

**DRAFT-8-19-12**

**OGDEN DUNES TOWN COUNCIL  
REGULAR MONTHLY MEETING  
AUGUST 6, 2012 – 7:00 P.M.  
OGDEN DUNES FIREHOUSE**

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

Allen Johnson gave recognition in honor of Norton Jensen for his service to the Town of Ogden Dunes. He served on the Water Board and the Town Council.

Charlie Costanza moved to approve the minutes of the July 2, 2012 Town Council meeting. Tom Clouser seconded the motion. All were in favor and motion was passed.

**CORRESPONDENCE AND ANNOUNCEMENTS**

Allen Johnson mentioned several pieces of correspondence which the Council received as follows:

- Letter from Northwest Indiana Committee for Better Government explaining their organization.
- Letter from Recycling & Waste Reduction District of Porter County announcing a household hazardous waste collection event in Portage on Saturday, August 11, 2012 at the Portage High School from 9:00 a.m. to 2:00 p.m. You may visit [www.itmeanstheworld.org](http://www.itmeanstheworld.org) for more information.
- Application for “One Region Leadership Awards” which will honor individuals who have made a significant contribution to the quality of life in Northwest Indiana.
- Letter from the DNR regarding the Town’s request for non-lethal deer management permits.
- Letter from Walsh & Kelly regarding the unpaid portion of the paving invoice from 2011
- Letter from resident, Bernadette Slawinski, stating her objection to changing an existing ordinance to allow projectiles in Town which would open up the community to hunters. Allen Johnson stated that the changes to the ordinance will not allow hunters in Town.

Allen Johnson congratulated Melanie and Nick Sever, Jr for their outstanding fireworks show. Also, congratulations to the unknown party who provided a good show of fireworks just east of the Home Association entryway at Shore Drive and Diana Road. He also acknowledged Jim Matthys, Ray Friday, Dave Newton and Ben Newton who worked in the hot sun to clean the beach the day after July 4<sup>th</sup> activities.

Allen Johnson presented a plaque to John Hannon for approximately 20 years of service on the Ogden Dunes Water Board.

## COMMITTEE REPORTS

Marshal Reeder for the Police Department stated that a meeting was held with Paul Panther, Tom Clouser, NICD and Indiana Department of Transportation last week to solve the problem of “false activations” which essentially means that train movements outside the loop cause the signal which activates our gates to lower for a period of three minutes even though there is no train. The problem is now a work in progress but they are looking towards 2014, providing that the project is approved locally and by the State, to upgrade the crossing signals in Town.

Marshal Reeder also advised residents of the golf cart accident which occurred in Town on July 4<sup>th</sup>. The golf cart was built for four people but was carrying eight people including three adults and five children ranging in age from infant to nine years old. The golf cart was driven up a very steep driveway and inertia took over and the golf cart came down the driveway and ejected all eight people off the golf cart. We have a Town ordinance which requires all golf carts to have seat belts. Officers have been instructed if they see a 2-seat golf cart and 3 people are on the golf cart, they are to cite. Any number over the amount of seat belts and the officers will cite.

Marshal Reeder also stated that the 911 center will not take calls because the gates are down or there is a train blocking the crossing. Do not call 911 under these circumstances—911 is for emergencies only. Residents should call 219-477-3000 and pick “Option 1” (business line for Dispatch Center) regarding gates down or trains stopped.

Allen Johnson stated that there was a request for the Fire Department to do burns in the fall and/or winter to eliminate brush, cut down on the number of fires and eliminate some of the ticks.

Charlie Costanza reported on the Building Code Review Committee. He stated that the Committee had only one meeting this year because they were not able to get a quorum together for more meetings. He said they normally meet on the second Tuesday of each month.

Susan Mihalo reported for the Environmental Board that IDEM and the Fish and Wildlife stated that the sand coming from the Port of Indiana is good clean sand. She also stated that the Environmental Board meeting for this month has been cancelled.

## PRESENTATION OF CLAIMS

Paul Panther moved to approve the claims (Regular Claims 044521 to 044589 and Payroll Claims 04130 to 04171) as presented by the Clerk-Treasurer. Tom Clouser seconded the motion. All were in favor and motion was passed.

