

TOWN OF MUNSTER
MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL
MAY 1, 2023

A meeting of the Munster Town Council convened at 7:00 p.m. on Monday, May 1, 2023. Ordinance 1830 is the basis for holding electronic meetings. 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 Gardiner presided. Also present in Town Hall were Clerk-Treasurer Wendy Mis, Controller Patricia Abbott, Town Manager Dustin Anderson, Deputy Town Manager Jill DiTommaso, Police Chief Stephen Scheckel, and Town Attorney Dave Westland. Fire Chief Mark Hajduk and Munster Representative to the Hammond Sanitary District Mike Hawkins were present virtually. The news media were not represented.

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

PUBLIC HEARING: COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

This matter was postponed to May 15, 2023.

PUBLIC COMMENT

The Town of Munster accepts public comments submitted both in-person and electronically. The public was informed, via the agenda posted at munster.org, that questions or comments about an item on the agenda were to be emailed to danderson@munster.org.

No one rose to claim the floor.

CONSENT AGENDA

APPROVAL OF MINUTES

Minutes of a regular meeting held on April 17, 2023

ACCOUNTS PAYABLE VOUCHER REGISTERS

Confirmation of Voucher Register #23-3L dated 03/31/23 totaling \$188,204.98
Approval of Voucher Register #23-3M dated 03/31/23 totaling \$150,502.73
Confirmation of Voucher Register #23-4I dated 04/20/23 totaling \$93,086.06
Confirmation of Voucher Register #23-4J dated 04/21/23 totaling \$476,851.54
Confirmation of Voucher Register #23-4K dated 04/27/23 totaling \$367,356.91
Approval of Voucher Register #23-5A dated 05/01/23 totaling \$198,263.37

TREASURER'S REPORT

The March 2023 Treasurer's Report was presented.

WATER BILL ADJUSTMENTS 2023-25 THROUGH 2023-28

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
2023-25	2,000	8,000	1 month	\$ 47.80	\$ 29.68	\$ 18.12
2023-26	4,000	34,000	2 months	\$ 197.95	\$ 102.47	\$ 95.48
2023-27	9,000	45,000	2 months	\$ 257.39	\$ 150.18	\$ 107.21
2023-28	5,000	33,000	1 month	\$ 185.43	\$ 154.93	\$ 30.50

ANNUAL RED FLAG REPORT

The Federal Trade Commission requires utility companies to adopt an identity theft prevention program or red flag policy. In April 2009, the Council came into compliance by adopting Ordinances 1424 and 1514. The policy requires an annual report on the program. Copies of the ordinances are attached.

Most of the practices in the policy were in place prior to adoption of Ordinance 1424. The following table shows the number of events since implementation. Each time there was an incident, Staff denied starting billing until proper identification was provided.

Year	Numer of Incidents	Year	Number of Incidents
2009	fewer than five	2016	1
2010	-0-	2017	4
2011	-0-	2018	1
2012	1	2019	1
2013	-0-	2020	-0-
2014	1	2021	-0-
2015	1	2022	-0-

With the onset of Covid, we changed how water sign-ups work. Customers can complete the process via email and the post office. Customers have the option to email a picture of their identification documents or mailing in a photocopy. Most new customers come to the Clerk-Treasurer's Office in person. To date, there have been no issues with this process.

LOCAL ROADS & STREETS ANNUAL REPORT

Indiana Code 8-17-4.1-1 requires an operational report to be prepared by all cities and towns having a population of 15,000 or more with road and street responsibilities. The report must be prepared on forms prescribed by the State Board of Accounts and must disclose all information considered necessary to reflect the financial condition and operations of the department.

Accordingly, the Clerk-Treasurer's Office and Public Works Department prepared the report, which was filed electronically April 12, 2023, with the State Board of Accounts, the Indiana Department of Transportation, and the Purdue University Local Technical Assistance Program. The report is also to be filed with the governing body of the municipality and is available to the public and to the press in the Clerk-Treasurer's Office during regular business hours.

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

OLD BUSINESS

ORDINANCE 1899: AMENDMENT #2 TO 2023 SALARY ORDINANCE

Introduced ORDINANCE 1899 is AMENDMENT #2 TO THE 2023 SALARY ORDINANCE. Council held first reading on this matter at the April 17, 2023, meeting. The amendment increases Police Officer staffing to forty-four (44) total sworn officers and allows for Transitional Employees.

