

**OGDEN DUNES TOWN COUNCIL MEETING
MONDAY, JANUARY 6, 2014 – 7:00 P.M.
OGDEN DUNES FIREHALL**

PRESENT: Allen Johnson
Charlie Costanza
Paul Panther
Tom Clouser

ABSENT: Bill Gregory

MINUTES

Charlie Costanza moved to approve the minutes of the December 27, 2013 Wrap-Up Meeting. Tom Clouser seconded the motion. All were in favor and the motion was unanimously passed.

ANNOUNCEMENTS

Allen Johnson commended the Street Department for their excellent work in keeping our streets cleaned during the recent snow storm. He added that the Street Department now has two trucks with four-wheel drive which is necessary for all the hills in Town.

Allen Johnson stated that the new website is up and running and is extremely well executed. He stated that residents may sign up for “email alerts” that can be received informing them of current information. The Ogden Dunes Community Fund supplied funding for the new website.

Allen Johnson also thanked the residents who coordinated the Christmas tree lighting.

PRESENTATION

Jenny Brown, Web Administrator, introduced Chris Lattimer who generously gave of his time to help Jenny develop the new Town website. Chris gave a short synopsis of the features of the new site, i.e., most recent news and next five upcoming events will be on the home page, search is built-in to the website so old postings, which have been tagged with keywords, can be found, website is built for phones, tablets and large screen displays which means you will see the same website format on any of these devices, and the website includes a color-coded email notification system which residents are encouraged to sign up.

COMMITTEE REPORTS

Street Department – Allen Johnson spoke for this department and requested that residents who have a fire hydrant near their home to please shovel the snow around it so it is very visible if needed.

Fire Department – Paul Panther spoke for this department and stated that the line to the kitchen sink has been completed and the kitchen floor tile should be completed within the next several days. Paul stated that the kitchen should be fully operational this week.

Waterworks – Charlie Costanza questioned whether or not there was an update on a possible water rate increase. Allen Johnson stated that he does not know of any final outcome but predicts that the rate increase will be passed.

General Code Review – Charlie Costanza spoke for this committee and stated that they are working on a new ordinance which will restrict residents from depositing snow from their property onto the Town streets.

ADA – Paul Panther reported for this committee and stated that discussions were held regarding the addition of doorbells at Town Hall. This would enable a person to merely press the doorbell for assistance to enter the building.

Sanitation Department– Tom Clouser reported for this department and stated that the Deputy Clerk Treasurer has established the correct dollar amounts in both Sanitation and Water accounts. Allen Johnson stated that any Sanitation questions from residents should be directed to Tom Clouser or the Street Department.

CLAIMS

No claim numbers were submitted at this meeting due to Town Hall being closed because of the weather.

OLD BUSINESS

Allen Johnson stated that the deer cull was on hold due to the school holidays. Charlie Costanza questioned the amount of money that has been spent on the cull to date. Paul Panther stated that \$3,560 has been received in donations and total expenses were \$7854.63. Of these amounts, \$4564.99 was paid from the General Fund and \$3289.64 was paid from the Deer Donation Fund. Paul Panther stated that most of the expenses associated with the cull were for legal bills. Charlie Costanza stated that the people had the right to file a petition to object to the cull. The Clerk-Treasurer stated that in addition to these figures an additional legal bill will be paid in the amount of \$1635.00 of which \$1315.00 will come from the General Fund and the remaining portion from the Deer Donation Fund. Charlie Costanza questioned the number of deer which were processed and sent to the food pantry. Allen Johnson stated that the some deer were not processed and sent to the pantry since the processing company was closed due to storms. Those deer were given to the sharpshooters .

NEW BUSINESS

Allen Johnson stated that Sue and Dean Squire, residents of Ogden Dunes, have two lots that border on Boat Club Road and one lot away from Bittersweet Park which they plan to donate to the Town of Ogden Dunes. Paul Panther stated that the Squires have generously consented to pay all expenses including any attorney fees related to the donation of this land to the Town. The Town would bear no expenses. Charlie Costanza stated that there is a lot with a cabin that is for sale if the Town has funds to purchase it. This would give the Town a total of 13 continuous lots (nine of which are Bittersweet Park, two lots from the cabin and two lots from the Squires). Paul Panther asked Charlie to pursue the possibility of obtaining the two cabin lots if the owners are willing to absorb costs as the Squires are doing.

Allen Johnson read a note from Jean Bargeron written as a thank you to the Town residents for their generous contributions to the Park Board in memory of her husband, Walter. Paul Panther stated that over \$5,000 had been donated. The Clerk-Treasurer stated that the money was placed in the Park Donation Fund.

Allen Johnson asked for a motion to increase the monthly contract amount for the Web Administrator, Jenny Brown, from \$100.00 per month to \$125.00 per month effective January 1, 2014. Charlie Costanza made the motion to increase both the Web Administrator contract and the wages of the Town Council members to \$125.00 per month. No second for the motion; motion failed. **Paul Panther made a motion to increase the monthly contract amount for the Web Administrator, Jenny Brown, from \$100.00 per month to \$125.00 per month effective January 1, 2014. Tom Clouser seconded the motion. All were in favor and the motion was unanimously approved.**

Charlie Costanza moved that the rules for two ordinance readings be waived and that Ordinance 792, Amending Street Department Senior Maintenance position, would be read and voted upon with the first reading. Tom Clouser seconded the motion. All were in favor and the motion was unanimously approved. Allen Johnson read Ordinance 792. Paul Panther moved that Ordinance 792 be approved as read. Charlie Costanza seconded the motion. All were in favor and the motion was unanimously approved.

