

**OGDEN DUNES TOWN COUNCIL MEETING
MONDAY, DECEMBER 1, 2014 – 7:00 P.M.
OGDEN DUNES COMMUNITY ROOM**

PRESENT: Bill Gregory, Charlie Costanza, Allen Johnson, Paul Panther, Tom Clouser

MINUTES

Allen Johnson moved to approve the minutes of the November 3, 2014 Town Council meeting as submitted by the Clerk-Treasurer. Tom Clouser seconded the motion. All were in favor and the motion was unanimously approved.

CORRESPONDENCE, ANNOUNCEMENTS & CONGRATULATIONS

Bill Gregory announced that volunteer positions are available on various Town committees and boards which will be filled at the January 5, 2015 Town Council meeting. Application forms are available at Town Hall and the Town website. Positions unfilled at the January meeting will continue to be held by those currently holding those positions until such time as a replacement is appointed.

Charlie Costanza congratulated Andean High School for being State champions in football for the second consecutive year.

Allen Johnson cautioned drivers to make sure they enter a roundabout staying to the right side as he encountered a driver who entered on the wrong side of the roundabout and was aiming directly at Allen's car.

Bill Gregory requested that the December 29, 2014 Town Council meeting be changed to December 22, 2014. All Council members agreed. Clerk-Treasurer will advise media and web administrator.

COMMITTEE AND DEPARTMENT REPORTS

Street Department – Tom Clouser stated that there will be one final leaf pick-up this week. He requested that residents do not put out any more leaves till spring. There is no more brush pick-up. However, if you place leaves in a bag, the Street Department will pick up bags of leaves but will not pick up loose leaves.

Police Department – Marshal Reeder reminded all residents who will be gone for the winter to please fill out a "vacation form" available at Town Hall so officers will know to check your home. Also, make arrangements for driveway snow removal while you are gone as snow covered driveways are a dead giveaway to burglars that no one is home. He also stated that two incidents were reported to the officers involving homes that had their outside bulbs unscrewed resulting in no outside lights. This may have been pranks or it could have been something more serious. At this point, the officers have no determination but urge residents to check their outside lights.

Fire Department – Bill Gregory stated that new agreements between the Fire Department and the Town will be discussed tonight under New Business.

Plan Commission – Bill Gregory welcomed Roger Rhodes as the new Building Commissioner replacing Ed Hewitt who resigned.

BZA – Charlie Costanza stated that an appeal has been made to the BZA as a result of a Plan Commission decision. He stated that all forms have been filed and it is a matter of great public importance. It is being requested that the \$300 filing fee be waived by the Town Council for this appeal process. Charlie Costanza moved that Tom Clouser, Bill Gregory and Charlie Costanza vote to waive the \$300 appeal fee. Motion did not carry due to lack of second. Bill Gregory stated that the BZA Chairman is seeking an opinion from the Town Attorney as to whether or not this is a valid appeal which has been filed with the BZA. Bill Gregory asked that Charlie Costanza and Allen Johnson recuse from voting. Tom Clouser moved that the BZA contact the Town Attorney for a determination as to whether or not the appeal before the BZA is valid. Paul Panther seconded the motion. The vote of the Council was as follows: Bill Gregory, yes, Paul Panther, yes; Tom Clouser, yes; Allen Johnson, abstain; Charlie Costanza, abstain. The motion was approved three to two.

General Code Review – Connie Collins stated that the committee has tabled any further discussion regarding street parking during snow storms. The committee has voted to meeting only every other month beginning January, 2015.

ADA – Paul Panther stated that new ADA compliant faucets have been installed in the Community Room restroom. He stated that a support bar is not possible at this time as the metal partition which would house the bar is not strong enough and would be unsafe for any person trying to grab the bar.

Building Code – Charlie Costanza stated that the committee met but there was nothing new to report.

