

**ST. JOHN TOWN COUNCIL REGULAR MEETING  
ST. JOHN MUNICIPAL BUILDING MAIN MEETING ROOM  
10955 W. 93<sup>RD</sup> AVENUE, ST. JOHN, INDIANA  
FEBRUARY 28, 2008 - 7:00 P.M.**

Mr. Fryzel called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance. Roll call was taken with the following members present: Michael Fryzel, President; Jerri Teibel, Vice-President; Gregory Volk, Member, Mark Barenie; Member, Michael Forbes, Member; David Austgen, Attorney; Steve Kil, Town Manager and Sherry Sury, Clerk-Treasurer. Also present were: Fred Frego, Police Chief; Fred Willman, Fire Chief; Bob Pharazyn, Director of Operations; Chip Sobek, Parks Superintendent and John Mainwaring, Code Enforcement Officer.

**Approval of the Minutes: January 17<sup>th</sup> and January 24<sup>th</sup>, 2008, Regular Meetings and Executive Session of January 24, 2008** – Ms. Teibel motioned to approve the minutes as presented. Seconded by Mr. Barenie. Motion unanimously passed.

**Presentations:**

**Mr. Charles E. Pearson – Service Recognition** – Mr. Pearson was unable to attend the meeting; this presentation scheduled for next month.

**Haunted House Actor Volunteers** – Ms. Teibel thanked the volunteers, their parents, the Hanover and Lake Central School Districts, and presented each of the volunteers with a certificate.

**Public Hearing:** Ordinance #1467, an ordinance establishing a Residential Refuse Garbage Collection Fee in addition to regulations pertaining to collection and disposal of refuse and recyclables.

Proofs of Publication – Mr. Austgen confirmed that the Proof of Publications were in order with timely publication one time on February 14<sup>th</sup> in **The Times** and one time in the **Post Tribune** on February 16, 2008.

Opening Remarks – Mr. Kil referenced the Historical Data/Community Comparisons pertaining to the refuse collection fee and the Building Permit Data information he handed out. He stated that the 1990 census showed a population of 4,921; in the year 2000, the census showed a population of 8,382; and now as of January 1, 2008 the population is estimated, based on actual building permit data, at 13,981. In 2001, there were approximately 2,072 houses in town; the monthly cost per household per month for trash pickup and recycling was \$8.35. In 2008, there are 4,470 households with the cost being \$14.35. It has gone from about \$30,000 a month to \$64,296 a month on average. Only one company, Illiana Disposal responded to the bid; Waste Management declined the bid, they are getting out of residential waste service.

Mr. Kil stated that the cost of the annual garbage fee from May 2007 to May 2008 is \$14.35 per household per month; from 2008 – 2009 it goes to \$15.07; and from 2009-2010 it goes to \$15.82; from 2010 – 2011 to \$16.61. He added the Town budgeted in 2008 - \$745,000 for trash collection and were then advised by the DLGF (Department of Local Government Finance) to revert back to the 2007 appropriations. The appropriation in 2007 was \$540,000, which means there will be a shortfall in the budget

of at least \$231,000. They compared the surrounding communities and found that Cedar Lake charges \$15.00 per month; Dyer \$13.79; Lowell \$11.89; Griffith \$11.50; Merrillville is currently privatized but starting next month they agreed to a town wide collection fee of \$14.95 per household which is being billed directly by the service provider; Schererville \$15.09; Highland \$15.25; Munster \$19.00; and Crown Point is currently at \$9.75 and believes they are looking at increasing that. That brings the average cost per household for all these communities at \$12.79.

Mr. Fryzel stated that he has not had enough time to read the ordinance and is considering subsidizing part of the cost.

Mr. Forbes stated that he agreed with the possibility of subsidizing. He noted that the most significant increase in the cost of waste pick up was between 2006 and 2007 and questioned why this wasn't done then or even last year. Mr. Kil stated that they had been monitoring it for a few years and thought they could get through it this year, but when the State reduced the appropriations, it wasn't going to be possible. The Town really received only one bid and the current waste hauler, at the time, could not put the bid bond in for the bid, which made them ineligible. Waste Management refused to bid.

