

**LOWELL TOWN COUNCIL MEETING
REGULAR MEETING
AUGUST 26, 2013**

The regular meeting of the Lowell Town Council was called to order on Monday, August 26, 2013 at 7:00 P.M. by President Edgar Corns. The Pledge of Allegiance was recited followed by a moment of silence. Clerk Treasurer Judith Walters called the roll. Members present were Craig Earley, Robert Philpot, Donald Parker, Phillip Kuiper, and Edgar Corns. Also present were Town Attorney David Westland, Town Administrator Susan Peterson, Director of Public Works Greg Shook, Building Official Tom Trulley, two members of the media, and fourteen citizens.

JULY TREASURER'S REPORT

Councilman Earley made a motion to approve the July 2013 Treasurer's Report, seconded by Councilman Kuiper and carried by voice vote.

APPROVAL OF MINUTES

Councilman Earley made a motion to approve the August 12, 2013 regular meeting minutes, seconded by Councilman Parker and carried by voice vote.

APPROVAL OF VOUCHERS

President Corns stated he reviewed White Vouchers #1872 - #1933, White-Police #4173 - #4179, Water #2543 - #2575, Waste Water #3445 - #3469, Stormwater Utility #5023 - #5030, and recommended all of the vouchers for payment. Councilman Philpot made a motion to approve the vouchers as listed, seconded by Councilman Earley and carried by voice vote.

PETITIONS, COMMUNICATIONS, REMONSTRANCES, PROCLAMATIONS

South Lake County Community Services, Inc. - President Corns read a letter from South Lake County Community Services that requested a \$5,000 donation from the Town due to cuts by Lake County. Councilman Parker made a motion to table the letter for additional review, seconded by Councilman Earley and carried by voice vote. Councilman Earley asked if someone knew or could find out why there was a decrease in the County's donation by \$65,000. He stated that seems like something that should be coming out of their tax funds. President Corns stated he would like to ask the executive director to come to one of the meetings. He stated that she had told him their budget is \$40,000 and there are 32 riders per week from Lowell, an average of 2,000 rides per quarter, which is 8,000 rides per year.

UNFINISHED BUSINESS

Public Works Department Update - WWTP JMOB Requests - Review JMOB Agreement -

President Corns stated there was some discussion a while ago that we would possibly amend the composition of the board. It currently includes the engineers and we have discussed appointing a town representative. President Corns asked if the Council would like to keep the make-up the same. Councilman Parker stated the purpose of this is that we currently have the engineers on the board, but this is intended to take the engineers off, since they review the plans, and to put it back in the hands of the Town Council and appointees. Discussion followed.

Councilman Kuiper made a motion to approve the agreement, send it to Cedar Lake for approval, and then decide on which members from the Council should be on the board. The motion was seconded by Councilman Parker and carried by voice vote.

LTC REGULAR MEETING - 8/26/13 - Page 2 of 6

Powell Ditch - Public Works Director Greg Shook stated we have made application to DNR for the permit, which we hope to get back in about thirty days. We are also doing some tv work on the sewer pipes that are currently out there, so we should have something to present at the next meeting. President Corns stated that the Lake County Surveyor has graciously given the Town permission to install a pipe that is six inches larger than what was originally planned.

WWTP Improvement Project - Director Shook stated we are waiting on Thieneman Construction and the engineers to decide what to do with some power lines. Since we took the building out, we have to use the old service, which is not in use right now because there is a short in it. We need to figure out if it is NIPSCO's responsibility to replace it, or if we have to replace it. Mr. Shook stated the only other thing is the start-up of the equipment itself.

Request Donation for Old Grade School Sign - President Corns stated he had spoken with Bill Marshall, and they are requesting \$100 from the Town to help with the stone that will be placed on the hill for the sign. Councilman Kuiper made a motion to donate \$100 for the Old Grade School sign, seconded by Councilman Philpot and carried by voice vote.

Discussion of 2002 Freedom Park Bonds - President Corns stated there was some discussion on extending the Freedom Park Bonds at the last Park Board meeting, which would give them approximately \$300,000 over a period of seven years. Right now we can get a lower interest rate, but if we wait seven or eight years, it may be much higher. Clerk-Treasurer Judy Walters stated when we were discussing the 2014 budget with Greg Guerrettaz, our financial consultant, we talked about how Freedom Park does not have any money to do any improvements to the Freedom Park land. In 2002, when they purchased the property, they took out a twenty year bond for \$700,000 at 4.76% interest. They currently owe \$385,000 on that bond. Mr. Guerrettaz had said at this point we could refinance, pay off those bonds, and receive additional revenue for the park to use towards projects on the property. To do that, they would keep the annual payment, but it would extend the life of the bond for seven years, paying it off in 2029 instead of 2022, and they would get approximately \$300,000 in cash to spend on improvements.