Environmental Advisory Board – Susan Mihalo gave a power point presentation regarding the proposed high speed trains which would pass on the south side of Ogden Dunes. All information regarding these trains will be on the Town website. **The following motion was made by the Town Council and approved.** Charlie Costanza feels that the high speed trains could be bad for our Town but may have some benefits, too. He feels our small Town cannot make a difference and we should not try to stop progress. **The vote of the Council was Bill Gregory, yes; Allen Johnson, yes; Paul Panther, yes; Tom Clouser, yes; Charlie Costanza, abstain.**

Motion was as follows:

‘The Town Council of Ogden Dunes, Indiana on this day of December 1, 2014 passes a motion stating that we support the “No Build Alternative” proposed in the *Tier 1 DRAFT Environmental Impact Statement* as part of the Chicago to Detroit/Pontiac High-Speed Rail Proposal developed by Great Lakes Rail. It is our belief that impacts to our town not yet revealed through the National Environmental Policy Act (NEPA) process with respect to land use, the built and natural environment, public health, public safety, noise and vibration and even environmental justice, may far outweigh any benefits that could be accrued for our town. Furthermore, it is our understanding that all of the routes proposed could have far-reaching impacts on residents in neighboring communities, such as Portage, Hammond, and Gary, as well as on the world-renowned natural resources that reside within the Indiana Dunes National Lakeshore, coastal wetlands and nature preserves in Indiana. The “No Build Alternative” is the alternative that will best serve the residents of Ogden Dunes, the state of Indiana and the Indiana Dunes National Lakeshore.’

. Susan also presented the 2015 beach grant for Town Council approval which will be submitted to IDEM. **Paul Panther moved that the 2015 beach grant as submitted by the Environmental Advisory Board be approved. Tom Clouser seconded the motion. All were in favor and the motion was unanimously approved.**

Bridge and Railroad – Bernadette Slawinski questioned the title search for the sand tracks. Bill Gregory stated that Fidelity Title was taking longer than expected. He was informed that information would be received this week. Bernadette stated that the committee has discussed sound localization; however, this entails a barrier similar to the one at the entrance of West Beach on County Line Road which would

prevent residents from making a left turn into the South Shore train station. She also indicated that even if sound localization was feasible, Town Hall, the church and the east side of Deer Trail would still hear the train whistles. She mentioned that the access road has been opened more often due to increased train traffic. However, the Council is asking residents to only use this road in emergencies. Please wait a reasonable amount of time for the train to pass.

Historical Society – Paul Panther stated that the Holiday Tea will be held on Sunday, December 7 at 12 p.m. to 2 p.m. and 3 p.m. to 5 p.m. at the Hour Glass. The Historical Society is asking for a \$15 donation per person.

Sanitation – Tom Clouser stated that he has obtained 34 free subdivision maps from the County showing the Town of Ogden Dunes and designates which properties are owned by residents and which properties are owned by the Town. These maps will be available at Town Hall for viewing.

Beach Nourishment – Bill Gregory asked for additional volunteers to this group. He strongly suggested residents who live directly along the lakefront join.

CLAIMS

Paul Panther moved to accept the November claims as presented by the Clerk-Treasurer. Tom Clouser seconded the motion. Charlie Costanza was opposed since he did not feel the Chairman of the Plan Commission was authorized to contact the Town Attorney and he was against all claims relating to the deer cull. The vote of the Council was as follows: Bill Gregory, yes; Allen Johnson, yes; Paul Panther, yes; Tom Clouser, yes; Charlie Costanza, no. The motion was passed four to one.

OLD BUSINESS

Roger Rhodes, Building Commissioner, indicated that the nuisance properties at 9 Aspen Road and 7 Beach Lane are meeting the expectations of the Town Council and will no longer be placed on the monthly agenda. However, the nuisance property at 25 Hillcrest has made no progress nor have they contacted the Town. A fine is in place for \$1,000 to Hugh and Ruth Moore.

Bill Gregory read Ordinance 807 in its entirety. **Allen Johnson moved to pass Ordinance 807 – Standing Committees – on the second reading. Paul Panther seconded the motion. The vote of the Council was as follows: Allen Johnson, yes; Bill Gregory, yes; Paul Panther, yes; Tom Clouser, yes; Charlie Costanza, no. The motion was passed four to one.**

Allen Johnson moved to pass Ordinance 806 – 2015 Employee Salaries - for the second reading by title only. Tom Clouser seconded the motion. All were in favor and the motion was unanimously approved.

