

**DRAFT**

**OGDEN DUNES TOWN COUNCIL  
BUDGET HEARING AND REGULAR MONTHLY MEETING  
OGDEN DUNES FIREHALL – 7:00 P.M.  
SEPTEMBER 12, 2012**

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

Tom Clouser moved to approve the minutes of the August 6, 2012 Town Council meeting and Paul Panther seconded the motion. All were in favor and the motion was approved.

Paul Panther moved to approve the minutes of the August 11, 2012 Town Council meeting and Tom Clouser seconded the motion. All were in favor and the motion was approved.

**CORRESPONDENCE AND ANNOUNCEMENTS**

Allen Johnson made reference to receiving letters from residents Bernadette Slawinski and Jon Machuca. Both letters deal with the deer issue. Neither letter was read at the meeting. Charlie Costanza asked if these letters would be addressed by the Council and Allen Johnson stated “no”.

Allen Johnson also stated that a letter was received from the Porter County Health Department stating that only one case of lyme disease has been reported in Portage but since there is no mailing address listed we cannot determine if this case was in Ogden Dunes or City of Portage.

Allen Johnson briefed the residents regarding an email attachment sent to Eric Kurtz by the Department of the Army, Chicago, Illinois stating that 200,000 cubic yards of clean sand from an Arcelor Mittal Lake Michigan intake structure to be dredged and placed near the Town of Ogden Dunes approximately 325 feet from the Ordinary High Water Mark (OHWM) of Lake Michigan situated such that natural lake currents will wash the sand into the shore of Lake Michigan approximately 300 to 600 feet west of the disposal location ultimately serving as beach nourishment for the Town of Ogden Dunes.

Allen Johnson read a letter from resident John Hannon who wrote that Ogden Dunes is experiencing the loss of biodiversity because of the size of the deer herd in the local environment. He attached documentation showing his argument for taking action now to reduce the deer herd. Allen Johnson requested that the Clerk post this letter at Town Hall. Charlie Costanza stated that this is only one person’s opinion and stated that he disagreed with John Hannon’s arguments and asked the Council why letters in favor of the cull such as John Hannon’s were read and letters against the cull such as Bernadette Slawinski and Jon Machuca were not read. He does not feel it is right that one side of this issue is addressed by the Council and the opposing side is not addressed.

Paul Panther stated that he knows of three people who presently have lyme disease or have had it in the last couple of weeks but do not want their names mentioned. He also stated that

numerous people have had their dogs suffer from lyme disease. Paul Panther asked that any resident who has lyme disease or has had lyme disease to report this. Paul Panther asked Marshal Reeder if he would accept the calls from residents who call and state they currently have or have had lyme disease. Marshal Reeder said that this would be difficult for him as he is patrolling most of the day. It was then suggested that residents should call the Porter County Health Department to report lyme disease cases.

Allen Johnson stated that he wrote a letter to Congressman Peter Visclosky concerning the issues Ogden Dunes is having with Superintendent Dillon of the National Park Service regarding emergency exits, fireworks, bike path, fires and alcohol on th Ogden Dunes beach and the shipwreck presentation on our beach.

## CONGRATULATIONS

Allen Johnson stated that ODHA had a successful camp out on the beach the last weekend in August and also thanked Nancy, Jerry, Piper and Casey VanSanten and their crew for the Reggae Party Labor Day weekend.

## BUDGET HEARING

**Paul Panther made a motion to accept the 2013 Budget Ordinance 769, Form 3, first reading by title only, which appeared as a “Notice to Taxpayers” in the newspaper on August 31, 2012 and September 7, 2012. Tom Clouser seconded the motion. All were in favor and the motion was passed.**

**Paul Panther made a motion to accept Resolution 2012-02 , providing for the transfer/addition of appropriations for the General Fund, LECE Fund, and CCD Fund of the Town of Ogden Dunes. Tom Clouser seconded the motion. All were in favor and the motion was unanimously passed.**

## COMMITTEE REPORTS

Jim Matthys spoke for the Street Department and announced that the Town Fall Clean-Up will be held on September 29 and 30, 2012. Containers will be at the Street Department for appliances and hazardous waste. This year we will have a container for metal. October 1<sup>st</sup>, Monday, will be the last day for brush pick-up. On Wednesday, October 3, leaf pick-up will begin. Place your leaves on the road. Jim Matthys indicated that residents have been calling him to say that their recycle tote was not emptied by Able. Able will not empty recycle totes that contain materials that are not recyclable such as wood, metal, etc. Residents received a notice with a past water bill which listed which items can be recycled through Able. Tom Clouser indicated that Jim Matthys’ crew painted yellow lines on Shore Drive and yellow lines by the entrance garden.