She stated she had brought it to the Freedom Park Committee meeting for their discussion, and each township wanted to bring the item back to their board, plus Mr. Philpot, the Council

representative, asked for it to be on the agenda tonight for us to discuss. Mrs. Walters stated it may be a mute discussion at this point because the townships do not seem to be in favor of it. President Corns stated he spoke with Alice Dahl and Harold Mussman, and they stated they were not in favor of it. They did not want to extend the debt that far ahead. Discussion followed. Councilman Earley stated they would have \$300,000 to work with for the life of the bond, but if they continue paying the bonds we have off now, they will have no operating capital, or hope for any operating capital for the next ten years. Councilman Philpot asked if one person says no, then is it a dead issue. Mrs. Walters stated the bonds are in the Town's name, but they were purchased with an interlocal agreement that Cedar Creek and West Creek Townships would pay a third of the bond. Councilman Earley stated the only way we could do it is if the Town picks up their share of the payments. Mrs. Walters stated that was correct. Councilman Earley stated hopefully they will take this to their advisory boards and they will change their minds. Discussion followed. Councilman Earley made a motion to approve refinancing the Freedom Park Bonds, seconded by Councilman Kuiper and carried by roll call vote. Attorney Westland stated if the two other townships do not pass a similar motion, this one will die.

New Trash & Recycling Containers - Republic Services - Jim Metros, Republic Services, gave a brief explanation about the company. He stated that our business is to get rid of everything that these folks do not want. This is not something where we can produce a better product, but we can become more efficient so that we can pass the savings on to you. Right now, automation is the future. There are a couple of things that are extremely expensive in our business such as the amount of workmen's comp

LTC REGULAR MEETING - 8/26/13 - Page 3 of 6

claims that we have due to the workers having to physically lift and throw the trash in to the truck. The new system features an arm that comes out from the truck, picks up the can, and empties it in to the back of the truck. This system will eliminate a lot of our workmen's comp claims because the workers are now just pushing a button. Also, instead of being in front of your home for three or four minutes, we will be there for about fifteen seconds now. This method is much more efficient. Mr. Metros stated that Northwest Indiana is a take-all community and will continue to be a take-all community. We are proposing to give each home a garbage bin, and a recycling bin, but if there are bags alongside the can, the driver will still get out and pick up what is laying there.

Mr. Metros explained that recycling is the way of the future, and as that becomes more important, we have to give you a way and a method to get rid of your recyclables. By having a larger can for recyclables, we have seen recycling rates go up in other communities between ten and forty percent. This lets us know that these programs are the programs that are working. We will be picking up recycling every other week since we are giving you these bigger cans, which is another way for you to save money because it is one less truck that we have to send out with a driver and all of the other expenses that go along with it. He stated we are wanting to form a partnership with the Town because we have come up with a better way of collecting garbage that is better for your community, more streamline, and cost efficient. We are asking

that the Town and its citizens cooperate in this program by using the containers and methods that we have come up with. He stated it will probably be around the first week of October before we start delivering bins, so we have some time to work with the Town to make sure that everyone has the education they need before we start the new process. We will still probably hear some complaints about size, but in Griffith, those people that first complained about size now love this program. It is an adjustment, and we understand that, but it will be more cost and time efficient.

Councilman Philpot stated this project came to Phoenix, where he is originally from, about twenty-five years ago and it worked out great. He asked if anything would change as far as people leaving large items out for the trash. Mr. Metros stated our contract still states that you are allowed one large item per week. If the truck is too full, the driver can get a hold of their foreman and bring out a pickup truck to haul that piece away, or the arm can pick up the item and put it in to the garbage truck. Councilman Philpot asked if other containers could be set out there. Mr. Metros stated as we fulfill the terms of this extension, it is a take-all. In Phoenix, all of your recyclables and trash have to be in that can. We are headed in that direction, but we are trying to take it gradually. The reason we are headed that way is because the hole in these new trucks are thirteen feet up in the air. If you do not have a can, our driver has no way of getting your garbage from the ground thirteen feet up in the air. If you still use another can, he will take that and dump it. Councilman Kuiper asked what people should be told when they say that they will not be able to fit the cans in their garage. Mr. Metros stated all five communities in Northwest Indiana where we have gone to this method said they would not have room, and they found room. If there are people with one car garages, or people who are not physically capable, we will see what we can do to accommodate them. Mr. Metros explained how much cleaner this process will be.