Charlie Costanza asked for a deer cull update as to how many deer were taken. Paul Panther indicated that 11 deer have been taken and four were sent to the food pantry. Charlie Costanza stated that the deer cull expenses were being paid from the General Fund which means that all residents are paying for this whether they are for or against the cull.

NEW BUSINESS

Due to a recent storm, Bill Gregory declared a beach state of emergency as follows which will continue until all permits being sought by the Beach Nourishment Committee for restoration of the beach area affected are in effect:

The Halloween (10/31/2014) wind storms decimated the beach at the east end of town. Waves now crashing directly on the seawall have created unsafe and dangerous conditions and are threatening home owners on that end of Shore Drive. As such, and as Town Council President, today (11/15/2014) I am declaring a state of emergency relative to this situation.

I have asked the Beach Nourishment Committee to meet and directed them to have appropriate and timely conversations with the various State & Federal agencies involved in the rules, regulations and permitting process for the Lake Michigan shoreline, namely the National Park Service/Indiana Dunes National Lakeshore, Indiana Department of Natural Resources, Indiana Department of Environmental Management and the Army Corps of Engineers. These discussions will be designed to formulate plans for dealing with this beach erosion and to expedite the approval of whatever permits are required.

The Town Council will take formal action to approve this declaration, and to determine its length, at the December 1st meeting.

Bill Gregory
President, Town Council of Ogden Dunes

Tom Clouser moved to pass the 2015 web administrator contract for Jennifer Brown. Paul Panther seconded the motion. All were in favor and the motion was unanimously approved.

Paul Panther moved to accept the data recovery contract with Boyce/Keystone software at an annual fee of \$275.00. Allen Johnson seconded the motion. All were in favor and the motion was unanimously approved.

Allen Johnson moved to pass Resolution 2014-11 – 2014 Additional Appropriations. Tom Clouser seconded the motion. All were in favor and the motion was unanimously approved.

Bill Gregory supplied the Council members with copies of the 2015 Fire Protection and Service Agreement. He also supplied the Joint Operating Agreement for the Town and Fire Department pertaining to the Community Room. **Paul Panther moved to accept the Fire Protection and Service Agreement for 2015 as submitted. Charlie Costanza seconded the motion. All were in favor and the motion was unanimously approved.** Tom Clouser asked that the vote on the Joint Operating Agreement be postponed till December 22 meeting in order that the Council has sufficient time to review the agreement.

Charlie Costanza reminded the residents that Town elections will be held in November 2015 and encouraged residents to consider running for the positions in Town.

RESIDENT REMARKS

Nancy Johnson gave an explanation of the construction that was done at her home and thoroughly explained the controversy concerning the building permits. She indicated that her husband applied for the building permit after being told by the contractor that the charge would exceed the allowable \$2,500 limit for building permits.

Patti Gagliardi – 2 Shore Drive requested that beach accessway one be closed which is near her home and now being used by many people as it is currently the only accessway to the beach. Marshal Reeder indicated that this would be done. Patti Gagliardi questioned when the next Beach Nourishment meeting would be held. Charlie Costanza stated that he would advise her of the next meeting date.

Mark Coleman – 8 Turret Road – discussed Boat Club Road and Town Attorney contacts by various committee members who he feels are unauthorized.

Margaret Coleman – 8 Turret Road – discussed the donation can for doggie bags. She requested donations from the residents and also asked for volunteers for the Animal Control Committee.

Walter Sampson – discussed the South Shore trains and the possibility of having the gates up while passengers are boarding the South Shore trains to minimize the wait at the tracks. He also stated that he was opposed to any rocks being placed on our beach and wanted our beaches to remain sand only.

COUNCIL REMARKS

Charlie Costanza stated that everything he does on the Town Council is for the betterment of the Town. He thanked Bill Gregory for giving him the opportunity to take a lead role with the Beach Nourishment Committee. He went on to state all his values regarding his governmental position.

No further business coming before the Council, Tom Clouser moved to adjourn the meeting. Allen Johnson seconded the motion. All were in favor and the meeting was adjourned at 9:45 p.m.

Bill Gregory, President

ATTEST:

Jean Manna
Clerk-Treasurer