

**TOWN OF MUNSTER  
MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL  
DECEMBER 20, 2021**

A regular meeting of the Munster Town Council convened at 7:00 p.m. on Monday, December 20, 2021. At the time of this meeting, the country was facing a pandemic outbreak of the Coronavirus. In response, Indiana Governor Holcomb issued a series of Executive Orders which, among other things, declared a public health emergency and suspended various statutes. Executive Order 20-04 specifically addressed public meetings and the Open-Door Law. This Executive Order, along with the opinion of the Indiana Public Access Counselor, allows for meetings to be held in a virtual environment. Subsequent Executive Orders have extended this practice.

The announced meeting location was Munster Town Hall. Councilors, Staff, and the public had the option to participate via Zoom meeting technology. Councilors Chuck Gardiner, Andy Koultourides, Lee Ann Mellon Ken Schoon, and Steven Tulowitzki were physically present at Town Hall. President Koultourides presided.

Also present in Town Hall were Clerk-Treasurer Wendy Mis, Controller Patricia Abbott, Town Manager Dustin Anderson, Police Chief Stephen Scheckel, Police Lieutenant Daymon Johnston, Town Attorney Dave Westland, Director of Operations Steve Gunty, Hammond Sanitary District Mike Hawkins, Superintendent of Operations Chris Spolnik and Water Crew Leader David White. Fire Chief Mark Hajduk was present in the virtual setting. The public was given the information needed to access the meeting virtually, and none took advantage of it.

The Town Council has sought legal counsel and has performed its due diligence to the best of its ability and believes it is acting in accordance with Indiana State law, the Governor's Executive Orders, and the interpretations and directives of other State agencies.

President Koultourides opened the meeting with a moment of silence followed by the pledge of allegiance.

**PUBLIC COMMENT**

Because of the unique nature of this meeting, the Town of Munster accepted public comment submitted both in-person and electronically. The public was informed, via the agenda posted at [munster.org](http://munster.org), that questions or comments about an item on the agenda were to be emailed to [danderson@munster.org](mailto:danderson@munster.org). Mr. Anderson reported that none were received.

No one rose to claim the floor.

**CONSENT AGENDA**

**APPROVAL OF MINUTES**

Approval of the minutes of the regular meeting held on December 6, 2021

**ACCOUNTS PAYABLE VOUCHER REGISTERS**

Confirmation of Voucher Register #21-10K dated 10/31/21 totaling \$150,027.53  
Confirmation of Voucher Register #21-10L dated 10/11/21 totaling \$651.60  
Approval of Voucher Register #21-10M dated 10/31/21 totaling \$4,360.73  
Confirmation of Voucher Register #21-11K dated 11/30/21 totaling \$1,099,278.54  
Confirmation of Voucher Register #21-12D dated 12/03/21 totaling \$28,829.76  
Confirmation of Voucher Register #21-12E dated 12/10/21 totaling \$53,078.86  
Confirmation of Voucher Register #21-12F dated 12/09/21 totaling \$475,558.65  
Confirmation of Voucher Register #21-12G dated 12/17/21 totaling \$403,041.91  
Confirmation of Voucher Register #21-12H dated 12/16/21 totaling \$634,957.08  
Approval of Voucher Register #21-12I dated 12/20/21 totaling \$232,617.88

**WATER BILL ADJUSTMENTS 2021-42 AND 2021-43**

Staff received requests for adjustment under the leak adjustment policy adopted by the Town Council on April 8, 2013. The customer has completed the required form and the request meets all the criteria for adjustments as follows:

Adjustment Number	Average Usage	Actual Usage	Length of Time	Original Bill	Requested Adjustment Amount	Adjusted Bill
2021-42	2,000	21,000	1 month	\$ 78.30	\$ 66.56	\$ 11.74
2021-43	7,000	77,000	2 months	\$ 259.76	\$ 197.84	\$ 61.92

The amounts listed are for water and sales tax only. All other regular charges will remain unchanged.

### **NEPOTISM AND CONFLICT OF INTEREST CERTIFICATES**

IC 36-1-20.2-16 mandates: "Each elected officer of the unit shall annually certify in writing, subject to the penalties for perjury, that the officer has not violated this chapter [on nepotism]. An officer shall submit the certification to the executive of the unit no later than December 31 of each year." Copies of certificates executed by Councilors Gardiner, Koultourides, Mellon, Schoon, and Tulowitzki and Clerk-Treasurer Mis were presented.

