

ST. JOHN TOWN COUNCIL REGULAR MEETING
ST. JOHN MUNICIPAL BUILDING MAIN MEETING ROOM
10955 W. 93RD AVENUE, ST. JOHN, INDIANA
December 17, 2009 – 7:00 P.M.

Mr. Barenie called the meeting to order at 7:02 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; Michael Fryzel, 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 was Chip Sobek, Parks Superintendent.

Approval of minutes: November 19, 2009 Executive Session and November 19, 2009 Regular meeting - Ms. Teibel motioned to approve the minutes of the November 19, 2009 Executive Session and the November 19, 2009 Regular meeting. Seconded by Mr. Fryzel. Motion unanimously passed.

Bid Opening: Sale of Fire Department Rescue Vehicle

Mr. Austgen confirmed that the Proofs of Publication indicate the timely publication on November 30th and December 7th in each of **The Times** and **Post Tribune** for a Notice to Bidders and stated that meets the requirements of law and the Council may proceed.

Mr. Austgen opened the following bids:

- 1) Anthony M. Rossi, Hammond, IN, bid amount of \$3,698.13, accompanied by a 5% bid deposit of \$185.00 in the form of a money order.
- 2) Nicholas Perez, East Chicago, IN bid amount of \$1,008.00, accompanied by bid deposit of \$52.00 in the form of a money order

Mr. Forbes motioned to accept and award the bid to Anthony M. Rossi for the fire vehicle. Seconded by Mr. Fryzel. Motion unanimously passed.

New Business

Ordinance #1502, the 2010 Salary Ordinance - Ms. Teibel motioned to consider Ordinance #1502 on first reading. Seconded by Mr. Forbes. Motion unanimously passed.

Mr. Fryzel motioned to adopt Ordinance #1502. Seconded by Ms. Teibel. Motion unanimously passed.

Ordinance #1504, an Ordinance extending the Tax Anticipation Warrants for 2009 - Mr. Fryzel motioned to consider Ordinance #1504 on first reading. Seconded by Ms. Teibel. Motion unanimously passed.

Mr. Fryzel motioned to adopt Ordinance #1504. Seconded by Ms. Teibel. Motion unanimously passed.

Consider Ordinance #1505, an Ordinance authorizing the issuance of Tax Anticipation Warrants for 2010 - Mr. Forbes motioned to consider Ordinance #1505 on first reading. Seconded by Ms. Teibel. Motion unanimously passed.

Ms. Teibel motioned to adopt Ordinance #1505. Seconded by Mr. Fryzel. Motion unanimously passed.

Ordinance #1506, an ordinance establishing Public Purchasing Policy Regulations and amending Ordinance #1434 - Mr. Forbes motioned to consider Ordinance #1506 on first reading. Seconded by Ms. Teibel. Motion unanimously passed.

Ms. Teibel motioned to adopt Ordinance #1506. Seconded by Mr. Forbes. Motion unanimously passed.

Resolution #09-12-17, a Resolution authorizing entry into a joint Interlocal Cooperation Agreement regarding the Tri-Town Safety Village, Inc - Mr. Forbes motioned to adopt Resolution #09-12-17. Seconded by Mr. Fryzel. Mr. Austgen stated this is before the Council on an initiative that commenced in the late summer as a result of communications made by the Safety Village Board of Directors to the Town of Schererville initially and ultimately to the Towns of Schererville, St. John and Dyer. It was a consequence of a determination that finances at the Safety Village entity were insufficient to meet debt service responsibilities on a significant mortgage loan financing that the Safety Village entity had obtained that permitted the construction of buildings and capital improvements. Over the course of about three months numerous meetings were held at all levels. The Council President, Mr. Barenie, and the Vice-President, Mr. Forbes, met in a series of meetings with the Schererville Town officials. Those were extensive meetings that over an approximate 6-8 week period yielded an understanding of a relationship on a going forward basis for the sustainability and the continuity of the Safety Village entity. Ultimately then, meetings were held with the Safety Village Board and the agreement that is before you tonight is the result of all of those efforts to culminate in the end objective. The end objective, as all of the officials involved, indicated was the continuity of that educational program facility for people here, the children here and the children in the Tri-Town area. There should be a significant amount of kudos extended to Mr. Barenie and Mr. Forbes and the work they put into the meetings that were had and the dialogue that was exchanged for the common purposes. It is his understanding that they also extended that dialogue substantively to the Safety Village Board and ultimately we have a unanimous agreement in the event there is favorable action here tonight. The Safety Village Board met two weeks ago and approved entry into this agreement, the Town of Schererville Council met one week ago and approved entry into this agreement. The agreement awaits completion by St. John's action.
Motion unanimously passed.