## OLD BUSINESS

Allen Johnson informed the residents that the National Park Service has their final approval for possible deer culls this winter to be started on the east end near Dunes Acres and Beverly Shores. We have been informed that the NPS has data collected for the west end (near Ogden Dunes) but the data has not been analyzed yet. Allen Johnson does not believe that the NPS will have a deer cull on the west end this winter. Allen Johnson read the letter dated August 1, 2012 from the Indiana Department of Natural Resources regarding the Town's request for non-lethal deer management permits. They have denied the request for Gona-Con (contraceptive), the live trapping and translocation of deer, and for the insecticide. They did ask for more information on the four-poster method. The Clerk-Treasurer has been instructed to post a copy of this letter in Town Hall and also on the Town website. A video has been given to Mark Coleman to put on the Town website showing the various impacts that deer have had mainly on the west side of Town.

Charlie Costanza objected to the fact that the Town permits were requested without the input from Town Council members. He also stated that the Town does not have sufficient funding to hold another deer cull and he believes the Council should do nothing at this time and let the National Park handle deer culls as they have funds for this purpose. He also stated that the DNR asked for more information on the four-poster method. Charlie Costanza stated that the letter from the DNR stated that one study conducted in New York by researchers found that deer numbers are not important in determining tick abundance. Bill Gregory explained that this was only one study done. Allen Johnson stated that the four poster method requires feeding the deer which he feels would attract more deer. Paul Panther stated that there are also costs involved with the feed and people to maintain the four poster sites. Charlie Costanza reiterated that the Town does not have the money for another deer cull and should do nothing at this time and leave the culls up to the NPS who has a 3 million dollar budget. Bill Gregory stated that 90 percent of the money spent on the last deer cull resulted from legal fees because the cull was challenged.

A meeting was held with the National Park Service, Charlie Costanza and Allen Johnson. Discussion was held regarding the bike path through Ogden Dunes in exchange for ownership of Boat Club Road and residents may use this exit at any time. This would eliminate waiting for trains and also be used as an additional emergency exit. There would be no cost to the Town. Allen Johnson stated that his understanding was that Boat Club Road could only be used as an emergency exit as opposed to using it because a train happens to be blocking the crossing for a few minutes. He also stated that the Park Service cannot spend money on non-park owned land. The NPS stated that they would build and maintain the road with RDA money. They indicated that the Town could put gates up on the east and west ends and close the gates at dusk when the National Park closes. Charlie Costanza stated that the ideal situation for the NPS is to connect West Beach with the Portage Lakefront Beach by way of Sand Track Park. Paul Panther questioned Charlie Costanza as to what the NPS would do as far as the west side of Town. Charlie stated that from the west side it would extend from the West Beach parking area along the sand track from the fence and past the soccer field and cross Hillcrest and go past Jim Matthys' piles of leaves and go straight over to the Portage Lakefront. As a result of this meeting with the NPS, it was determined that this bike path would not happen in the near future as the NPS does not have the funding at this time.

Paul Panther reported on the progress of redistricting the wards within the Town per the Indiana law. He stated that a new map has been drawn to equalize the population in each ward. He also indicated that the north side of Shore Drive has been split in two to balance the wards. Population figures were taken from the 2010 census per the Indiana redistricting law. Jim Kopp has volunteered to redefine the boundaries per the new wards which will be used for the redistricting ordinance.

Allen Johnson brought up the topic of the General Code Review Committee which the Council is in the process of forming. Charlie Costanza stated that he knows several people who are interested in this committee as follows: Lynn Toomey, Jim Slawinski, Ken Thompson, Ed Hewitt, Charlie Costanza, Bill Gregory and Connie Collins. Charlie Costanza made the motion to form the General Code Review Committee with members as stated above. Bill Gregory seconded the motion. All were in favor and the motion unanimously passed. Allen Johnson stated that all appointees to this Committee should fill out an application available at Town Hall. He also stated that any other resident interested in volunteering should do so since there is no limit to the number of people who can sit on this Committee. Bill Gregory asked Charlie Costanza to form the committee and set up meetings. Charlie agreed.