IC 36-1-21-6 mandates: "Each elected officer of the unit shall annually certify in writing, subject to the penalties for perjury, that the officer is in compliance with this chapter [on conflict of interest]. An officer shall submit the certification to the executive of the unit not later than December 31 of each year." Copies of certificates executed by Councilors Gardiner, Koultourides, Mellon, Schoon, and Tulowitzki were presented. The Clerk-Treasurer is not required to execute this certification.

IC 36-1-20.2-9 and IC 36-1-21-4 specifically allow a unit to adopt requirements that are "more stringent or detailed." Accordingly, Ordinance 1561, "An Ordinance for compliance with HEA 1005 entitled Conflict of Interest and Nepotism Effective July 1, 2012," adopted June 18, 2012, requires the Town Manager to execute the nepotism and conflict of interest certificates. Copies of the certificates executed by Town Manager Anderson were presented.

### **TREASURER'S REPORT**

The October 2021 Treasurer's Report was presented.

### **ACCEPTANCE OF PUBLIC OFFICIALS' BONDS**

There are statutory needs for certain officers and employees of a town to file individual surety bonds for the faithful performance of their duties.

IC 5-4-1-18 stipulates that the bond of a town Clerk-Treasurer shall be fixed by the town council in an amount equal to \$15,000 for each one million dollars of receipts, up to a maximum bond amount of \$300,000. During 2020, the Town of Munster received net revenues in excess of \$25,000,000.00. Twenty-five times \$15,000 equals \$375,000. Therefore, the bond for the Munster Clerk-Treasurer should be in the amount of \$300,000. The Munster Clerk-Treasurer is Wendy Mis.

IC 36-7-14-7(c) calls for each redevelopment commissioner (each member of the Munster Redevelopment Commission) to execute a bond in the amount of \$15,000 before beginning his (her) duties. Further, the cost of the bond shall be paid by the special taxing district. The Munster Redevelopment Commissioners are Chuck Gardiner, Andy Koultourides, Lee Ann Mellon, Kenneth J. Schoon, and Steve Tulowitzki.

IC 36-5-5-5 stipulates that a town manager "must, in the manner prescribed by IC 5-4-1, execute a bond for the faithful performance of his duties." IC 5-4-1-18(c)(2) requires the "amount of the bond of any other person required to file an individual bond shall be fixed by the fiscal body of the unit" at not less than \$5,000. Dustin C. Anderson is the Munster Town Manager.

The Town of Munster Board of Safety is a town board of metropolitan police commissioners. IC 36-8-9-3.1(f), stipulates that a board member shall give a bond in the amount of \$5,000. The members of the Munster Board of Safety are Jerome R. Baffa, Lorin M. Brown, Michael Clark, Linda S. Dunn, and Robert Dershewitz.

IC 36-8-6-3(e) stipulates that a secretary of a 1925 police pension fund "shall, in the manner prescribed by IC 5-4-1, execute a bond conditioned upon the faithful discharge of the secretary's duties." IC 5-4-1-18(c)(2) required the "amount of the bond of any other person required to file and individual bond shall be fixed by the fiscal body of the unit" at not less than \$5,000. The Secretary of the Munster Police Pension Board is Bryan Oberc.

Public official bonds have been executed by the town Clerk-Treasurer, the five redevelopment commissioners, the town manager, the five members of the board of public safety and the secretary of the police pension board and are now ready for acceptance by the Town Council.

Councilor Schoon moved, with a second by Councilor Tulowitzki, to suspend the rules, waive the readings, and adopt the Consent Agenda as presented. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against. The motion carried and the Consent Agenda was adopted.

### **NEW BUSINESS**

#### **ENGAGEMENT LETTER: PETERSON CONSULTING SERVICES**

Every year, the Town is responsible for updating its capital asset information for financial reporting purposes. During the past several years, Peterson Consulting Services, Inc. of La Grange, Illinois, has assisted the Town in implementing the Governmental Standards Accounting Board (GASB) Statement No. 34 which prescribes financial reporting requirements for state and local governments to make annual reports more thorough and easier to use.