A discussion was held on Ordinance 793, Amending Firearms within the Town parks. A letter was received from the "Second Amendment Foundation" which stated that the Town was in violation of State Law IC 35-47-11.1-2 and has no legal authority to adopt or enforce an ordinance which prohibits the carrying of firearms on beaches or park property of the town. If the Town fails to bring their code into compliance with the state laws, the Town could be at risk for a lawsuit. Therefore, the Town Attorney has revised Chapter 94 of the Town Codes to comply with the State law. **Charlie Costanza did the first reading of Ordinance 793.** Charlie stated that the new ordinance prepared by the Town Attorney only removed one word "firearms" which would mean that firearms would be allowed in our Parks. Charlie moved that we take out the word "possess" and change it to "discharge" and the word "firearms" should remain and that the discharge of firearms in the Parks should not be under the authority of the Town Marshal but rather a majority vote of the Town Council members. Allen Johnson stated that the State law mandates that you cannot restrict the possession of firearms within the Town parks. **Tom Clouser made the motion to table this ordinance until such time as more information regarding Charlie's word changes can be obtained from the Town Attorney. Charlie Costanza seconded the motion. All were in favor and the motion was unanimously passed.**

Allen Johnson called for a motion to pay all deer cull expenses over and beyond the donation fund balance from the General Fund – Emergency Expenses. The Clerk-Treasurer asked that this motion be tabled till the February meeting pending a discussion with the Deputy Clerk Treasurer as to the exact fund balance in Emergency Expenses.

Paul Panther moved to approve payment of Circle "R" invoice 72453 dated December 31, 2013 in the amount of \$4,475.00 for replacement of the kitchen drainage pipe at the Firehall be paid from CEDIT/Capital Projects. This will supersede the previous motion made to pay this invoice from Rainy Day funds. No Rainy Day funds will be used for this purpose. Tom Clouser seconded the motion. All were in favor and the motion was unanimously approved.

Allen Johnson began the process of appointing new members to various boards and committees which have members expiring as of January 1, 2014. Charlie Costanza objected to making board appointments prior to voting in a new Town Council President and Vice President. The following appointments were made:

BZA – Paul Panther moved that Joe Costanza be reappointed to the BZA. Charlie Costanza seconded the motion. All were in favor and the motion was unanimously approved.

Water Board – Paul Panther moved that Luke Brennan be reappointed to the Water Board. Allen Johnson seconded the motion. All were in favor and the motion was unanimously approved.

Park Board– Charlie Costanza moved that Jon Machuca be appointed to the Park Board. No second; motion failed. Tom Clouser moved that Timothy Nelson be appointed to the Park Board. Paul Panther seconded the motion. All were in favor and the motion was unanimously approved.

Environmental Advisory - Charlie Costanza moved that Bob Cattani, Susan Mihalo and James Biancotti all be reappointed to the Environmental Advisory Board. Tom Clouser seconded the motion. All were in favor and the motion was unanimously approved.

Beach Nourishment – Allen Johnson reappointed Eric Jensen, Jim Combs, Charlie Costanza, and Eric Kurtz to the Beach Nourishment Committee. Allen Johnson also made a new appointment, Chris Lattimer to this board. This board will now consist of five members as stated here. Former position of member Jim Kopp will not be filled as this Board should only have five members per the Town Code.

Ogden Dunes Community Fund – Allen Johnson reappoints Carolyn Saxton to the Ogden Dunes Community Fund.

Ogden Dunes Cable Advisory Board – Allen Johnson stated that Dick Hutter does not wish to be reappointed to this board. Charlie Costanza moved that Chris Lattimer be appointed to the Ogden Dunes Cable Advisory Board. Paul Panther seconded the motion. All were in favor and the motion was unanimously approved.

Building Code Review – Paul Panther moved that Ken Thompson and Herb Craig be reappointed and that Karel Kearn replace Larry Fierst on the Building Code Review. Tom Clouser seconded the motion. All were in favor and the motion was unanimously approved.

This concludes the 2014 board and committee appointments.

Election of Town Council President and Vice President were held. Charlie Costanza moved that Bill Gregory be elected President and Charlie Costanza be elected Vice President of the Ogden Dunes Town Council. No second; motion failed. **Paul Panther moved that Bill Gregory be elected President and Allen Johnson, Vice President both effective January 15, 2014. Tom Clouser seconded the motion. The vote was as follows: Allen Johnson, yes; Paul Panther, yes; Tom Clouser, yes; Charlie Costanza, no. The vote was three to one and the motion was passed.**

RESIDENT REMARKS

None

COUNCIL REMARKS

Charlie Costanza again discussed the Ethics Committee and moved that the Town Council join this group as the recent article in The Times newspaper stated that the committee is for officials and employees. No second; motion failed. Paul Panther again stated that an Ethics Committee luncheon is being held in March, 2014 and Charlie is welcome to attend and get more information on this group.

Tom Clouser thanked the Street Department for all their snow removal efforts and also stated that he would like to see peace within our Town.

Allen Johnson reminded residents not to push snow on to our streets from their property.

Charlie Costanza stated that Donna Smith, Police Clerk, has retired after 13 years of service to our Town. He stated that she will be missed by our residents. Allen Johnson stated that Donna was presented with a plaque by Marshal Reeder for her years of service.

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

Allen Johnson, President

ATTEST:

Jean Manna, Clerk-Treasurer