Allen Johnson discussed the additional 2011 paving bill that the Town received from Walsh & Kelly in the amount of \$62,000 which was negotiated down to approximately \$42,000. Allen explained the details of this contract to the residents and explained that the Town Attorney feels we have made a good compromise with Walsh & Kelly rather than going to the expense of a court trial. Charles Costanza made the motion to pay this invoice as negotiated. Bill Gregory seconded the motion. All were in favor and the motion was unanimously approved.

## NEW BUSINESS

Allen Johnson stated that he feels there are two plans the Town can take as far as deer management. The first being that the Town Council does nothing but the residents may do prevention methods on their own and the second is to have a deer cull. Bill Gregory stated that it is probable that we have not done enough studies to correlate ticks to the deer but he quoted information from a 2007 study done in Connecticut stating that the rise in lyme disease is caused by an increase in ticks, an overabundance of deer population, an increased awareness of the disease, more residents living in wooded areas and increased potential for contact with ticks. The study also states that the deer are a part of the three host cycle and are the key to the reproductive success of the ticks. Bill Gregory stated that he stands behind the decision he made last year to approve the cull. Charlie Costanza stated that last year we requested these permits based on three issues in Town (1) the number of residents who suffered from lyme disease in the summer and fall of 2010. Charlie questioned whether or not figures were available for 2009 in order to prove there was an increase in 2010; (2) despite the fact that Ogden Dunes has large amounts of wooded areas, deer continue to enter residential areas and yards and their feeding causes continual destruction of landscape, plantings and gardens which Charlie believes is only the opinion of Bill Gregory; (3) overpopulation of deer. Charlie stated that when the deer were counted there were only 48 and he does not believe this is an overpopulation. Paul Panther stated that he feels there are too many deer in our Town. Tom

Clouser would like to spray for the ticks but the Town would get opposition from the EPA.

Bill Gregory read Ordinance 767 which amends Section 130.04 and 130.05 of the Ogden Dunes Town Code. Amendments will allow for feeding of deer and for discharge of a firearm or archery bow and arrow or crossbow within the limits of the Town pursuant to a special deer permit issued to the Town. This served as the first reading of this ordinance. Paul Panther moved to accept the first reading of the ordinance. Tom Clouser seconded the motion. The votes were as follows: Bill Gregory, yes; Allen Johnson, yes; Paul Panther, yes; Tom Clouser, yes and Charlie Costanza, nay. The motion was passed.

Paul Panther moved that the Ogden Dunes Town Council President, Allen Johnson, or his designee(s), be authorized to request from the Department of Natural Resources a renewal of the special purpose deer control permit issued on September 30, 2011 with the following changes:

- Deer may be taken with firearms or with bow and arrow
- Firearms may be equipped with noise suppressors
- Shooting may be conducted on Town property only, in location(s) to be mutually agreed upon between the Town of Ogden Dunes and the DNR.

Tom Clouser seconded the motion. The votes were as follows: Allen Johnson, yes; Paul Panther, yes; Tom Clouser, yes; Bill Gregory, yes; Charlie Costanza, nay. The motion was passed.

Charlie Costanza stated that he believes the Council is getting “their ducks in a row” for a deer cull with this motion. Charlie stated that he would like to see all future correspondence before it is sent to the DNR and Allen agreed that all Council members would see the correspondence.

Allen Johnson stated that there is a request for a no-parking area on the south end of the garden area by Town Hall on the west side. It is suggested that a travel lane be put in place which will result in eliminating approximately three parking spaces. Charlie Costanza made the motion to place a travel lane near the garden area by Town Hall. Tom Clouser seconded the motion. The motion was unanimously approved. Allen Johnson stated that if the Town needs an ordinance to enforce this area, the Council would do an ordinance at a later time.

