

**Ogden Dunes Town Council Meeting**  
**Monday, March 5, 2012 – 7:00 p.m.**  
**Ogden Dunes Community Church**

Present: Bill Gregory, Tom Clouser, Charlie Costanza, Paul Panther  
Absent: Allen Johnson  
Attorney Lukmann was also present for this meeting

Teresa Davis from the Porter County Recycling and Waste Reduction District (a government agency) gave a very informative presentation to the Town Council and residents of Ogden Dunes. The goal of her organization is to improve the environment and quality of life for Porter County residents by providing convenient, voluntary waste reduction programs. This organization has drop-off areas for household hazardous waste, organic composting, electronic recycling, and paper and glass recycling. Visit their website for more information: [www.itmeanstheworld.org](http://www.itmeanstheworld.org).

**Claims:**

Claims were as follows: Regular Claims 43950-44008 and Payroll Claims 3543-3583. Paul Panther moved that the claims be approved as read and Tom Clouser seconded the motion. The motion was unanimously passed.

**Minutes:**

Tom Clouser moved that the minutes of the February 6, 2012 meeting of the Town Council be approved as submitted. Paul Panther seconded the motion. The motion was unanimously approved.

**Correspondence:**

Several letters were read by Bill Gregory as follows:

- Letter from Jon and Joan Machuca regarding the appointments made to the Deer Management Task Force.
- Bill Gregory's letter which was his reply to Jon and Joan Machuca's letter
- Letter stating that Geof Benson, Beverly Shores Council President, as the entity representative to the Lake Michigan Marina and Shoreline Development Commission. Mr. Benson will represent the Towns of Beverly Shores, Dunes Acres and Ogden Dunes.

All letters have been filed in the Town's records.

Under correspondence, Charlie Costanza stated that an e-mail from Mark Coleman should be read. Bill Gregory stated that he does not consider an e-mail to be official correspondence to

the Town Council. Any resident wishing to correspond with the Council should send a written request by letter.

### **Old Business:**

Regarding the Deer Management Task Force appointments, Charlie Costanza stated that he has no disrespect for any members of the Task Force; however, he feels the members of the Town Council should have had more input into the selection of the committee rather than just the Town Council President. He also stated that he does not agree with the deer flyover count because he feels the boundaries were expanded which indicates more deer in Town than really exist. He stated that he feels the people on the Task Force are not against a deer cull. He also stated that 19 applications were received but two people were chosen for the Task Force that did not even apply. Charlie Costanza said that many residents who are against the cull feel that the “deck is stacked against them” because of the appointees on the Task Force. Paul Panther stated that he feels Bill Gregory did exactly what was assigned to him. He feels that the group is not partial one way or another and this makes for a good group. He highly recommended that residents go to the meetings and give their input or research. Charlie Costanza feels that the Task Force is starting out with the assumption that we do have a problem in Ogden Dunes and he feels this is detrimental and they should first find out if we do indeed have a problem. Paul Panther and Bill Gregory stated that this was definitely one of the duties of the Task Force to determine whether or not we actually have a problem.

Bill Gregory asked Charlie Costanza for an update on the emergency exits. Charlie indicated that he had a meeting with the City of Portage and the National Park and it was a preliminary planning meeting in which they discussed several options. At this point, the project is still under review and as we progress, I will give the Council updates. Charlie Costanza did indicate that the National Park is receptive to opening up an area for an emergency exit should the Town decide to go this route.

Ed Hewitt, Building Commissioner, stated the he has received the engineer’s drawings for the Hillcrest Wall Project and they are under review. In order to receive quotes, bidders will have to complete forms and we plan to have that done in the next few weeks. Attorney Lukmann stated that when the Town receives quotes they must be opened and read aloud at a public meeting—not before. He also stated that if bids are put out you must give the bidders at least 7 days to reply. Charlie Costanza suggested that the Town could do this work instead of bidding it out which would eliminate the huge insurance premium that a bidder must bear which could be upwards of \$8,000 for this project. He stated that the Council should review this option before bidding out this project. Tom Clouser does not feel that the Street Department has the time for this job with all their other duties plus the Town would have to rent equipment to do this project. Ed Hewitt said that Charlie Costanza’s request would be considered. Charlie Costanza stated that the Town already has the equipment to do this project. Bill Gregory requested that Tom Clouser and Paul Panther make the determination as to when this project will be started by using a safe and quick method.. He asked that this decision be made within

one week. Charlie Costanza stated that the cost factor should definitely be taken into consideration in making the repair decisions.

Bill Gregory said that the rumors around Town stating that the Firehouse did not pass the latest mold test were false since to date the test results had not yet been received. Ed Hewitt said the results should be back by Wednesday or Thursday of this week. Charlie Costanza confirmed with Ed Hewitt that once the mold testing results are safe, an occupancy permit will be issued. He also asked what would happen if the Firehouse does not pass this mold test and Ed Hewitt stated they would go back to the environmental company for recommendations.

### **New Business:**

Regarding the Town Marshall /attorney investigation, Attorney Lukmann stated that he will issue a report to the Council stating the factual allegations and what legal exposure, if any, the Town has as a result of the facts and he will have that prior to the next meeting.

Bill Gregory read a letter from Greg DePorter requesting new equipment for the Building Commissioner. This equipment (laptop and cell phone) has already been approved and purchased. Paul Panther moved to ratify the purchases that were made for the Building Commissioner. Tom Clouser seconded the motion. The motion unanimously passed.

