

ST. JOHN TOWN COUNCIL REGULAR MEETING
ST. JOHN MUNICIPAL BUILDING MAIN MEETING ROOM
10955 W. 93RD AVENUE, ST. JOHN, INDIANA
November 19, 2009 – 7:00 P.M.

Mr. Barenie called the meeting to order at 7:01 P.M. and led the Pledge of Allegiance. Roll call was taken with the following members present: Mark Barenie, President; Michael Forbes, Vice-President; Gregory Volk, Member; Jerri Teibel, Member; David Austgen, Attorney; Steve Kil, Town Manager and Sherry Sury, Clerk-Treasurer. Also in attendance were Fred Frego, Police Chief and Fred Willman, Fire Chief. Absent were Michael Fryzel, Member and Chip Sobek, Parks Superintendent.

Approval of the minutes:

September 17, 2009 Executive Session; September 17, 2009 Regular Meeting;
September 24, 2009 Executive Session; September 24, 2009 Regular Meeting;
September 28, 2009 Executive Session; September 28, 2009 Special Meeting;
October 22, 2009 Executive Session; October 22, 2009 Regular Meeting
October 29, 2009 Executive Session:

Mr. Forbes motioned to approve in aggregate the minutes mentioned above. Seconded by Ms. Teibel. Motion passed with a vote of 4 - 0.

New Business

Mr. Barenie stated that the Town Manager, Mr. Kil has requested that the two items for PILT for the Water Works District and the Sanitary District be deferred to next month. **Mr. Forbes motioned to defer both items. Seconded by Ms. Teibel. Motion passed with a vote of 4 - 0.**

Ordinance #1497, an ordinance establishing PILT (Payment in Lieu of Tax) for the Waterworks District – See above

Ordinance #1498, an ordinance establishing PILT (Payment in Lieu of Tax) for the Sanitary District – See above

Uniform Offer to Purchase, easement for C.D.B.G. Storm Sewer Project – Mr. Kil stated that this is in the Watts Subdivision, he asked for authorization to proceed with the acquisition of the easement and if necessary to issue a uniform offer to purchase and follow the statutory procedure to acquire the easement. **Ms. Teibel motioned to authorize Mr. Kil's above request. Seconded by Mr. Volk. Motion passed with a vote of 4 - 0.**

Resolution #09-11-19, Park Improvement Capital Fund – additional appropriations -Mr. Austgen stated this is a Public Hearing and confirmed that the Proofs of Publication were in order, one time in **The Times** newspaper and in the **Post-Tribune** on November 9th in each. He stated that it is a timely publication so the Council may proceed in this matter and added the posting occurred as certified by the Clerk-Treasurer.

Ms. Sury stated there is an outstanding bill for the parking lot at The Gates for \$19,830.08, there is no appropriation remaining that we have permission to spend; however, there is money in the fund. They are asking for approval for an additional appropriation, to take the money from the fund and put it in the appropriation so this bill can be paid and are asking for \$30,000.00 in case any other charges come in.

Mr. Barenie opened the floor for Public Comment

Public Comment – None

Mr. Barenie closed the floor to Public Comment

Mr. Forbes motioned to approve the additional appropriation for the Park Improvement Capital Fund Resolution #09-11-19. Seconded by Ms. Teibel. Motion passed with a vote of 4 - 0.

Consider revisions to the position description of Public Improvements Inspector – Mr. Kil stated that this is a housekeeping procedure that cleans up the position description for the Building and Planning Department. He and the Town Attorney have worked on this and would recommend that the Council approve the revised position description for the Public Improvement Inspector. Ms. Teibel motioned to approve the revised position description for the Public Improvement Inspector. Seconded by Mr. Volk. Motion passed with a vote of 4 - 0.

Reports & Correspondence

Town Council

Mr. Forbes thanked the people involved with the Haunted House this year. He stated that they had 75 actors participating, 4,059 people went through the Haunted House, and 295 kids went through on kid's day. He also thanked the St. John Lions Club for their assistance in running the kid's day and also thanked the Barenie family, the Volk family, the Sury family and Sam and Cookie (two Haunted House workers) for their donations to help feed the kids. The net profit for the Haunted House this year is \$25,496.10. Mr. Forbes stated that he would like permission to plan a get together to thank the actors. (He received verbal approval). He added a thank you to the town employees, everyone that helped and Chiefs Frego and Willman for ensuring that everyone was safe while at the Haunted House.