Staff recommends continuing the engagement of Peterson Consulting Services who would reexamine the provisions of the GASB Statement No. 34 regarding capital assets, offer suggestions pertaining to the reporting of asset additions and retirements, provide input on the reporting of construction-in-progress (CIP), aid in capitalizing CIP, formulate year-end capital asset worksheets and summary schedules, create a Consolidated Summary Schedule, and provide guidance for strengthening Munster's capital asset policies and procedures for the year ending December 31, 2021.

The price has increased 2% from last year to \$3,900.00. The project cost will be divided among the General, Motor Vehicle Highway, Park & Recreation, Technology, Sewer Maintenance, Water Cash Operating and Solid Waste Management Funds.

Councilor Gardiner moved, with a second by Councilor Schoon, to confirm the letter of engagement with Peterson Consulting Services, Inc. at an amount not to exceed \$3,900.00. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against.

#### **ORDINANCE 1853: PROHIBITION OF RETAIL SALE OF DOGS OR CATS BY PET SHOPS**

Proposed ORDINANCE 1853 is AN ORDINANCE RELATING TO CHAPTER 6 (ANIMALS) OF THE MUNSTER MUNICIPAL CODE, ADDING A NEW SECTION TO BE NUMBERED 6-11. Indiana State Director of The Humane Society of the United States Samantha Morton was present to request the adoption of an ordinance prohibiting the retail sale of dogs or cats by pet shops located in Munster. A large number of these animals come from large-scale, commercial breeding facilities (i.e. puppy mills). The prohibition of their sale in Town can contribute to decreased demand for these animals.

Councilor Tulowitzki moved, with a second by Councilor Mellon, to hear Ordinance 1853 on first reading as presented. Town attorney will review the ordinance and second reading will be January 17, 2022. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against.

#### **GALLAGHER BASSETT PROPOSAL**

Gallagher Bassett has provided third party claims administration for the workers compensation and property claims of the Town. This is the end of a three-year contract and the vendor and Town Staff have negotiated a five-year term with an increase in price of 2.00% in Year One, 2.50% in Years Two, Three, and Four, and a 3.00% increase in Year Five.

The Town is self-insured, so the cost is on a per-occurrence basis. The cost is paid from the Self-Insured Liability Fund 580.

Councilor Mellon moved, with a second by Councilor Tulowitzki, to authorize the Town Manager to bind coverage for our third-party claims management program with Gallagher Bassett per the proposal presented. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against. Motion carried and Resolution 2088 was adopted.

#### **PURCHASE AWARD: 2021 HOT PATCHER**

Public Works Staff received a proposal from SealMaster of Indianapolis, Indiana for a new Falcon brand 14-foot, short frame, four-ton asphalt hot box and recycler priced through Sourcewell. The existing Unit # 358 is a Spaulding brand, two-ton hot patcher that was purchased in 2008. The equipment is due for replacement under the capital plan and will be traded in. The new unit will be paid from the 2020 General Obligation Bond.

The new unit includes a five-position tool holder, LED arrow stick with beacon light, and a 14-foot short frame at a price of \$35,188.00 less the trade-in of \$1,500.00 leaving a net cost of \$33,688.00. The proposal from Spaulding was \$51,129.00.

Councilor Mellon moved, with a second by Councilor Tulowitzki, to approve the purchase from SealMaster of a new four-ton asphalt hot box and recycler with a trade-in of \$1,500.00 for a net price through Sourcewell of \$33,688.00 to replace Unit #358. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against.

#### **MUNSTER UTILITY EASEMENT**

The proposed NICTD West Lake Corridor project includes a bridge over 45<sup>th</sup> Street. The exact location has an existing 60" diameter concrete stormwater sewer pipe which moves storm water along 45<sup>th</sup> Street to the detention pond nearby. NICTD proposes relocating the pipe to the east at no cost to the Town; however, an easement is needed to accommodate the construction and future maintenance of the area. The subject property is at the 3 Floyds warehouse site and is owned by SREIT. NICTD has asked the Town to secure the easement.

Councilor Gardiner moved, with a second by Councilor Schoon, to authorize the Town Manager to execute the utility easement between SREIT and the Town of Munster. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against.