Councilman Earley stated he has had some people complain about the size because these cans are huge. There are also some people who live in POA's that have to have their cans inside or covered and this may present an issue for them as well. He stated it was mentioned that we could probably get certain people small containers, but is it probably or do we know for sure. Mr. Metros stated there are two sizes, a ninety-five gallon and a sixty-five gallon. If you would like to go through the process of having every citizen call in and tell you what size can they would like, that is fine, but it has to be right when we order. This is a \$600,000 investment on our part. Every time we change what the order is, it costs us money. That is why if we know there is someone out there who cannot use the ninety-five gallon can, we will order them a sixty-five gallon. Councilman Earley asked what Mr. Metros suggested to do as far as

LTC REGULAR MEETING - 8/26/13 - Page 4 of 6

ordering goes because this should be the company's responsibility not the Town's. Mr. Metros stated in Griffith most of the people who thought they could not handle it are fine with it now, but we did go back and supply some sixty-five gallon cans for those who needed them. Remember, this is not a vendor Town situation, we are trying to form a partnership and pass the savings on to you. Councilman Earley stated several times you have talked about savings, but

there is no savings to our citizens. Mr. Metros asked what was passed. Councilman Earley stated he did not vote to pass anything, but he believes it was exactly what we are paying right now for a year and then an increase in the next two years. Mr. Metros stated staying the same is a savings. Councilman Philpot asked about getting together a mailing list to ask people what size can they want. Mr. Metros stated it is up to the Council how they would like to handle that, but we have done something like that before.

Mr. Metros stated directions will come with the can on how to face the can towards the road within three feet of the road so it is easy to reach with the arm. He continued to show how the can is dumped by the truck. Town Administrator Sue Peterson stated she already has a letter prepared that will go out in September's water bill. She stated she thought they had decided that everyone would get the ninety-five gallon at this point. There have been some calls from elderly citizens that cannot handle that large of a container, and those names will be forwarded to Republic before they start delivery of the cans. Mr. Metros stated you do not want to undersize either because when we do go fully automated, you do not want to have something that is too small. He stated there is also a ten year warranty on these cans so if it is normal wear and tear, we can send the can back and get a new one. A member of the audience asked how many other communities have this service currently. Mr. Metros stated Griffith, Dyer, Schererville, Munster, Chesterton, Porter and most of the communities in Porter County. Discussion followed.

A member of the audience stated that Meadowbrook has been able to come to an agreement after meeting with Republic and Mrs. Peterson in order to fit their small garages and elderly population. Mr. Metros stated we want to keep this a positive thing and work with the citizens to make sure that they get what they need, but still provide the avenue to do the program and move forward with efficiency. Councilman Philpot stated on Grant Street, just west of Main Street, currently the drivers have to back down that road. Your truck with an arm will only be able to reach one side of the street because there is not room at the end of the street to turn around. Mr. Metros stated we will still have trucks with an arm on the side and the driver can still get out, wheel the bin to the side, and dump it.

A member of the audience asked how many cans each household will get. Mr. Metros stated two cans a piece, one for recycling and one for trash. The gentleman asked what they would do if that is not enough. Mr. Metros stated they would still be able to lease additional cans from the company. Another member of the audience asked what the cost was per household. Councilman Philpot stated he believed the first year was \$15.70 per month per household. Scott Pickering, 1608 Dewey Drive, stated from what he understands extra cans that are set out will still be picked up. Mr. Metros stated that was correct. John Masepohl, 323 Spruce Court, asked if the Town was going to let the citizens chose what size can they want like some of the other towns were able to do. He stated he believed the Mr. Metros and his company should do what they already did with some of the other towns and find out what each household wants. Councilman Kuiper stated he believed Mrs. Peterson stated there would be a letter in September's water bill. Mr. Masepohl asked if that letter would be asking what size everyone

wants. Mrs. Peterson stated it would not. Mr. Masepohl asked if the Town would take advantage of Mr. Metros's offer to ask each household what they would like. Councilman Earley stated it is not going to be Mr. Metros's responsibility, it will be Mrs. Peterson's responsibility to get Mr. Metros the correct numbers and it will not be easy. He stated he was opposed to this particular contract and setup, so the question needs to be asked to those who voted in favor of it, and maybe they can answer questions. Councilman Parker stated this is the way that this industry is going. There is another vendor that supplies Munster and they are doing the same thing. In the next ten years, every town will be going to

LTC REGULAR MEETING - 8/26/13 - Page 5 of 6

the automated system. As far as accommodating people with the ninety-five or sixty-five gallon can, we need to address that. Councilman Earley stated that still does not answer the gentleman's question. He is asking how we will do it. He stated he understood Mr. Metros and believed him, but this is going to create a big burden on our community. This will not end up being Mr. Metros's responsibility, it will be the Town's. Mr. Metros stated in all five towns we let the community deal with their citizens as far as what they want. Councilman Philpot stated if we put a questionnaire in the water bill, they can fill it out and send it back, or bring it in if they pay their bill at the office. He asked if that would be too big of a burden. Mrs. Peterson stated she was not really sure. Councilman Philpot stated maybe those questionnaires can go directly back to Mr. Metros then. Mr. Metros stated first he will have to see where they are with the cart order because we were originally directed at ninety-five, so we would have to know this quickly. Mrs. Peterson stated by the time the letters go out and come back, it will be October. She stated she believed everyone should get a ninety-five unless someone calls in ahead of time. Discussion followed.