Mr. Volk advised Chief Frego that he has received complaints regarding truck traffic on Keilman mainly heading north from 95th trying to turn onto 93rd, truck semi's making deliveries. He stated that he discussed this with Mr. Kil and asked the Chief to look at no trucks north of 95th and encourage the local deliveries to go south on Keilman down to 97th. The trucks are tearing up the intersection of Keilman and 93rd, would like to funnel them down to 97th and let them use the light on 97th. Discussion ensued and Chief Frego stated that he would look into it.

Mr. Volk suggested as a cost containment effort for the new year that they bid contractor costs for emergency services such as snow plowing, material of stone and dirt, or for a water main break to make sure they are getting the best prices. He summarized the process of building a list of contractors that would include pricing to be used when needed including emergency situations. Mr. Kil stated that they could tie them into a fixed cost and request that information and that he would follow up on this soliciting for pricing only. Discussion ensued. Mr. Austgen stated that they do not need to bid because they are looking for pricing only since they do not have a specific job. They could bid it or solicit proposals from companies known to do that work or provide those kinds of services, equipment and manpower. The statute does not provide for a mechanism on this particular item. It does, however, if you are going to public works bid a specific project.

Clerk-Treasurer – None

Staff

Mr. Kil asked the Council to approve the yearly contract with the Township Trustee for Fire Protection Services and authorize the Town Council President to execute it. **Mr. Forbes motioned to approve the agreement with the St. John Township Trustee for Fire Service in the amount of \$25,384.00 for the year of 2009. Seconded by Ms. Teibel. Motion passed with a vote of 4- 0.**

Mr. Kil asked the Council to approve the annual license with Microsoft in the amount of \$28,649.70 which will be split between 5 departments. **Mr. Forbes motioned to approve the expenditure for the Microsoft licensing in the amount of \$28,649.70. Seconded by Ms. Teibel. Motion passed with a vote of 4-0.**

Chief Willman gave the Monthly Activity Report for the Month of October, 2009. He added that the Annual Public Safety Open House was held on October 4th, 2009. On behalf of the entire Fire Department he would like to thank all the departments in town for sharing their timely resources with them and stated that it was definitely a unified effort of everyone involved that made the occasion a success.

Chief Frego gave the October Activity Report. He added that the Tech Grant they were awarded a year ago is finally here, they are in the process of ordering the appropriate equipment that the grant covers and it should be here in a couple of months.

Payment of Bills for the Corporation- APV's #9003 - #9196 for \$1,800,055.21 - Ms. Teibel motioned to accept vouchers #9003 - #9196 in the amount of \$1,800,055.21 payment of bills for the Corporation. Seconded by Mr. Forbes. Motion passed with a vote of 4 - 0.

Public Comment

Ms. Cheryl Cribari, 9338 Olcott – referenced the articles in the paper and the comments at the end of the article on the Internet. She stated that she is tired of the mudslinging and has several questions. She asked how long Mr. Foley worked for the town, (17-18 yrs), so he had one more year until retirement, there was nothing for him to do? She asked if he couldn't work part time? Mr. Volk stated that Mr. Foley was a carpenter and kept up his union dues. Mr. Barenie stated that they do not have a defined benefit; he added the Town Manager came up with a restructuring agreement for staffing and the Council followed his recommendation. Ms. Cribari stated that a lot is being said about Mr. Kil driving a municipal plated vehicle working at his other business. Mr. Kil stated that he has never had a municipal plated vehicle and uses his own vehicle. Ms. Cribari stated that comments have been made that Mr. Volk is aware of a lot of monkey business going on around town and he does not say anything. Mr. Volk stated that there are rumors but he has nothing to substantiate them. Ms. Cribari stated that she also read in the comments section of the web site that the Council is privy to the health insurance. Ms. Teibel stated that they are not covered and that they get their own health insurance. Mr. Forbes stated that they use our own vehicles.

Ms. Cribari asked what is going on with the mechanic. She referenced the article and stated that a board member knew of the mechanic working in the town garage after hours and chose not to do anything about it for over a month and believes something was done. She stated that

