attorney Sobkowski stated that he did hear from Attorney Bushemi and he agreed with one of his comments authorizing to make a revision to the Interlocal Agreement to implement that comment. The Interlocal Agreement has to be approved by Resolution and he will have that change and be ready for the next Town Council meeting.

NEW BUSINESS

Request transfer of Police 2002 Crown Vic & 2004 Chevy Impala – LVFD. Fire Chief Clint Gorbball stated that the Police Department is getting ready to take these vehicles out of service and he is requesting that those vehicles be transferred for use by the Fire Department, one of the vehicles will be used by the Fire Inspector, education to and from outside education classes for the fire fighters to keep up with the State mandated training and the other vehicle will be tagged as the Asst. Chief vehicle as a response vehicle when the Chief's vehicle is not available when the Asst Chief needs to respond to a call. This will also limit the use of large vehicles and quicken the response time. He stated that he realized that the Police usually trade in their vehicles, but since the Fire Dept does not have a budget and the two vehicles are not past their service life, they would be put to good use at the Fire Dept. Clerk-Treasurer Walters stated that the funds would come from the Public Safety Fund. Police Chief Shelhart stated that they would get around \$6200 for trade ins. Fire Chief Gorbball stated that if they needed to put up some money for a vehicle, it would probably be the Crown Victoria because it has less miles, the Impala which was a patrol vehicle has over 100,000 miles on it and would cost money to maintain it. He stated that if they only could get one vehicle, it would be the Crown Victoria and keep the new squad that was purchased last April in house as a response vehicle for Medic Assists. Clerk-Treasurer Walters explained that the Crown Victoria initially the payments were made by the Town as a vehicle for the Town Manager. When they did away with the Town Manager, it was transferred to the Police Dept, who paid the last few payments. The Impala was paid entirely by the Police Budget. She continued to explain that the Public Safety Fund for 2011 has \$48,408 in it plus they would have to put all the equipment on that vehicle also. To actually purchase the car and trading all three vehicles in will have enough if they trade in 2 out of the 3 you would have enough also. The Fire Chief stated that they would not be interested in the 97 Ford. Councilman Gard asked if this matter should come as a recommendation from the Police Commission. President Alessia asked if they needed an answer tonite. Fire Chief Gorbball stated that after talking to Clerk-Treasurer Walters and the Police Chief he knew that these vehicles would not be available until the end of the year. Councilman Gard motioned to table this item, seconded by Councilman Kuiper, motion carried by voice vote.

ANNOUNCEMENTS

President Alessia announced that the Lowell Police Department will be participating in a DEA sponsored Pharmaceutical Take Back Initiative on Saturday, October 29th from 10:00 AM to 2:00 PM. There will be a large box in the lobby of the Police Station to collect any expired un-used or un-wanted pharmaceuticals.

President Alessia announced that the next regular meeting would be on Monday, October 24, 2011 at 7:00 PM where they will adopt the 2012 Budget.

MEDIA QUESTIONS / PUBLIC COMMENTS

Councilman Huseman stated that it has come to his attention that two of the Councilmen have approached the VFW for the Veteran's Day Celebration. The VFW being the largest organization in the world and they have their own Chaplain doesn't understand why Dave Gard's name is on the Veteran's Day program. Councilman Kuiper explained that it was not two councilmen that went to the VFW, it was himself and a veteran by the name of Jim Chancellor and reached out to Dave Zander of the VFW and wanted to know if he was interested in some ideas that they had. He stated that he went as a citizen with a friend, not as a town official and after a few discussions they decided to let the VFW do what they do best and leave it the way it was. Dave Zander, Commander of the VFW stated that the whole issue of Veteran's Day and Memorial Day is a little confused. Memorial Day has been run by American Legion and their Chaplain would do the greeting or closing prayer. He further stated that the gentleman who was asked to participate was John Blakely. This request had to be taken in front of their board and when he spoke to the Legion, they would not even show up for the meeting. So every time he would get a protocol from Phil and Jim Chancellor, the first thing on the agenda would be "American Legion introduces David Gard". He stated that he has never met Dave Gard but he thinks that he is a nice gentleman, but he has seen him before. He feels that anything that anybody can do to promote Veterans Day he is for. He stated that Veteran's Day was a VFW program and Memorial Day was an American Legion program. He further stated that the VFW is open to anyone wanting to help with Veteran's Day, but when it causes a problem within the VFW such as telling his Chaplain that he was not good enough to do the ceremony, the decision was made to decline the offer made to the VFW. He is hoping that this year will be a great Veteran's Day and invited everyone on the Town Board to come to the ceremony and say something. He welcomes any ideas to get the Town more involved.

Connie Schrombeck asked for a copy of Ordinance 2011-10 and 2011-11.

Scott Kiechle, 19910 Colfax stated that Mr. Shook had a very good idea for a way to get more water out of the aquifer and he would like to suggest that when Commonwealth performs the study they also consider the fact that having an open body of water present could lure the large goose population to that site. This will have traces of herbicides, pesticides and crop dusting drift in and become part of that water and would then need additional treatment to have it properly available to the Town. Commonwealth should also consider that when you are in an area close to a river and area will be excavated that ties in to an adjoining aquifer establish a new sand bed, lay in several runners that would provide the same well screens referred to in the existing wells, over lay it with graduated sand and then re-establish your natural soils so that any of these traces of materials become naturally attenuated for any of the water that percolates through, in that way they may be able to establish the same high quality of water that is available from that aquifer without exposing it to some of the contamination options of nature. The second thing he wanted to address was that he and a few people have tried to download the Comprehensive Plan without much success.

Charlie Reel wanted to know what was happening with the recycling bins that used to be at the Bowling Alley. Councilman Kuiper explained that the Lake County Solid Waste switched services from Allied Waste to Waste Management. He believes that one site would be at the County Garage. Town Administrator Susan Peterson stated that they should be functioning as of today and they would call her when it was up and running. Councilman Kuiper also explained that Lake County Solid Waste has also been talking to Strack and Van Til's to place the bins that were at the Bowling Alley.

Councilman Huseman asked Mr. Shook if he had heard from the County about cleaning the ditch. Mr. Shook stated that he did not but there was an article in the Post Tribune that the Lake County Drainage Board has approved some projects and he made a call to Mr. Gossman and left a message last Thursday and has not gotten a return call yet. He did call today, but they were closed due to the Holiday. He stated that in that article it said that they were going to clean 2 – 3 miles of Spring Run ditch, this is the same ditch that has been referred to as Buckley lateral 2 and is actually listed as Spring Run lateral 13. He is trying to find out if that 2 – 3 miles includes that ditch on the east side of town and he will try to call Mr. Gossman again.

There being no further business or discussion, Councilman Kuiper made a motion to adjourn, seconded by Councilman Gard at 8:46 PM.

John Alessia, President

Attest:

Judith Walters, Clerk-Treasurer