Mr. Barenie stated that he concurs with Mr. Fryzel's thoughts, it is a lot of documentation to receive very recently; it's a decision that impacts the residents here on out and would like to have more time to look through the information. Mr. Volk stated that he agrees with Mr. Barenie.

Mr. Austgen stated that this is a Public Hearing scheduled for this evening. It appears there may be residents who have responded to the invitation to comment, and it would be appropriate and lawful to conduct a Public Hearing this evening notwithstanding perhaps your action as a Council to defer, continue, consider first reading only or whatever the Council determines to do at the conclusion of the Public Hearing.

Mr. Fryzel stated that he was going to open it to the floor and if anything; they would consider on first reading. He verified that anything could be changed after consideration on first reading, the entire ordinance can be changed after consideration on first reading. Mr. Austgen agreed that is correct.

**Mr. Fryzel opened the floor for comments.**

Mr. Joe Dickelman, 9258 W. 92<sup>nd</sup> Place, Lancer Estates - asked what happens to the recycling money we receive. Mr. Kil stated that the Town does not get extra money for recycling; they are required to recycle a certain amount to be eligible for the Solid Waste District Management money. Mr. Dickelman asked if senior citizens could get a reduction? Mr. Fryzel stated that they were going to look at the entire ordinance, if they subsidize, it will be across the board. Mr. Austgen stated that the law requires that in rate establishment, the legislative body may only adopt a rate that is uniform, fair and non-discriminatory. Discussion ensued. Mr. Dickelman inquired if the residents were being charged for hydrant service. Discussion ensued. Mr. Dickelman inquired as to when Lancer Estates would be resurfaced, as this has not been done for over 20 years. Mr. Fryzel advised him that he must wait until the end of the meeting to ask about that.

Mr. Bill Dravesky, 9038 Howard Court – asked how much it would be for the Town to buy their own garbage trucks and have their own drivers? Mr. Kil responded that one truck

costs about \$225,000, they must pay employees, transfer costs, landfill costs, and is not cost effective.

Ms. Cheryl Cribari, 9338 Olcott – stated that the money comes from the general fund, which comes from the taxpayers, so this would be double taxation. Mr. Kil explained the general fund and restated the budget reduction dictated by the State. She stated that she was pleased to see the notice for the public hearing in the paper and suggested that study sessions be reinitiated.

Mr. Fryzel closed the floor.

**Ms. Teibel motioned to consider Ordinance #1467 on first reading only so that the Council could have further time on that. Motion died for lack of a second.**

Mr. Austgen recommended that the Public Hearing be continued to the next public meeting of the Council.

**Mr. Forbes motioned to continue the Public Hearing at the March 20, 2008 meeting. Seconded by Ms. Teibel. Motion unanimously passed.**

#### **New Business**

**Consider Contract for Service between St. John Township Trustee and St. John Volunteer Fire Department – Ms. Teibel motioned to approve the contract for services and authorize the Town Council President to execute. Seconded by Mr. Barenie. Motion unanimously passed.**

**Consider bids submitted for the purchase of Vacuum Sweeper – Mr. Pharazyn recommended that the bids be thrown out and requested to seek authorization to re-advertise for new bids. He said that it is an issue of discrepancies in the bidding. Discussion ensued. Mr. Forbes asked if Mr. Pharazyn had a specific type of machine he wanted. Mr. Pharazyn provided an explanation of the differences and uses. **Ms. Teibel motioned to reject all street sweeper bids and authorize the re-advertising. Seconded by Mr. Barenie. Motion unanimously passed.****

**Consider authorization to advertise for the sale of certain Public Works equipment by sealed bid – Discussion ensued. Mr. Forbes questioned if a vehicle was donated could it now be sold. Mr. Austen responded and explained the conveyance process that allows the sale. Mr. Kil read the list of items to be placed for bid. **Ms. Teibel motioned to authorize the sale of the equipment by Public Works by sealed bid. Seconded by Mr. Barenie. Motion passed with 4 ayes and one nay by Mr. Forbes.** He stated that he does not have the list in front of him.**

**Consider annual CF-1 Form for St. John Professional Center – development at 10200 Wicker Avenue – Mr. Kil explained the annual form, the time periods and stated that not as many CF-1 forms will be presented for approval this year, the tax abatements are falling off with only a few remaining having one or two years left. Mr. Austgen asked if the staff has reviewed this information, if this is the recommendation and if the items of information have been certified and verified. Mr. Kil stated that to the best of his ability, this is in order. **Ms. Teibel motioned to accept the form CF-1 as presented and to****