Marshal Reeder spoke for the Police Department and stated that Town Commissions and Boards holding meetings at Town Hall have been lax in locking the building properly. They

have been leaving the front lobby door opened and also the door leading from the Town Hall meeting room into the foyer. He has asked that the head of each Commission/Board be responsible for properly securing the building after a meeting.

Jim Kopp spoke for the Waterworks and Sanitation and indicated that beginning with the October 10, 2012 water bills, the Town will be able to accept payments online by credit card or EFT payment. There will be a charge to the resident for this service. The Town will also accept building permit fees, police violation fees and any other Town fees/fines. Jim Kopp stated that the Town's garbage contract with Able expires on June 30, 2013 and he would like to have a new contract in place by March 1, 2013. In order to accomplish this, he needs to bid this contract in December, 2012 and is asking the Council's approval to begin the process to bid in December, 2012. Jim Kopp stated that he needs to address a few points with Able for the new contract such as yellow lids on all recycle cans. He stated that the contract with Able if renewed would be for 3 or 4 years. The Council agreed to let Jim Kopp pursue the bidding process.

Susan Mihalo spoke for the Environmental Board and encouraged residents to recycle. She stated that the Ogden Dunes website has information as to which products can be recycled. The Town receives a lower contact price with Able depending on the amount of recycle they pick up from the Town. So it is advantageous to all residents to recycle. This Saturday is International Coastal Clean-Up from 9-11 a.m. and we will meet at access way 14. Girl Scouts from Valparaiso will be coming and we are encouraging residents to join us. Environmental Board meetings will now be on the second Wednesday of each month at 5:00 p.m.

Rob Schlyer for the Home Association stated that the Nelson Reck Tennis Courts will be closed through Saturday, September 15, 2012 due to the flex court system being delivered and installed. It will be the same system that is installed on the basketball court. We are selling bricks for \$100 each that can be imprinted to raise funds for the Home Association. Information is available at Town Hall. Tom Frame, Duneland Landscaping, has donated the temporary bricks that we will install as a path. Rob also stated that there is free yoga on Tuesdays at 6:30 P.M. at Tamarack Beach in September. Beginning in October on Tuesday evenings and possibly Thursday afternoons, yoga classes will be moved to the Firehall.

Carolyn Saxton for the Ogden Dunes Community Fund announced that a mailing will be included with the water bill in October requesting donations to the Community Fund. Should you wish to donate please make sure that you indicate on the form that your donation should be given to the Ogden Dunes Community Fund. Your donation is a tax deduction.

## **CLAIMS**

A motion was made by Bill Gregory to accept regular claim numbers 044590 through 044631 and payroll claims 04172 through 04209. Tom Clouser seconded the motion. All were in favor and the motion was unanimously approved.

## **OLD BUSINESS**

Allen Johnson reported that the Indiana Dunes National Lakeshore had been approached for permission for the Town of Ogden Dunes to conduct portions of a deer cull on National Park Service property. Deputy Superintendent Traynham of the Park Service, after several days, responded that Ogden Dunes could not hold a cull on National Park Property as only deputy officers of the Park can hold a cull on Park property. Allen Johnson stated that he plans to hold another meeting with the NPS regarding a cull on the west side of Town on NPS property. Charlie Costanza stated that during his meetings with the NPS they stated that the deer problem is on the east side not the west side and that is why the NPS is not having a cull on the west side. Paul Panther asked if Charlie had this information from the Park Service in writing. Charlie indicated that Paul could speak directly with the Park Service about this matter. Charlie also stated that Bob Frum, aka, Lefty, whose land is south of Marina Shores at the confluence of the Grand Calumet and Little Calumet Rivers has offered to have a deer cull for Ogden Dunes on his land. Charlie indicated that hunting is legal there and this would not cost the Town any money. He indicated that the Council wanted a deer cull on NPS land so this would just be moving the cull a little farther on Lefty's property. Allen Johnson feels that if Lefty wants to have hunting on his property that it has nothing to do with Ogden Dunes. Bill Gregory stated that the Council should speak to Lefty to see how this would be advantageous to Ogden Dunes; however, he feels that if the hunting is already being done there it does not impact Ogden Dunes. Charlie restated that the NPS does not want to have a cull near the Town as they do not feel it is necessary.