Additional appointments were made to two Ogden Dunes Boards. Tom Clouser made the motion to appoint Nancy Johnson to the Ogden Dunes Community Fund Committee and Jim Petsas to the Bridge and RR Committee. Paul Panther seconded the motion. The motion was unanimously passed.

The Clerk-Treasurer reported on the status of the codification of ordinances. Copies of approximately 14 or 15 ordinances from 2010 and 2011 have been sent to American Legal for a quote. The quote should be available for the next meeting; however, the last codification cost \$2,000. Attorney Lukmann stated that it is a law that the Town must codify their ordinances; however, there is no time limit. The Council could elect to wait another year. Bill Gregory instructed the Clerk-Treasurer to provide the Council with a title list of ordinances to be codified for their review.

A discussion was held on the Water Board. Charlie Costanza stated that there are no written policies which govern the Water Board. Residents have questioned why the sanitation bill is combined with the water bill. He stated that a resident had their water shut off even though they paid the water bill but did not pay the sanitation portion. Bill Gregory stated that he has been told that policies are now being written but are not complete as of this date. When they are finished, they will be public information. Luke Brennan (member of the Water Board) confirmed that policies were being written by Jim Kopp and he encouraged any resident who would like to address the Board to attend the next meeting scheduled for April 5, 2012 at 7:00 p.m. in Town Hall. Mr. Brennan indicated that the draft of the policies should be completed by the end of March. The Water Board will review the draft and make any necessary changes. He also asked that if a resident has a problem to please write a letter to the Board so they may

evaluate the problem prior to their meeting.

Regarding the Deer Management Task Force, they have indicated that the “tick season” is fast approaching and have recommended having outside sources from either the County, State or Purdue University to come to Ogden Dunes in early May to educate the people. Mr. Lehmann (member of the Task Force) indicated that the objective is to bring in professionals rather than utilizing the knowledge of the Task Force regarding tick management. Mr. Lehmann indicated that the program is called “Integrated Tick Management” which educates the public on controlling ticks in your yard and on your body. Mr. Lehmann indicated that the ticks will come out in May and last through mid July so the Task Force needs to educate the people before that time. He is hoping for the presentation to be held in early May possibly on a weekend, well publicized and possibly repeated twice to ensure resident involvement.

Bill Gregory requested that the Clerk-Treasurer inform all Ogden Dunes Boards regarding the specifics of the Open Door Law since we have many new Board members. Information will be in letter form and also on the website.

### **Committee Reports**

Susan MiHalo, Environmental Board, reported that the minutes of the last meeting are on the website. Susan said that they have received their budget from IDEM for this year’s beach season and they will be monitoring the beach four days a week (Wednesday, Friday, Saturday and Sunday). The Environmental Board had requested five monitoring days per week; however, due to budget constraints, they were only given four days per week. She also indicated that because of President Obama’s budget cuts, IDEM may not have Federal grant funding in 2014 which means the State would have to pick up this cost. Susan indicated that the water testing costs approximately \$21,000 per season which is not paid with Town funds.

Carolyn Saxton spoke for the Grant Committee and requested that the Ogden Dunes Boards and Committees should prepare a list of projects they would like to see funded. Therefore, when Carolyn finds an available application for funding specific projects she can match it up to the list prepared by each Town Committee. Since she does not know what projects each Committee is interested in funding, it is impossible for her to prepare the applications for funding. She is requesting this information by April 1, 2012.

### **Resident Comments**

Several residents spoke about the Deer Task Force membership makeup. Residents feel that the Task Force is one sided (which is for the cull). They questioned the selection procedure and the appointment of Allen Johnson to the committee since they feel he clearly stated he is for the cull. Bill Gregory said that he stands by his decision as he was instructed to select the members.

Connie Collins stated at the December, 2011 meeting of the Town Council a motion was made to codify the ordinances at an approximate cost of \$2,000. She indicated that the motion was passed. (Note: Clerk-Treasurer verifies that this is correct). She also indicated that the Building

Code Ordinances are missing from the website. The Clerk-Treasurer indicated she would try to resolve the problem.

### **Council Remarks**

Paul Panther encouraged all residents to attend the Deer Task Force meetings and present their ideas and information to them.

Charlie Costanza stated that before the deer cull, there was talk in Town that we had over 300 deer in Ogden Dunes. The flyover shows that there are only 46 and we were going to cull 40 deer which would have nearly wiped out the deer population in Town. Bill Gregory showed Charlie Costanza the actual number of deer counted during the flyover; however, Charlie Costanza indicated that the number was incorrect because the boundary lines drawn are bigger than the actual Town boundaries. He said the signs in Town are still up because residents have the right to voice their opinion. He also indicated that signs were still up saying "Park Closed" at Suerenity Park. He said a fence was up to prevent more deer from coming into Town; however, right before the flyover, the fence was taken down allowing more deer to enter the Town and be counted.

Charlie Costanza indicated that the previous Park Board members were interested in starting a sailing program and that he hopes the new Park Board will continue with this idea.

Charlie Costanza stated that a new President will be elected in April. He feels that the people should be involved in the selection of the President rather than just the Town Council. He indicated that a ballot box would be available at Town Hall for residents to enter their vote for President. He stated that he cannot be assured that the Council will abide by the decision of the public.

Bill Gregory stated that the next meeting of the Town Council will be on April 2, 2012 hopefully at the Firehouse at 7:00 p.m. Paul Panther made a motion to adjourn the meeting and Tom Clouser seconded the motion. All were in favor and meeting was adjourned.

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Bill Gregory, President

ATTEST:

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Jean Manna, Clerk-Treasurer