Councilor Koultourides moved, with a second by Councilor Mellon, to adopt Ordinance 1899 on second reading as presented. Councilors Schoon, Mellon, Tulowitzki, Koultourides, and Gardiner voted in favor; none voted against. Motion carried.

ORDINANCE 1900: ESTIMATING WATER METERS

Introduced ORDINANCE 1900 is AN ORDINANCE AMENDING SCHEDULE A, A NON-CODIFIED PORTION OF THE MUNICIPAL CODE, AMENDING PENALTIES FOR FAILURE TO INSTALL A WORKING METER. First reading of Ordinance 1900 was held at the April 17, 2023, meeting with second reading scheduled for this evening. The ordinance will create a tiered approach to estimating accounts when remote readings cannot be captured and a fine assessed for non-compliance.

Councilor Tulowitzki moved, with a second by Councilor Koultourides, to adopt introduced Ordinance 1900 on second reading. Councilors Schoon, Mellon, Tulowitzki, Koultourides, and Gardiner voted in favor; none voted against. Motion carried.

NEW BUSINESS

ORDINANCE 1902: AMENDMENT TO ARPA PLAN

Proposed ORDINANCE 1902 is AN ORDINANCE AMENDING ORDINANCE 1863 CREATING THE PLAN FOR THE USE OF THE FUNDS ACCOUNTED FOR IN THE ARPA CORONAVIRUS LOCAL FISCAL RECOVERY FUND (2403). Ordinance 1839 adopted at the October 4, 2021, meeting to create the initial plan for how the American Recovery Plan (ARP) monies would be spent. The plan was amended June 6, 2022. The plan currently allows \$1,100,000.00 for the purchase of a new fire truck, \$500,000.00 for general government services of the Park Department, \$2,500,000.00 for water infrastructure, and the balance of the allocation to be assigned later.

At the April 17, 2023, meeting, the Police Department requested, and the Council approved, the purchase of new portable radios. The radios cost \$455,070.34 and have annual maintenance costs for the next four years. Staff has recommended the initial cost come from ARP money with the annual maintenance costs coming from the Technology Fund. This purchase is allowable under the Final Rule of the Department of Treasury for ARP money.

The total allocation received was \$5,093,671.16. With the adoption of Ordinance 1902, the balance of funds available will be \$538,600.82.

It is important to note that the entire allocation must be obligated by December 31, 2024 and expended by December 31, 2026. Obligated is understood to mean that the dollars are both in the plan and a purchase order has been issued. In other words, Staff must have the project in place, a bid awarded (if subject to bidding), and Council approved by December 31, 2024. If the Town does not have this in place, the funds may revert to the federal government.

Councilor Tulowitzki requested a work study be held to determine how the balance of the funds will be spent. Staff will prepare suggested uses. President Gardiner stated a work study will be scheduled in the next few months.

Councilor Schoon moved, with a second by Councilor Mellon, to hear proposed Ordinance 1902 on first reading and schedule second reading for the next regular meeting. Councilors Schoon, Mellon, Tulowitzki, Koultourides, and Gardiner voted in favor; none voted against. Motion carried.

LETTER OF ENGAGEMENT: LANDFILL ASSURANCE TEST

The Indiana Department of Environmental Management ("IDEM") requires documentation from the Town regarding financial assurance of the landfill site. This requirement has traditionally been in place to assure IDEM that a private business owners operating a landfill site has placed financial assurance on record in case the owner closes

the business without any warning, leaving behind a brownfield. The provisions in 329 IAC 10-39-2(a)(6) apply to municipalities as well, even though the same risks are not involved.

Baker Tilly has completed numerous reports on the financial status of the landfill for the Town. A letter of engagement to perform the work that must be completed to provide IDEM with the proper financial assurance has been presented.

Baker Tilly has the appropriate financial information to provide IDEM with information about the Town's general financial well-being. IDEM does not stipulate that the Town pass any further bonds or pay any sums of money at this time to comply with the financial assurance provisions.

The fee for this service is set at \$7,400.00 and is to be funded from the Solid Waste Management Fund.