**Allen Johnson read Ordinance 767 amending the use of firearms within Town limits which is the second reading. A motion was made by Tom Clouser to approve the ordinance as read. Paul Panther seconded the motion.**

A discussion was held on Ordinance 767. Charlie Costanza feels that the original ordinance was put into effect in 1963 because that Council felt that using firearms in Town was dangerous. He also feels that Ordinance 767 should not be put into effect until such time as a permit for a cull is authorized by the DNR. Bill Gregory restated that this ordinance does not allow open hunting in Town and only allows firearms during an authorized cull. He also stated that he will never vote for open hunting in Town nor does he support the use of bow and arrows.

**A vote was taken on Ordinance 767 regarding the use of firearms within the Town and the votes were as follows: Bill Gregory, yes; Allen Johnson, yes; Paul Panther, yes; Tom Clouser, yes; Charlie Costanza, nay. The motion was passed four to one.**

Allen Johnson stated that Patrick Mayer of the DNR contacted him regarding the pending deer permit application. Charlie Costanza questioned Allen as to what type of information the DNR wanted. Allen stated that they wanted more information on the type of damage the deer have done on Town property and private property. Charlie questioned that even though Allen has already submitted a video showing the damage deer have done that the DNR still wants more proof. Allen stated that this is correct.

Charlie then discussed the current deer permit submitted to the DNR. He stated that the permit states "Application for New – Special Purpose Deer Control Permit Town of Ogden Dunes,

Porter County, Indiana”. Charlie is questioning the word “New” since last month the Council voted on a “Renewal” permit not a “New” permit. Charlie feels that the the new permit request was not voted on by the Council since the Council voted on a “renewal” of the old permit as opposed to a “new” permit. Charlie stated that the old permit has a checkbox on it whereby it can be checked and renewed and he feels that is what the Council voted on at the August 2012 meeting. Bill Gregory stated that Charlie is asking the Council to check with the Town Attorney to determine if this permit is a legal document in relation to the vote of the Council in August. Charlie also stated that the permit application says there was a deer count of 58 and this is figure includes deer that were outside the boundaries of the Town and the actual number in Town is only 46. He also stated that other items were misrepresented such as car accidents involving deer, destroying plants, and lyme disease. Charlie stated that 2 surveys were done in the Town and the majority of residents stated they do not want a cull.

Regarding emergency exits, Charlie Costanza stated that he received correspondence from Curt Winkle, Associate Professor and Director of Graduate Studies, Department of Urban Planning and Policy, University of Illinois at Chicago that several graduate students would be willing to do studies within the Town regarding the emergency exits and bike paths as part of their graduate studies. Four students will put together a report by the end of this year outlining the options for the Town regarding these two issues.

Paul Panther reported on redistricting which was done with the Town wards. Maps were supplied to all Town Council members and were available for review by residents. Jim Kopp is in the process of writing the new ordinance detailing these new wards. The ordinance will be available for approval at the October meeting.

Allen Johnson mentioned the Committee that was formed to review the Town Codes. Mike Schaefer has applied to be on this Committee and the Council agreed to his membership. Charlie indicated that the Committee has not gotten underway yet; however, he hopes to get it started this fall.

Allen Johnson stated that the Planning Commission request for money to computerize old records is still on hold.

## **NEW BUSINESS**

Allen Johnson read Ordinance 768 which increases the copying costs of public documents. A motion was made by Paul Panther to waive the second reading of Ordinance 768. Tom Clouser seconded the motion. All were in favor and the motion was unanimously approved. **Paul Panther then made the motion to approve Ordinance 768 which increases the copying costs of public documents held in possession of the Town of Ogden Dunes. Tom Clouser seconded the motion. All were in favor and the motion was unanimously approved.**

Paul Panther discussed the purchase of a new truck for the Street Department. He indicated that the money would come from the Dredge Fund (a settlement account as a result of a beach erosion lawsuit which is not connected to our regular budget fund). The State Board of

