

**OGDEN DUNES TOWN COUNCIL  
MONDAY, JULY 1, 2013 – 7:00 P.M.  
OGDEN DUNES FIREHALL**

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

**ABSENT:** Paul Panther

**MINUTES**

Charlie Costanza moved that the minutes of the June 13, 2013 Town Council meeting be approved as submitted by the Clerk-Treasurer. Tom Clouser seconded the motion. All were in favor and the motion was unanimously approved.

**CORRESPONDENCE, ANNOUNCEMENTS & CONGRATULATIONS**

Allen Johnson stated a letter dated June 27, 2013 was received from Jon Machuca regarding a document entitled "Legal Actions vs. Town of Ogden Dunes and SODD Membership".

Allen Johnson announced that the new hours at Town Hall will be from 8:00 a.m. to 12:00 noon weekdays with Saturday hours (8:00 a.m. to 12:00 noon) continuing through Labor Day. Town Hall does not have an answering machine; therefore, Allen has requested that residents not call past 12:00 noon with ordinary resident requests.

Allen Johnson thanked Rob Schlyer and the Home Association crew for installing new basketball goals at the courts on the east side of Town.

It was announced that the Women's Club will be holding the Sandcastle Building Contest on July 4 with registration at 9:00 a.m. Food and soft drinks will be served at 11:00 a.m.

The Home Association will be holding a new event called the cardboard boat race on Saturday, July 6.

**COMMITTEE/DEPARTMENT REPORTS**

POLICE DEPARTMENT

Marshal Reeder stated that the 762-4125 phone number for Town Hall will go to the Dispatch Center after Town Hall hours and the employees in Dispatch do not have time to be taking calls about wood chips, leaf pickup, etc. These types of calls must be made during Town Hall business hours which are 8:00 a.m. to 12:00 noon weekdays.

PLAN COMMISSION

Ed Hewitt read his letter regarding statements made by Charlie Costanza at the last Town Council meeting regarding Ordinance 780. He quoted Charlie Costanza as saying "Ed Hewitt does not have to give you a permit if he does not want to" and "if he does not want to give you a permit, he does not have to". Ed Hewitt stated that these statements have no factual basis and he does not have the authority nor would he want the authority to deny a permit based on personal issues. All permits are filed on the Town of Ogden Dunes' forms and are issued by requirements set forth in the Town Code. He stated that he challenges Mr. Costanza to prove that he has denied permits without just cause and expects a public apology from Mr. Costanza since he used a public forum to voice this information.

Charlie Costanza replied and said he apologized to Ed Hewitt and stated that his comments were not said with any disrespect. He stated that he was trying to say that Ed Hewitt has the authority to not give a permit. Of course, he has to have a legal reason and Charlie stated that he probably should have mentioned that in the sentence as that is what he meant. Charlie stated that he was sorry if his statements were misunderstood or misinterpreted. Ed Hewitt stated that he accepted Charlie Costanza's apology. Ed Hewitt stated that had Charlie said Ed Hewitt could deny a permit with cause, he would not have had an issue with Charlie's statement. Charlie stated that he apologized and stated that he misspoke. Ed Hewitt stated that he just wanted to clarify the situation in front of the audience. Charlie stated that he thinks very highly of Ed Hewitt and feels he is doing a fine job and that the people of the Town also feel Ed Hewitt is doing a great job.

Ed Hewitt stated that the Town averages about 110 building permits per year of which approximately 10% are for retaining walls. With the new ordinance 784 that states that most walls under four feet do not need engineering, the process seems to be less restrictive. Ed spoke about nuisance properties in Town and the number one property is 27 Aspen which is a house that has been vacant for many years and has been demolished. A new house plan has been approved for this location. The second property is 73 Shore Drive which has also been demolished but no drawings have been submitted for a new home. Drawings have been submitted for a new home at 90 Shore Drive and the old home will be demolished.

#### ADA COMMITTEE

Sara Anderson stated that the ADA committee members had a three and one-half hour meeting today with Allen Hammond to tour the Town buildings, parks and beach accesses to determine what possible barriers are in our Town in conjunction with ADA laws. The ADA Committee will develop plans to present to the Council for possible solutions to any barriers in the Town.

#### GENERAL CODE REVIEW

Charlie Costanza stated that there were nine members on this Committee; however, one member resigned. An application is available online or at Town Hall for anyone who would like to apply.

#### ENVIRONMENTAL ADVISORY

Susan Milhalo stated that the committee is coming up with a protocol to be placed on the Town website in case an air quality issue arises in Town residents will know what kind of information is helpful to collect. Susan stated that she now has a phone number for IDEM where she can get specific information about air quality. Susan stated that the beach water quality has been good this season considering all the rain we have had.

#### **CLAIMS**

Bill Gregory moved that regular claims 045101 to 045141 and payroll claims 04622 to 04662 be approved as submitted by the Clerk-Treasurer. Tom Clouser seconded the motion. The vote was as follows: Bill Gregory, yes; Allen Johnson, yes; Tom Clouser, yes; Charlie Costanza; no. Charlie Costanza stated that the attorney bill for this month was reduced to one-half the average amount and proceeded to state what items were listed on the invoice. The motion was passed three to one.

#### **OLD BUSINESS**

Allen Johnson stated that Ordinance 784 would not have a first reading at this meeting as some revisions need to be made. Charlie Costanza stated that he feels the Building Code Review committee should review this ordinance. Allen Johnson stated that he does not feel we should go back to square one and have more committees involved with this ordinance. Bill Gregory stated that he has now read

and studied this ordinance along with any Town Codes related to it. Charlie Costanza stated that he does not feel we need this ordinance as we already have rules in place. Bill Gregory stated that this ordinance is an “addition” to existing codes not an “amendment”; therefore, the Town does not have this language already in place. Bill Gregory feels this ordinance will help protect homeowners.