Councilor Koultourides clarified the purpose of this work. It was explained that it is a requirement that must be met annually on a closed landfill. The purpose is to ensure there are adequate funds for the ongoing maintenance of the closed landfill.

Councilor Tulowitzki moved, with a second by Councilor Schoon, to approve the letter of engagement with Baker Tilly for the Annual Landfill Assurance Test in the amount of \$7,400.00. Councilors Schoon, Mellon, Tulowitzki, Koultourides, and Gardiner voted in favor; none voted against.

ON-CALL PLANNING SERVICES

The Town Planner recently resigned to pursue another opportunity. It will take time to replace this employee. In the meantime, Staff proposes engaging an outside firm to review applications, preparation of staff reports for the Board of Zoning Appeals and Plan Commission as well as attendance at these meetings. HWC Engineering has the appropriate staff and experience at performing these services.

The engagement would be based on time and materials at a not-to-exceed amount of \$8,000.00/ month for three months totaling \$24,000.00.

Mr. Westland explained the modifications made to the proposed agreement and stated the version in the Council packet was the updated version. Mr. Anderson explained that applicants will be charged a fee in accordance with Schedule A for plan review work that is performed under this agreement.

Councilor Koultourides asked about locally available vendors. Councilor Tulowitzki thanked Tom Vander Woude for his service to the Town.

Councilor Tulowitzki moved, with a second by Councilor Koultourides, to authorize the Town Manager to execute the agreement for professional services with HWC Engineering to provide temporary planning services. Councilors Schoon, Mellon, Tulowitzki, Koultourides, and Gardiner voted in favor; none voted against. Motion carried.

DISPOSAL OF SURPLUS EQUIPMENT

The Clerk-Treasurer's Office and Police Department presented surplus equipment in need of disposal as follows.

<u>Item</u>	<u>Model</u>	<u>Serial Number</u>
ASUS 17" computer monitor		D7LMQS055357
Martin Yale Electric Letter Opener		3961502099M29
Audio Intelligence Devices, video and audio repeater to convert surveillance devices	PSR-2202A	31606
Standalone DVR for covert surveillance devices		7105J567

Law Enforcement Associates, Inc., audio recording tape deck for covert surveillance devices	6306 TAX-6	09063
Nikon video camera w/light and batteries	VN-330	3040439
Fingerprint comparator	FC281	20254
Panasonic camera systems (cameras, displays, recorders, and microphones)		MDA00058, MDA00520 A8T00083, A8TA00157 LFA00616, LDA00001

Councilor Schoon, with a second by Councilor Mellon, to declare surplus and approve the disposal of the listed equipment from both the Clerk-Treasurer and the Police Department. Councilors Schoon, Mellon, Tulowitzki, Koultourides, and Gardiner voted in favor; none voted against. Motion carried.

PURCHASE OF NEW SERVER FOR POLICE CAMERAS

The Police Department intersection cameras and license plate readers are housed on a server which is out of date and no longer under warranty. Replacement of this server was included in previous municipal bond issues. Staff has consulted police departments in the area and Vermillion Systems, Inc. was recommended.

Councilor Schoon moved, with a second by Councilor Koultourides, to approve the Standard Commercial Security Agreement with Vermillion Systems, Inc. for the purchase of a new service at a cost of \$49,939.43 contingent upon the striking of paragraphs twenty-one (21), twenty-four (24), and twenty-five (25) in its entirety. Councilors Schoon, Mellon, Tulowitzki, Koultourides, and Gardiner voted in favor; none voted against.

LANSING COUNTRY CLUB: NON-BINDING LETTER OF INTENT

The Northwest Indiana Forum received a Regional Economic Acceleration and Development Initiative (READI) grant from the State of Indiana in the amount of \$24.7 million. From that, \$1.4 million is budgeted for infrastructure costs associated with the development of the Lansing Country Club site. The Forum needs assurances that the potential development is still being considered so that the funding does not revert back to the State for use elsewhere.

Attorneys representing the Town and Saxon Partners have prepared a non-binding letter of intent for this purpose. The letter does not obligate the Town to the project.

Councilor Tulowitzki asked Staff for a status update.

Councilor Mellon explained that the Plan Commission has approved phases of the project with the caveat that the developer is proceeding at their own risk as there is no development agreement in place.