Accounts has approved the purchase of this truck and plow from the Dredge Fund since this truck will be used for beach clean-up and plowing of easements that may be blocked due to winter storms. Additionally, the truck can be used to plow our roads. The salt/sand box will have to come from separate funding. The truck will cost approximately \$40,000 and there is approximately \$112,000 in the Dredge Fund. The sand/salt box is approximately \$9,000. We have received estimates between \$10,000 and \$12,000 for the sale of the 8-year old blue truck. The money from the sale of the blue truck can be placed in the General Fund and be used to buy the sand/salt box. The blue truck is a 2-wheel drive truck and the new truck would be electric and a 4-wheel drive truck. Allen Johnson stated that the intention is not to own an additional truck but rather to sell the old truck and acquire a replacement. Paul Panther stated that the intention is not to use the old truck as a trade-in because this will just leave the trade-in money in the Dredge Fund and the Town would be unable to purchase the sand/salt box from the Dredge Fund per the State Board of Accounts. Therefore, by selling the old truck outright, the sale money can be used for the sand/salt box. Charlie Costanza questioned how much money would be used for this purchase from the Dredge Fund and Paul Panther stated that approximately \$68,000 would be used from this Fund. **Bill Gregory moved that the blue truck (2004 GMC truck, C5500, Vin 1GDE5C1224F515041 with mileage of 30,341 as of September 14, 2012 be declared surplus equipment and disposed of by outright sale as opposed to a trade-in pending the acquisition of a new truck. Charlie Costanza seconded the motion. All were in favor and the motion was unanimously passed.**

A discussion was held on a new long-term disability policy offered by Anton Insurance Company. The new policy would replace the short-term disability now in effect. Long-term disability would provide the full-time/salaried employees with disability benefits through retirement age as opposed to the current plan which only provides 26-weeks of disability coverage. The new policy would not cost the Town any additional premium. The Council asked the Clerk Treasurer to gather more information regarding this policy specifically what the exact retirement age is. No decisions were made on this matter.

A discussion was held on the Hillcrest Wall project. **The Planning Commission is asking the Town Council to approve the wall which was moved back which gives more space on the road. Tom Clouser moved to accept the plans for the Hillcrest Hall as presented by the Planning Commission. Bill Gregory seconded the motion. The vote was as follows: Charlie Costanza, recuse; Bill Gregory, yes; Allen Johnson, yes; Paul Panther, yes; Tom Clouser, yes. The motion was passed four to one.**

## **RESIDENT REMARKS**

Michael Damiano, 26 Woodland Trail

Stated that he is an animal lover but feels there is an overpopulation of deer in Ogden Dunes.

Jon Machuca , 1 Skyline Drive

Spoke against the deer cull

Carson Cunningham, 5 Ogden Court

Spoke against "frivolous" lawsuits brought against the Town by anti-cull residents.

Maryann Schaefer, 43 Sunset Trail

Stated that other lawsuits have cost the Town money such as the one brought by Eric Kurtz which cost approximately \$2,000. Questioned the use of bow and arrows within the Town. Spoke against the cull.

Bernadette Slawinski, 33 Aspen Road

Was a member of the Deer Task Force and researched showed that lyme disease and deer are not connected. Spoke on ways to prevent deer from entering your yard.

Mark Coleman, 107 Diana Road

Asked the Town Council why they changed the purpose of the deer permit application from “health and safety related to ticks” to “damaged plants”.

Walter Sampson, 9 Ogden Court

Spoke about the 2013 Budget

Margaret Coleman, 107 Diana Road

Requested that the Yield sign on Locust be replaced with the original Stop sign

Joan Mikol, 87 Shore Drive

Spoke about the real estate problem in Ogden Dunes. Stated there were 59 homes for sale and real estate agents said buyers were avoiding Ogden Dunes due to the current conflicts.

Rob Schlyer, 13 Beach Lane

Questioned why the Town is not enforcing the yard sign regulation.

## **TOWN COUNCIL REMARKS**

Charlie Costanza stated that if the Council is willing to move forward with a cull, the resulting lawsuit could possibly cost the Town \$20,000. He also stated that he has a form for residents to fill out called a “Property Use Consent Form”. The form asks the residents whether or not they would give their permission for deer cull activities including tracking and killing wounded deer on their real estate. Allen Johnson stated that residents cannot consent to hunting on their property. Paul Panther stated that this was not an official Town form.

Paul Panther thanked Tom Tittle and Comcast for broadcasting the meeting.

No further business coming before the Council, Tom Clouser moved to adjourn the meeting. Paul Panther seconded the motion. All were in favor and the motion was unanimously approved.

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Allen Johnson, President

ATTEST:

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Jean Manna  
Clerk-Treasurer