

**LOWELL TOWN COUNCIL MEETING  
REGULAR MEETING  
JANUARY 13, 2014**

The regular meeting of the Lowell Town Council was called to order on Monday, January 14, 2013 at 7:00 P.M. by President Edgar Corns. The Pledge of Allegiance was recited followed by a moment of silence. Recording Secretary Dianna Cade called the roll. Council Members present were Craig Earley, Robert Philpot, Donald Parker, and Edgar Corns. Phillip Kuiper was absent. Also present were Town Attorney David Westland, Town Attorney Nicole Bennett, Director of Public Works Greg Shook, Police Chief Erik Matson , Building Official Tom Trulley, two members of the media, and thirteen citizens.

Edgar Corns thanked all the Town employees and citizens of the Town who helped during the winter storm that we experienced on January 14<sup>th</sup>, 2014. He commended all the Town employees on a job well done during the storm and the aftermath.

**ELECTION OF OFFICERS**

Councilman Parker nominated Edgar Corns for President of Town Council, seconded by Councilman Philpot and carried by voice vote. Councilman Philpot nominated Councilman Parker for Vice President of Town Council, seconded by Councilman Corns and carried by voice vote.

**APPROVAL OF MINUTES**

Councilman Parker made a motion to approve the minutes of the December 30<sup>th</sup> regular meeting, The January 9<sup>th</sup>, 2014 special meeting minutes will be approved at the next regular council meeting. The motion was seconded by Councilman Philpot and carried by voice vote.

**APPROVAL OF VOUCHERS**

President Corns stated he reviewed White Vouchers #1000 - #1051, White-Police #4000 - #4009, Water #2000 - #2041 and from 2012 - #2791 - #2793, and Waste Water #3000 - #3033 and from 2012 -#3673 - #3675 and recommended them for payment. Councilman Parker made a motion to approve the vouchers as listed, seconded by Councilman Philpot and carried by voice vote.

**MONTHLY REPORTS** - December 2013

Councilman Parker made a motion to approve the December 2013 Monthly Reports, seconded by Councilman Philpot and carried by voice vote.

**ORDINANCES & RESOLUTIONS**

Councilman Corns, asked for an approval on Resolution #2014-01 temporary loan from Sewer Improvement Fund to Park Fund and LOIT Public Safety. Attorney Westland stated there was an error on the year of the date of the loan to be paid back which should be June 30, 2014.

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Attorney Westland said it could be passed as long as the date was corrected and the correct date was stated in the meeting. Councilman Philpot made a motion to approve Resolution #2014-01, seconded by Councilman Parker and carried with four ayes on roll call vote.

### **UNFINISHED BUSINESS**

Public Works Update – Greg Shook, Director of Public Works had no update at this time

Approve amendment to Equipment Lease Agreement – Aerial Fire Truck - Councilman Early made a motion to approve the amendment, seconded by Councilman Philpot and carried with four ayes on roll call vote.

E-911 PSAP Agreement - Attorney Bennett was asked to speak on the E-911 PSAP Agreement. Councilman Parker stated that Councilman Kuiper had some questions, however, he was not in attendance at the meeting and asked Attorney Bennett to give the council an overview on the hiring of the dispatchers.

Attorney Bennett stated that according to the staffing section of the interlocal agreement dated 12/6/2013 all dispatchers will be employees of Lake County, IN by December 31, 2014. At that point, insurance, personal expenses, overtime is the responsibility of Lake County. Attorney Bennett passed out a human resources time line for the hiring of personnel to assist the 911 commission. Dispatcher letters will be mailed out in February and March, and all interested Lowell dispatchers are to apply at that time. The hiring of the dispatchers will begin August 2014 and be completed by December 2014. There is a total of one hundred ten positions open, 100 full time and 10 part time. If the consolidation is not completed by December 2014, Lake County would place dispatchers in the Town of Lowell to dispatch until the infrastructure is up and running.

Councilman Parker asked about the rate of pay. Attorney Bennett stated that the benefits and salary will be what is offered by Lake County. Attorney Bennett also stated that there would be training sessions for the dispatchers that are hired and these sessions would be revolved around the dispatchers work schedule. The County would be responsible to pay what was put forth by the County agreement with the dispatchers. Councilman Parker asked what will happen if any of the dispatchers from our Town don't accept the offer. Attorney Bennett said if the employees don't want to be part of the consolidation they would be terminated. At that point, Lake County would put similar town dispatchers to serve as the staff for Lowell.