**authorize the Town Council President to sign. Seconded by Mr. Forbes. Motion unanimously passed.**

**Consider Resolution # 08-02-28, a resolution rescinding Resolution # 05-01-20 regarding Fire Department PERF** – Mr. Austgen stated that this is their recommendation to the Town Council, to consider the withdrawal of the previously adopted resolution which was an election by the town that the full time firefighters be included and joined as members of the 1977 Police and Firefighters PERF Pension Fund.

The firefighters are presently civilian PERF members; they have a pension fund and a membership in a pension, just as the other employees do. They are not however like the Police Department, which has been included within the 1977 fund. The Town's full time Police Officers have been enrolled in this pension fund from the time of its commencement to the present. The actions needed to be taken regarding that enrollment and enlistment of those full time sworn personnel have been made or is on file for purposes of their eligibility and entitlement under the 1977 PERF fund.

It is a different story with the firefighters because the Social Security Administration receives money from their paychecks. The Social Security Administration must under PERF regulations exempt the Town's full time firefighter personnel from the Social Security Administration collections and withholdings in order for those full time firefighter personnel to become members of the Firefighter PERF Fund which substitutes for Social Security Funds. This process is not only tedious, it has been underway for the last year or so, since about the time the Council elected by resolution to adopt the entitlement enlistment of those personnel into that fund. Those personnel are not presently in that fund they are in the civilian PERF fund pending whatever action occurs by the Social Security Administration.

The Indianapolis PERF personnel advise him that it is unknown what the Social Security Administration will do and when or if they will act. He added there may an audit or examination by the Social Security Administration of the propriety and validity of the membership of the Police Department personnel in that fund. He mentioned there is no statutory, legal requirement to provide the firefighter PERF pension. The resolution presented before the Council is based on this information. It was clear to them that there is a substantial unknown exposure possibility in awaiting a determination by the Social Security Administration of exempting the firefighters from Social Security and allowing their transfer or to join into the PERF pension fund. Those members are already losing time because you cannot bridge back and the possibility of the unknown related to police personnel that could make the money discussed earlier look very small if you go back over a period of time. This is explained in the resolution. Based on the information in hand, given that you have provided the PERF pension and that there is no statutory requirement to provide the firefighter PERF pension; a pension is being provided, this is their recommendation.

Mr. Fryzel opened the floor for comment.

Ms. Heather Gillette, 10014 Pheasant Lane – stated that two and a half years ago, her husband was brought on as a full time firefighter and was told at that time he would be put into the Firefighters Police PERF. Mr. Fryzel deferred to Chief Willman who stated that at that time he was told that if the town went into it, he would be eligible for it. Ms.

Gillette referenced a memo from the Chief stating that the attorney has to establish a “pension board” for the town and you, Jessica and Rachael are going into it as soon as all the requirements for the attorney have been satisfied. She asked how could they make a promise like that. Mr. Fryzel stated that the attorney just explained what they tried to do; the attorney is the one who reviewed this and came up with this determination. She asked if the Social Security Administration is contesting it, how do other Police and other Fire Departments get their members into it. Mr. Austgen stated that he did not say they were contesting it; they have a determination pending before that body on the exempt status of the full time firefighters in St. John from Social Security Administration. He added this is what has been worked on with PERF continuously since about the time of that memo in an attempt to accomplish that. Mr. Fryzel stated that they have not accomplished that, they must rescind the resolution and it will still be going on in the background. Mr. Austgen stated that the resolution that was adopted by this Council was the official public action to move toward and accomplish if possible, that was sought was the opportunity for those full time firefighters here in St. John to become enrolled and participants with the 1977 full time police and firefighters PERF pension.

Mrs. Gillette asked if the pension could be taken away from the police officers and Mr. Fryzel stated that it could not, it is an established PERF fund. He explained that we never had a full time fire department. Discussion ensued.

Chief Willman stated what he told her was under the direction of the Town Council and Attorney Austgen and there was never a time in this whole process, start to finish, that he didn't work toward putting those people in.