Allen Johnson stated that the Town will be applying for an excess tax levy due to the 2013 budget cuts. All residents received a lower tax bill in 2013 because of the software rate error.

Allen Johnson discussed Ordinance 781 which would have increased the watercraft decal charge with the additional charge filtering to the Park Department. Allen stated that it is too late into the summer to consider this ordinance and feels it should be dismissed for now and perhaps reviewed at a later date. **Charlie Costanza moved to dismiss the Ordinance 781. Bill Gregory seconded the motion. All were in favor and the motion was unanimously passed.**

Allen Johnson requested that the September 9 Town Council meeting be moved to September 3. **Charlie Costanza moved that the September 9 Town Council meeting be moved to September 3 and Tom Clouser seconded the motion. All were in favor and the motion was unanimously approved.**

Jenny Brown, web administrator for the Town, discussed the advantages of changing the web host from Network Solutions to Concrete 5 and asked that the Town Council approve this change. Jenny explained the pricing which would be a decrease from Network Solutions and also the fact that Concrete 5 offers back-up for \$1.00 extra per month. A detailed e-mail of her explanation is available at Town Hall. **Bill Gregory moved that Jenny Brown be given permission to use Concrete 5 as the Town’s web host and Tom Clouser seconded the motion. All were in favor and the motion was unanimously approved.** Jenny will begin working on the new Town website.

Allen Johnson stated that a \$26,153.28 Certificate of Deposit currently at 1<sup>st</sup> Source Bank for the Sanitation Department is maturing on July 29, 2013. Due to the currently low CD rates, he feels it should not be renewed thus tying up the money. **Tom Clouser moved that the Sanitation CD not be renewed and the money placed in the Sanitation checking account. Charlie Costanza seconded the motion. All were in favor and the motion was unanimously passed.**

Bill Gregory stated that it is the season for “no dogs on the beach” rule. He also stated that residents please clean up after their dogs as there have been some problems at the beach access areas.

Bill Gregory stated that the septic system for the Firehall is on hold until a decision is made on the Firehall kitchen drain. He stated that if the drain requires any type of digging, they would like to know if it can be done at the same time the septic system is done. Bill Gregory asked the Council to approve Ed Hewitt getting a second opinion regarding the Firehall kitchen drain to find out if the whole floor will have to be torn up and the drain replaced before we can proceed with the septic.

Bill Gregory also asked the Council to approve attorney assistance with a new operating agreement between the Town and the Fire Department relative to the Firehall space. A new agreement is in the process which would shift some of the responsibility as far as insurance, utilities and management of the Firehall to the Town. We will be looking at the reservation agreement for use of the Firehall. Bill Gregory mentioned that the Indiana Excise State Police have tightened their laws which would affect any parties that are held at the Firehall. He stated that a permit is now needed to serve alcohol and the new reservation form will include these requirements. Charlie Costanza requested that Bill Gregory supply him with a copy of the new Firehall rental agreement when it is drafted and before it is submitted to the attorney for review. Bill Gregory agreed. Bill Gregory suggested that any groups desiring to serve alcohol at an event should contact the local Indiana State Excise Police representative for specific information and forms needed. Bill Gregory stated that this rule also applies to alcohol events on the beach. Allen Johnson asked if there was any opposition to Bill Gregory contacting the Town Attorney for assistance with the new rental agreement. Charlie Costanza stated that he

commends Bill for asking the Council prior to contacting the attorney and that he is not opposed to Bill's request.

Tom Clouser stated that Jim Matthys, Dave and Ben Newton and Ray Friday did an excellent job of cleaning up the beach area prior to July 4th. He also stated that the Dune Acres street sweeping is finished. Tom indicated that the Beverly Shores pothole patching will be done next week weather permitting.

#### **RESIDENT REMARKS**

Dorothy Kurtz spoke for the Beautification Committee and stated that tomorrow morning at 8:30 a.m. they will be working on the gardens and would like volunteers. She stated that they would like another person on their committee and it would only require two or three meetings per year. She stated that Gerry Lehmann is their advisor and also makes sure all the watering systems are working.

Bernadette Slawinski commends the Home Association for their plans to purchase tick tubes for their land. She stated that SODD has purchased eight dozen tick tubes which will arrive next week and will be given to the Home Association for their use.

Mark Coleman questioned the Certificate of Deposits held by the Water and Sanitation Departments. He questioned why there was a \$1.50 per month sanitation increase to residents in 2013 if the CD was available. Allen Johnson stated that this CD was equivalent to the Town's Rainy Day Fund. Mark Coleman stated that he feels all residents should handle their own garbage pick-up and chose their sanitation company.

Alec Mackenzie stated that he feels all the attorney fees incurred by the Plan Commission were justifiable and money well spent. He stated that the money spent on attorney fees by the Plan Commission were spent with the intention of keeping the Town out of trouble.

Seth Beville questioned the investigation into the recent theft of signs from resident properties. Allen Johnson suggested that he speak with Marshal Reeder after the meeting about this problem.

#### **COUNCIL REMARKS**

Charlie Costanza questioned the document entitled "Legal Actions vs. Town of Ogden Dunes and SODD Membership" which was left in the Town Council mailboxes at Town Hall as to whether or not an investigation has been done. He questioned whether the film from the camera at Town Hall which would show who placed the paper in the Town Council boxes had been reviewed. Allen Johnson told Charlie to give any information he has to Marshal Reeder.

No further business coming before the Council, Tom Clouser moved to adjourn the meeting. Bill Gregory seconded the motion. All were in favor and the meeting was adjourned.

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Allen Johnson, President

ATTEST:

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Jean Manna, Clerk-Treasurer