maybe this mechanic is getting his personal car worked on. She continued to reference the article and questioned if the mechanic was working on people's cars that work for the town after hours, the deal that was cut, and if he should be let go. Ms. Cribari stated that this is an abuse of tax dollars and asked for clarification. Mr. Forbes stated that there was an issue with that but it has been dealt with. Ms. Cribari asked if it is public record. Mr. Forbes stated that it is not; it was a personnel matter. Ms. Cribari asked if the residents had a right to know and stated that obviously tax dollars have been abused. She asked if the mechanic was being paid overtime for working after hours. Mr. Barenie said that he can guarantee there was no overtime paid; he has gone through all the records and added that part of the issue with her questions is that she is getting this information from the comment section of the newspaper article on the Internet. Discussion ensued. Ms. Cribari stated that the Council has already acknowledged that this is happening and is a personnel thing. Mr. Barenie stated that the day it came to their attention it was dealt with. Ms. Cribari questioned what the reprimand was and Mr. Kil stated that it was dealt with according to the Town's personnel policy. Discussion ensued. Mr. Kil stated that there was a reprimand handed out. Ms. Cribari asked if the reprimand was handed out to the mechanic and if he was still working for the town. Mr. Kil confirmed that there was a reprimand and that he is working for the town. Ms. Cribari questioned why they couldn't find out whose cars he was working on. Mr. Kil referenced the one incident. Ms. Cribari asked why there is no public record on this. Mr. Kil stated that there is never any public record of a personnel matter. Discussion ensued. Ms. Cribari asked for the identity of the mechanic's name. Mr. Kil stated that it was Mr. Larry Bustmante. She asked whose cars he was working on and Mr. Kil stated that he was working on town cars now. Mr. Kil stated that he was never paid on town payroll and after hours, he does have his own tools in the shop and that issue....Ms. Cribari interrupted and stated that so the tax payers are not allowed to know. Ms. Kil referenced her earlier question that when it was brought to the attention of the Council that it was dealt with in accordance with the personnel policy. Ms. Cribari stated that it is an abuse of tax dollars, these people should be fired and that she wanted to state for the record, that if there are any town employees that know of anything going on, they should come to the meeting and they should present it to the Council. If they have a beef, they know something is going on, they shouldn't fear for their jobs and be afraid to say something which has been said even if on the Internet, put it on public record. She stated that she hardly doubts any retaliation would come. Discussion ensued.

Ms. Cribari also mentioned that the Council got a nice raise a couple of years ago, about \$2,000 each, and asked if they would consider taking a pay cut next year? She stated that Mr. Austgen did and the employees did. Discussion ensued. Mr. Volk and Mr. Barenie stated that they have discussed it and it's on the list. Ms. Teibel asked Ms. Cribari if she knew how much they made and stated that she believes it is about \$16,000.00 a year. Ms. Teibel stated that her pay was just under \$10,000.00 a year. Discussion ensued with the correct amounts provided of \$16,000.00 for the President and \$14,000.00 per year for each board member. Ms. Cribari stated that they should have more study sessions and one meeting a month. Mr. Barenie stated that one meeting a month slows the town down if they vote on business once a month. Discussion ensued.

Blanca Morales, 11335 West 93rd – stated her concerns about the renovation on 93rd where she lives, the blacktop on the street is higher than it used to be and is concerned the water/snow will come right into her yard. The sidewalks in front of the administration building for the church are higher as well. She stated that her neighbor on the corner told her that there is no drainage system in place. The blacktop is crumbling in front of her driveway. Mr. Kil told her the project of 93rd is complete except for restoration and that he will look at the crumbling driveway.

Janet Brennan, 10151 Delmar Street – stated that she agrees with Ms. Cribari on the work - study sessions. She asked about the Christmas in the Park budget. Mr. Kil stated that it is basically the same as last year and the fireworks are donated by the local businesses. Discussion ensued. She offered her congratulations on the Haunted House; the kids have been promised a party every year and they haven't had one yet. Ms. Brennan also congratulated them on getting the board and committee application on the website. She asked about the remaining budget cuts and Mr. Barenie stated that they are still working on it and they will have it all at the next meeting.

Adrian Bugariu, 11747 West 90th Avenue – stated that he has lived 32 years in St. John, for 32 years non-stop, the Police Department has terrorized him and referenced the letter he presented to Mr. Barney and Mr. Forbes. Mr. Austgen interjected that this commentary should be stopped Mr. Bugariu has commenced his legal proceedings and his claims and his notices and this is not the forum for that and is inappropriate. Mr. Barenie told Mr. Bugariu that Mr. Austgen is correct. This is an open item with legal ramifications that is not settled and advised Mr. Bugariu that he is welcome to speak on items other than the lawsuit. Discussion ensued.

Mr. Volk asked Mr. Kil if they have a contractor's board. Mr. Kil stated that he listed examples of the boards and that this one is not in the newspaper article, it is too late to change the article but that he will add it on the website. Discussion ensued and they are extending the date to the 30th.

Mr. Bugariu asked if he heard right a million dollars for the phone company. Mr. Forbes stated that amount was not for the phone company; it is to run the town.

Adjournment – Ms. Teibel motioned to adjourn the meeting. Seconded by Mr. Forbes. Motion passed with a vote of 4 - 0. Meeting adjourned at 7:45 P.M.

ATTEST:

/s/ Sherry P. Sury, Clerk-Treasurer