#### **IMPACT: MUNSTER RISK ASSESSMENT**

Impact provides IT services to the Town. Staff has been working with their representatives to create a proposal to perform a risk audit. The audit would be designed to identify security gaps and vulnerabilities in the network infrastructure of the Town. Once complete, Impact will provide the results and proposal for remedies to any issues arising from the audit. The cost of the proposed work is \$16,712.00. IP addresses associated with the Munster Police Department are excluded from the risk assessment.

Councilor Tulowitzki moved, with a second by Councilor Schoon, to authorize Town Manager Anderson to enter into agreement to perform a risk assessment. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against.

#### **ANNUAL SCHEDULE OF MEETINGS**

The 2022 regular meeting schedule for the Town Council and the various board, commissions, and committees was distributed and placed on file. The only change from the 2021 meeting schedule is to the Park Board. Effective January 2022, the Park Board will meet at 5:00 p.m. on the third Tuesday of the month. A copy of the schedule is made part of these minutes.

Councilor Tulowitzki moved with a second by Councilor Mellon, accept the 2022 Town of Munster regular meeting schedule. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against.

#### **REORGANIZATION OF THE TOWN COUNCIL**

President Koultourides opened the floor to nominations for the office of Town Council President for the year 2022. Councilor Mellon nominated Councilor Gardiner. Councilor Tulowitzki seconded the nomination. There were no other nominations and Councilor Gardiner accepted the nomination. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against. Councilor Gardiner was elected as Town Council President for the year 2022.

President Koultourides opened the floor to nominations for the office of Town Council Vice President for the year 2022. Councilor Gardiner nominated Councilor Mellon. Prior to a second being made, Councilor Schoon moved, with a second by Councilor Tulowitzki, to nominate Councilor Tulowitzki to serve as Vice President for the year beginning January 1, 2022. Councilors Schoon and Tulowitzki, voted in favor of Councilor Tulowitzki; Councilors Mellon, Gardiner, and Koultourides voted against.

Councilor Mellon seconded the nomination motion for Councilor Mellon for Vice President. Councilors Mellon, Gardiner, and Koultourides voted in favor; Councilors Schoon and Tulowitzki voted against. Councilor Mellon was elected as Town Council Vice President for the year 2022. Councilors Schoon and Tulowitzki expressed disappointment.

President Koultourides appointed Councilors Mellon, Gardiner, and Koultourides to a one-year term on the Redevelopment Commission which will end December 31, 2022. President Koultourides then opened the floor for nominations to the Munster Redevelopment Commission for the year 2022. Councilor Gardiner nominated Councilors Schoon and Tulowitzki each to a one-year term on the Redevelopment Commission which will end December 31, 2022. Councilor Schoon seconded the motion. Councilors Schoon, Mellon, Gardiner, Tulowitzki, and Koultourides voted in favor; none voted against.

President Koultourides appointed Councilors Mellon, to a one-year term on the RDA Transit Development District Steering Committee is made to be effective January 1, 2022.

Additional Board and Commission appointments as well as Council portfolio assignments will be made at the January 17, 2022, regularly scheduled Town Council meeting.

**REPORTS**

Councilor Schoon shared the LCSWMD will begin collecting household batteries at Munster Town Hall.

Councilor Tulowitzki shared the Munster Chamber of Commerce (MCOC) will be hosting their Annual Dinner on January 29, 2022. It was shared that Clerk-Treasurer Wendy Mis has been named as the MCOC Citizen of the Year. The Town Manager was asked to investigate getting a Town of Munster table at the event.

**ANNOUNCEMENTS**

(Unless stated otherwise, all meetings of the Town Council begin at 7:00 p.m. at the Munster Town Hall.) The number of residents able to participate in person will be limited based on the Governor's Executive Order(s) in effect at that time.

The Town Council will hold a regular meeting on Monday, January 17, 2022. The Redevelopment Commission will hold a regular meeting immediately following the Town Council meeting.

**ADJOURNMENT**

There being no further business to come before the Council, the meeting adjourned at 7:59 p.m. by voice vote.

**ATTEST:**

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**Andy Koulourides, President**

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**Wendy Mis, Clerk-Treasurer**