Carl Ferro, 1310 Harrison Street, stated everyone should get a ninety-five gallon and be done with it. It will be too much of a headache to have to figure out who gets a ninety-five and who gets a sixty-five. You cannot make everyone happy. A member of the audience asked if the company is going to take their existing garbage cans since they are getting new ones. Mr. Metros stated if you mark on there for us to take it, then we will take it.

NEW BUSINESS

Approve quarterly fees for Park Department - Councilman Parker made a motion to approve the quarterly fees for the Park Department, seconded by Councilman Kuiper and carried by roll call vote.

Permission to waive transient license fees for Bark Park Fest - October 6th - Councilman Kuiper made a motion to waive the transient license fees for Bark Park Fest, seconded by Councilman Earley and carried by roll call vote.

Act on Favorable Recommendation from Plan Commission - Town of Lowell Guidelines for

Annexation Plan - Providence Subdivision Zone Change - Thoroughfare Plan - Councilman Parker made a motion to approve the Town of Lowell Guidelines for the Annexation Plan, seconded by Councilman Philpot and carried by roll call vote. Councilman Philpot made a motion to approve the Providence Subdivision Zone Change, seconded by Councilman Parker. Councilman Parker stated at the Plan Commission meeting there was discussion about the pond that was not built in compliance. He asked if they have started on the repairs yet. Building Official Tom Trulley stated they will start working on it next week because they did not want to disturb a lot of dirt right before the Labor Day Parade. The motion passed by roll call vote. Councilman Parker made a motion to approve a thoroughfare plan, seconded by Councilman Earley and carried by roll call vote.

Lowell Professional Parcel - Dedication of Public Easement - Mr. Trulley stated the parcel we are speaking of is a public easement for Spring Run to be able to run their drainage pipe that they have never completed, over to the ditch which is lateral thirteen. The doctors are giving us an easement agreement between the Town and the doctors for the public easement so that the other developer can run his pipes through that area to complete his drainage system. Councilman Parker asked if this would be an open ditch. Mr. Trulley stated the agreement states he has to get all of his permits for it and do all of the construction so it will be a finished product. Discussion followed. Councilman Parker made a motion to table the agreement until the next meeting so that the attorney has time to review it, seconded by Councilman Philpot and carried by roll call vote.

LTC REGULAR MEETING - 8/26/13 - Page 6 of 6

ANNOUNCEMENTS

94th Annual Labor Day Parade and Labor Day Festival - NEW LOCATION - President Corns stated the festival will be at the old Rieter Automotive plant at Oakley Avenue and Harding Drive.

The next regular meeting will be held on Monday, September 9, 2013 at 7:00 P.M.

Councilman Kuiper stated he would like everyone to keep the family of Brian Matthias in their thoughts and prayers. He stated Mr. Matthias passed away last week and he was not only a township board member for Cedar Creek, but he played our Santa Claus every year for the parade of lights, and was a US Marine.

MEDIA QUESTIONS/PUBLIC COMMENTS

Ms. Csepiga asked if she could get a copy of the thoroughfare plan. Councilman Parker handed her a copy. Ms. Csepiga stated if she remembers correctly, the Town normally gives South County Community Services a donation of \$5,000 every year. Mrs. Peterson stated we normally give them part of our CDBG funds, but then they were given their own funds a few years ago as their own entity, so they have not requested any from us for years.

Paul Palmer, 409 E. Hilltop Court, stated normally at the end of the parade we go over the bridge and take a left on Harding. He asked if that is still the plan. Mrs. Peterson stated we will still go down Harding Drive. Mr. Palmer stated it is normally congested there due to the festival. Mrs. Peterson stated the festival ends Sunday night, so it will not be going on Monday.

Councilman Parker asked when construction will start on the bridge on Morse Street. Director Shook stated the last he heard was it was going to begin mid to late October at the earliest. Councilman Parker asked if the bridge was going to be closed. Mr. Shook stated he did not know for how long. NIPSCO still has to move some overhead electric.

ADJOURNMENT

With no further questions or comments, Councilman Kuiper made a motion to adjourn at 8:17 PM, seconded by Councilman Parker and carried by voice vote.

Edgar Corns, President

Attest:

Judith Walters, Clerk-Treasurer