Councilman Early mentioned that his understanding was that this part of the consolidation will be in effect by 2014, but the system itself might not be in place? Attorney Westland stated that if the building and system was not in place, the dispatchers would be dispatching from here. Councilman Parker asked if the infrastructure is not in place by the end of 2014 what happens? Attorney Bennett stated we are being told that the system will be up and running. County will have to pay for our dispatchers. If Lowell dispatchers did not choose to be part of the consolidation the County would place dispatchers here by 12/31/2014. She asked the

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Councilman if they received a letter that was sent to the Highland Town Council, by the 911 Commission. She then passed out a copy of the letter. The letter was written to dispel rampant rumors amongst the dispatchers in regards to the hiring of the dispatchers. The County Commissioners issued the letter to put the current dispatchers minds at ease. She then goes into detail on the hiring practice that will be followed. Councilman Corns asks Attorney Bennett who will be hiring? Attorney Bennett explained all facets of the hiring process and who would be doing the interviews and the make-up of the Human Resources Committee.

There being no other discussion, Councilman Early made a motion to approve the E-911 PSAP Agreement, seconded by Councilman Parker and carried with four ayes on roll call vote. Councilman Philpot thanked Attorney Bennett for coming to the meeting and answering their questions.

### **NEW BUSINESS**

Appointment of Department Heads - Public Works Director - Greg Shook; Building Administrator - Tom Trulley; Street Superintendent - Frank Lovely; Water Superintendent - Dan Myers; Distribution Superintendent - Eric Barnhill; Waste Water Treatment Plant Superintendent - Terry Wright; and Park Superintendent - Tom Sullivan. All department heads were approved on motion by Councilman Parker, seconded by Councilman Philpot and carried with four ayes on roll call vote.

Appointment of Legal Counsel – Councilman Philpot made a motion to retain Westland, Kramer and Bennett, seconded by Councilman Parker and carried with four ayes on roll call vote.

Councilman Philpot made a motion to appoint LeAnn Angerman to the Annexation Committee, seconded by Councilman Parker and carried with four ayes on roll call vote.

Councilman Parker proceeded with the other appointments and moved to approve the following appointments, seconded by Council Philpot and carried with four ayes on roll call vote:  
Board Representatives - Lake County Economic Opportunity Council - Dorothy Gwyn-Maas; Board of Finance - Town Council President and Judy Walters; Lake County Solid Waste District - Phillip Kuiper; N.W. Indiana Cities & Towns - Edgar Corns; Cable T.V. Consortium - Susan Peterson; Northwest Indiana Planning Commission – Craig Early; Freedom Park Committee - Bob Philpot and Randy Hall; Annexation Committee - Edgar Corns, Doug Niksch, LeAnne Angerman, Plan Commission President, and BZA President; Tri-Creek Ambulance Board - Craig Earley; Fire Department Liaison - Craig Earley; Emergency Management Director for 2014 - Fire Chief Clint Gorball with Police Chief Eric Matson as the Co-Director.

Councilman Early asked the following appointments be individual motion and vote. Attorney Westland suggested that for record keeping purposes they go board by board. .

Boards & Commissions:

Plan Commission – Town Council members – Robert Philpot, Donald Parker and Craig Earley.

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Citizen appointment - Elias Carras to a four year term A motion to approve was made by Councilman Philpot, seconded by Councilman Parker and carried with four ayes on roll call vote.

B.Z.A. - Councilman Early stated David Shilling had expressed interest in moving to the Plan Commission and stated that Mr. Shillings background would be a great fit for the Plan Commission. He thinks that Elias Carras has done a great job for the Plan Commission and therefore that's why he voted to keep him on the commission. However, he told Mr. Shilling if anything happens during the year they would consider moving him on to the Plan Commission. Councilman Parker stated that he concurred with Councilman Early and agrees Elias has done a great job, he also talked to Mr. Shilling and would consider moving him to Plan Commission if there was any openings during the year. A motion to appoint David Shilling to a 4-year term on the B.Z.A. was made by Councilman Parker, seconded by Councilman Philpot and carried with four ayes on roll call vote.

Police Commission – Councilman Parker moved to approve Michael Mears and Ray Borchert. Ray Borchert is taking over the rest of the term vacated by Martin Freeman. Ray Borchert term will expire 2015, and Michael Mears in 2016. Councilman Early stated he has concern about these appointments. He stated he doesn't know Ray Borchert and barely knows Michael Mears and doesn't doubt their capabilities, but is concerned Michael Mears will have the time to devote to this commission due to his full time employment position with the Town of Lynwood. He has concerns over Ray Borchert because he is an active police officer. When the applications came in he spoke with legal counsel and this is generally not how it goes and that is why he is going to vote no against these appointment. The motion was seconded by Councilman Philpot and carried with three ayes, one nay on roll call vote. Councilman Earley voting nay.