**Ms. Teibel motioned to adopt Resolution #08-02-28. Seconded by Mr. Barenie. Motion unanimously passed.**

**Ordinance #1465, an ordinance amending Ordinance #1456 (second reading) - Ms. Teibel motioned to adopt Ordinance #1465. Seconded by Mr. Barenie. Roll call vote: aye votes by Mr. Fryzel, Ms. Teibel, Mr. Barenie; nay votes by Mr. Volk and Mr. Forbes. Motion passed with a vote of 3 - 2.** Mr. Fryzel added that there was an article in the **Times** this past week about this ordinance and merging departments, they were commended on passing that.

## **Reports & Correspondence**

### Town Council

Mr. Forbes – stated that he went to a NIRPC meeting today and brought back maps of the Northwest Indiana bike trails. Along with being located in various locations in the building, the Clerk-Treasurer will be putting them in the welcome packets for new residents. He also mentioned the Marquette Plan – Phase 2 and provided an overview of the project. Mr. Forbes also asked Mr. Kil to follow up on signs on 231 at the Gates; there are four signs that are outside the ordinance. Discussion ensued. The other signs that he requested to be reviewed pertain to the Strack's/Target development and referenced the BZA stipulations. Discussion ensued.

Ms. Teibel read a letter from residents; Brad and Chris Gervais, 9260 Marquette, thanking the Public Works Department for keeping the streets clear this winter.

Mr. Barenie asked Ms. Sury if the shortage discussed earlier of the \$231,000, is the only shortage they would have this year. She stated that there would be a lot of shortages in a lot of line items and provided an explanation. He asked that he be provided with the amount of the total operating budget without utilities.

Clerk-Treasurer – None

Staff

Mr. Kil provided the Building and Planning Department report - 7 new home permits so far through the month of February with 79 building inspections and 62 inspections.

Mr. Pharazyn stated that the Public Works was called out on 12 separate occasions, spread over 600 tons of salt and commended his staff for going above and beyond this month. Due to the budget, members of his staff have been taking comp time instead of overtime.

Mr. Fryzel asked if there is time, could he go around town and check on potholes. Discussion ensued.

Mr. Sobek reported that the Park Board approved all the maintenance for the parks this summer, the port-o-potties, landscaping and the spraying of the parks. They also completed the five-year plan for the parks; the books will be ready next week. He added that if it doesn't snow anymore they would have the Easter Egg Hunt.

Chief Frego summarized the January Activity Report, (Exhibit A).

Chief Willman reported they had their busiest month ever with 92 requests for assistance, held three training sessions, and that the department is participating with the Griffith Fire Department to provide a Firefighter I & II course. (Exhibit B).

Mr. Mainwaring reported that (inaudible).

**Payment of Bills for the Corporation - #7203- #7415 in the amount of \$1,364,809.63**  
**– Ms. Teibel motioned to accept vouchers #7203 – #7415 in the amount of \$1,364,809.63 for payment of bills for the Corporation. Seconded by Mr. Barenie. Motion unanimously passed.**

### **Public Comment**

Ms. Cheryl Cribari, 9338 Olcott – asked for clarification - if the funds for the garbage come from the General Fund and if so, asked if the Town did cut back on some things, would the money go back into the General Fund. Mr. Kil provided an overview of the budget process pertaining to the funding, the tax money and miscellaneous revenues. She asked if they could make up the money elsewhere and Mr. Kil stated that it could not with the reasons being provided; building permits going down and the State reducing the tax money. She asked them to reconsider bringing back the public input. Discussion ensued pertaining to public hearings.

Mr. Joe Dickelman, 9258 W. 92nd Place – inquired as to what would happen if no one recycled anymore. Mr. Kil explained the diversion rate and stated that they would be in danger of losing solid waste management money if no one recycled.

Mr. Bill Dravesky, 9038 Howard - asked if anyone could do anything about the potholes on Route 41. Mr. Fryzel stated that is the responsibility of the state and they will make another call tomorrow morning. Discussion ensued.

**Adjournment** – Ms. Teibel motioned to adjourn the meeting. Seconded by Mr. Barenie. Motion unanimously passed. Meeting adjourned at 8:26 P.M.

Attest:

/s/ Sherry P. Sury, Clerk-Treasurer