## COMMUNITY ANNOUNCEMENTS/INFORMATION

Rob Schyler, President of the Home Association, thanked Carolyn Ribordy for her generous donation by Polywog Pond to the Home Association. He also stated that there will be several upcoming events in Town: Family Night, August 25, which is free to Home Association members and \$10 for non-members. Children 18 and under must be accompanied by a parent; Yoga Classes on the beach held by Cynthia Smith begin August 28 at 6:30 p.m. which is a free day and charge for additional classes will be \$7 per person. The Home Association is having a fundraiser called Pathway to Play project at a cost of \$100 per brick. The pathway will go along the north end of the Nelson basketball courts. Bricks can be engraved. Further information is available at Town Hall. Rob also stated that the tennis courts should be finished soon.

Carolyn Saxton spoke for the Ogden Dunes Community Fund. She stated that at the beginning of July, 2012, the fund had a balance of \$6077.65. Two grants were given out as follows: \$100 for Animal Control and \$750 to Sandpiper. Additionally, the Community Fund has voted unanimously for 2 grants: \$500 challenge grant for the Historical Society to hire a naturalist to identify plants and remove invasive and unwanted plants; \$3,000 grant for the public art project for the exterior wall at the Firehouse. The Committee will meet with a local artist, Debra Landry, who has years of experience with public art. This project will include input from children and adults in Ogden Dunes. The Fund will have a remaining balance of \$2577.65; therefore, a fundraiser is being planned for October. Carolyn asked that the Town Council approve these two grants. Paul Panther moved that the Council approve the two Community Fund grant requests (\$500 for the Historical Society and \$3,000 for the Firehouse art project). Bill Gregory seconded the motion. All were in favor and the motion was unanimously approved.

Allen Johnson announced that the Reggae Party will be held Labor Day weekend.

## RESIDENT REMARKS

Several residents spoke as follows:

Larry Fierst – against bike trail but agrees with all Charlie Costanza’s deer management comments

Jean Barger – does not want to open up the Town to any more pathways as she feels it will affect the security of the Town. She would like the Council to work with the NPS regarding deer management and eliminate some of the dissent in the Town.

Jon Machuca - read his letter to the Council stating his objections to a deer cull

Dave Harbaugh – spoke against the deer cull and the possibility of using bow and arrow. He feels that the cull last year was a cull of NPS deer not Ogden Dunes deer since the deer entered from the east side of Town seeking the bait which is NPS property.

Margaret Coleman – stated that there are sick raccoons in Town which the Street Department has been picking up. She feels the Porter County Animal Control should be picking up the sick animals instead of the Street Department. She also stated she is against hunting in Town.

Dan Manas – spoke on the dangers of golf carts and the recent accident in Town

Deborah Fleege – feels that the Town is very divided and that the Council needs to end the dissent in the community. She feels the Council should analyze the outcome of their decision and whether or not it pertains to the majority of the residents in Town.

Karel Kearn – stated her objection to a bike trail in Town. Allen Johnson responded and said there will not be a bike trail in Town any time soon.

Maryann Schaefer – stated her objection to bow hunting. She asked the Council members to go on record and say that they feel a cull will keep the community safer from lyme disease. Allen Johnson, Bill Gregory, and Paul Panther took the position that a cull would keep the community safer from lyme disease. Charlie Costanza said a cull would not keep the community safer.

Bob Hicks – stated his objection to the bike trail and the yield sign which replaced the stop sign on Locust. He feels it is dangerous now with the yield sign. He feels a lawsuit will be

forthcoming against the Town because of Ordinance 767.

#### COUNCIL MEMBER REMARKS

Charlie Costanza congratulated resident Larry Schell who placed seventh in the Mackinaw Sailboat Race which he has been participating in for the past forty years.

Over the objection of other Council members, Charlie Costanza read an unsigned letter stating objections to a deer cull. Council members felt the letter should not be read since Charlie stated that the person who wrote the letter wished to remain unnamed.

Charlie Costanza made a motion to hold a vote in Town to determine if a majority of the residents are in favor of a bike trail and the deer cull. There was no second to the motion.

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

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Allen Johnson, President  
Ogden Dunes Town Council

ATTEST:

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Jean Manna  
Clerk-Treasurer