Clerk-Treasurer Mis explained corrections to some of the calculations in the letter.

Councilor Schoon moved, with a second by Councilor Tulowitzki, to accept the proposed letter and authorize the Council President or his designee to sign on behalf of the Town. Councilors Schoon, Mellon, Tulowitzki, Koultourides, and Gardiner voted in favor; none voted against. Motion carried.

NICTD INVOICE #3982: WESTLAKE CORRIDOR PROJECT

On May 16, 2022, the Munster Town Council executed two written commitments and agreements with the Northern Indiana Commuter Transportation District (NICTD). The First Written Commitment and Agreement directed NICTD to authorize its Design-Build Contractor to proceed with a change order for the design and

construction of the alternate architecture and aesthetic finishes of the station buildings and passenger platforms at the new Ridge Road and Main Street passenger train stations. The additional design and construction costs are estimated at \$6,007,657.87. The Second Written Commitment and Agreement, for \$397,175.59, directed NICTD to authorize its Design-Build Contractor to proceed with the design and construction of the alternate location of the water main between Fisher Street and the Canadian National/Grand Trunk Western Railroad.

The Town has received an invoice for this work from NICTD. Invoice No. 3982 includes engineering and design work for the improvements listed for the period of February 1, through February 28, 2023. At this time, the design work for the Main Street station is 100% complete and the Ridge Road platform design is 93% complete. Ten percent retainage has been withheld in accordance with typical contract conditions.

Councilor Koultourides moved, with a second by Councilor Tulowitzki, to authorize payment of Invoice No. 3982 to NICTD in the amount of \$39,143.16 from the TIF Allocation Fund. Councilors Schoon, Mellon, Tulowitzki, Koultourides, and Gardiner voted in favor; none voted against. Motion carried.

TOWN HALL GENERATOR UPGRADE

Continental Electric Company installed a backup generator at Town Hall. Council approved Change Order #2 at the January 9, 2023 meeting making the total contract price \$313,805.00. All outstanding punch list items have been addressed and Continental has requested a Certificate of Final Completion and Release of Retainage.

Councilor Koultourides thanked Dave Nellans for his persistence in getting generators installed at various locations in Town including Town Hall.

Councilor Tulowitzki moved, with a second by Councilor Koultourides, to approve the release of retainage in the amount of \$31,380.50 to Continental Electric Co., Inc. for the Town of Munster Generator System Upgrade project. Councilors Schoon, Mellon, Tulowitzki, Koultourides, and Gardiner voted in favor; none voted against.

45th STREET PAVING: CSX PERMIT

Council awarded a contract to Milestone Contractors at the April 3, 2023 meeting to pave 45th Street from the state line to Calumet Avenue. Staff has been working with NICTD to have the roadway in the CSX right-of-way paved as part of their contract with the railroad. It is now known that will not work and the Town needs a right-of-way permit directly with CSX railroad.

CSX requires a payment of \$2,500.00 for processing fees and administration of the permit. Payment must be made at the time of applying for the permit.

Councilor Tulowitzki moved, with a second by Councilor Koultourides, to authorize payment of \$2,500.00 to CSX for a right-of-entry permit to perform paving operations on 45th Street in the vicinity of CSX crossing 341134P. Councilors Schoon, Mellon, Tulowitzki, Koultourides and Gardiner voted in favor; none voted against.

REPORTS

Councilor Schoon explained about a NIPSCO program to evaluate the heat loss potential of residential buildings. The program is free.

PORTFOLIO REPORTS

This portion of the meeting has been added to give elected officials an opportunity to share news about the various boards and commission on which they serve as liaison.

No reports were given.

ANNOUNCEMENTS

(Unless stated otherwise, all meetings of the Town Council begin at 7:00 p.m. at Munster Town Hall.)

The Town Council will hold regular meetings on Monday, May 15, and June 5, 2023. The Redevelopment Commission will hold regular meetings immediately following.

ADJOURNMENT

There being no further business to come before the Council, and upon a motion by Councilor Schoon and seconded by Councilor Tulowitzki, the meeting adjourned at 7:37 p.m. by voice vote.

ATTEST:

Chuck Gardiner, President

Wendy Mis, Clerk-Treasurer