Traffic Commission – Eric Matson, Jim Konradi, Dennis Rosengard, Eric Barnhill, and Will Farrellbegg. A motion was made by Councilman Parker, seconded by Councilman Philpot and carried with four ayes on roll call vote.

Historic Review Board – A motion was made by Councilman Parker, seconded by Councilman Philpot to reappoint Susan Riley and Clifford Tetrault. The motion carried with four ayes on roll call vote.

Redevelopment Commission - A motion to appoint Phillip Kuiper, Greg Shook, Jim Langen, Douglas Niksch, and Craig Earley was made by Councilman Parker, seconded by Councilman Philpot and carried with four ayes on roll call vote.

Permission to invest excess funds during 2013 - Since Clerk-Treasurer Walters was absent, this item was tabled on motion by Councilman Parker, seconded by Councilman Philpot and carried.

Sick Leave Policy – Councilman Corns stated that Mrs. Walters asked for a variance on the sick leave bank. We currently have 579 days in the bank and she doesn't feel we need the voluntary donation of one sick day per calendar year from the employees who participate in the bank. A motion to waive one day per employee was made by Councilman Early, seconded by

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Councilman Parker and carried with four ayes on roll call vote.

Councilman Corns read the list of the Town employees who had perfect attendance for the 2013 calendar year - Debbie Earley, Scott Krass, Frank Lovely, Tom Sullivan, Sue Sutphen, Tom Trulley, Evelyn Vicari, Greg White, Erik Matson, Cory Burkus, Robert Hornickel, David Lee and James Woestman.

Set Lowell Tribune/Pilcher Publishing - publication requirement - Councilman Parker made a motion to set the Lowell Tribune/Pilcher Publishing as the Town's publication requirement for 2014, seconded by Councilman Philpot and carried with four ayes on roll call vote.

Appoint committee to disburse 2013 hotel/motel tax funds and set deadline for requests - Councilman Parker made a motion for Councilman Kuiper and Councilman Corns to serve on the committee as they did last year with Clerk-Treasurer Walters and Susan Peterson, seconded by Councilman Early and carried with four ayes on roll call vote.

Act on agreement with Lowell Volunteer Fire Department for 2014 - \$127,000 - Councilman Parker made a motion to approve the agreement with the Lowell Volunteer Fire Department, seconded by Councilman Philpot and carried with four ayes on roll call vote.

Discussion of Snow Ordinance – President Corns suggested a Special Work Session to discuss the snow ordinance. He asked Greg Shook when he would be able to finish up his suggestions. Mr. Shook said he would be done by the end of the week. Councilman Parker stated he would like to see Greg Shook, Erik Matson and Clint Gorbail give them suggestions to review. Councilman Early stated that if it is work session they can attend. They discussed clarification needs to be made on snow removal and snow routes. Mr. Shook stated we have a map on snow removal. Councilman Parker asked what the ordinance is on snow removal. Councilman Philpot stated there is a conflict on section A and section B and it needs to be discussed. Mr. Shook discussed that the current ordinances were written in 2008 and when they were sent to be codified, Section B & C were to be taken out and section A was to be re-written, however, that is not what occurred. He stated there is concerns on the overall ordinance and it needs to be addressed. President Corns stated that Homeland Security called him about our warming shelters and he was unsure of the locations. Councilman Philpot stated he has had emails and calls from constituents and we need to address this ordinance. Attorney Westland suggested to schedule a special work session before the next regular Town Council meeting on January 27<sup>th</sup>, 2014, and it was agreed to be held at 5:30 P.M.

## **ANNOUNCEMENTS**

President Corns announced the next Town Council meeting will be on Monday, January 27<sup>th</sup> at 7:00 P.M., with a Special Work Session to be held before the meeting to discuss the snow ordinance at 5:30 P.M.

**MEDIA QUESTIONS/PUBLIC COMMENTS**

Councilman Philpot commended Greg Shook and his staff on a great job they did during the snow storm.

Melanie Csepiga asked for a clarification on the Annexation Committee and was only LeAnn Angerman appointed, and is there one more vacancy. President Corns stated we had received only one application before the deadline and one position remains open. She asked if we were accepting applications and Councilman Corns we were and they were considering advertising for the vacancy also.

**ADJOURNMENT**

With no further questions or comments, Councilman Parker made a motion to adjourn at 7:50 P.M., seconded by Councilman Philpot and carried by voice vote.

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Edgar Corns, President

Attest:

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Dianna Cade  
Recording Secretary