Mr. Barenie stated that Mr. Ferrini spent numerous Saturdays working on this document and it was a privilege to work with him and to know him for such a short time, (Mr. Ferrini has since passed away), he did a fantastic job championing through all three boards, the Safety Village Board, the St. John Town Council and the Schererville Town Council, all unanimously.

Mr. Forbes added that it was always a pleasure working with Mr. Ferrini and working with him on the Safety Village rekindled their friendship and started the professional courtesies between the towns again and they will continue to build on that. He asked that they have a moment of silence on behalf of Perry Ferrini.

Mr. Austgen referenced an editorial in today's newspaper that discussed the ties, commonalities and the mutuality of cooperation that can be found. Those items have resulted directly from the communications that have occurred over this last short period of time by the executive officers of this town and those of the Town of Schererville and has gone down to the staff levels for the beginning of implementation. Those discussions would never have taken place and hadn't

historically, until the doors were kicked down by these series of communications, meetings, and gatherings to begin to become acquainted, to begin to understand the commonalities and to begin to realize the realities of those commonalities and how mutually both communities and all of the residents can benefit. That only happened as a consequence of this.

Resolution #09-12-17A, a Resolution recommending review and amendment by the Indiana General Assembly of the current property tax code provisions for the establishment of an improved and more efficient property tax system – Mr. Austgen stated that he redrafted a specimen that had been circulated by Highland Clerk-Treasurer, Michael Griffin, as a consequence of a presentation to the 16 plus community entity that meets on the 3rd Friday of every month of which St. John participates. He stated that there has been a significant concern on the flawed property tax distribution system. One of the statutory provisions calls for the ability of the taxing officers to issue provisional tax payments distribution. That has not worked very well and what the Clerks have found were the impetus for calling for the General Assembly to take a look at this. The provisional tax distributions do not occur, they do not occur timely; money is collected on a regular basis and sits in bank accounts pending some arbitrary decision in places that the Town does not control for their distribution. The Statute is pretty clear about distribution; it is supposed to occur within 50 days of the tax bill. But the tax bills don't go out so the 50 days doesn't kick in. Mr. Barenie asked who gets the interest the money that is accruing in the bank. Ms. Sury stated that the Town does not get the interest and added that they don't get 100% of the tax money because some residents pay late. Discussion ensued. Mr. Austgen added that this resolution is a recommendation to the General Assembly to visit this issue in this session and address it; they go into session January 4th through March. **Mr. Fryzel motioned to adopt Resolution #09-12-17A. Seconded by Ms. Teibel. Motion unanimously passed.**

Authorization to bid Joliet Street Storm Sewer Project - Ms. Teibel motioned to authorize bidding of this project. **Seconded by Mr. Fryzel. Motion unanimously passed.**

Authorization of Storm Sewer work at 10370 Joliet Street and Hart Street – Mr. Volk stated that he received a request from some homeowners along the north side of Joliet Street, the first five homes east of Hart Street. He stated that Mr. Kil and Mr. Faberbock looked at it and Mr. Faberbock suggested they put some catch basins along Joliet Street and tie them in across the road on the south side of the street. Mr. Faberbock estimated the cost at about \$16,000 and Mr. Kil would like to go out for some bids not to exceed the \$16,000. **Mr. Volk motioned to authorize Mr. Kil to get bids for this project not to exceed \$16,000. Seconded by Ms. Teibel. Motion unanimously passed.**

Motion to authorize Christmas Eve as an additional employee holiday - Ms. Teibel thanked Mr. Barenie and Mr. Forbes for spearheading the employee Christmas Party. She knows all the employees enjoy it.

Mr. Forbes stated that a letter has gone out to the employees advising them that they were going to do this. The employees have worked extremely hard this year, given the changes this year they have picked up the gauntlet and ran with it. He stated that this day off is a small thank you and that the letter stated it was from Mr. Barenie and himself; it should have noted Ms. Sury and the rest of the Council as well.

Ms. Teibel motioned to grant Christmas Eve as an additional employee holiday. Seconded by Mr. Fryzel. Motion unanimously passed.

Reports & Correspondence

Town Council

Ms. Teibel gave kudos to Ms. Sury for her creative way to promote the 2010 Census this year (Prairie Park West Christmas tree theme) and she thinks that this will make more news than just Lake County Indiana.

Mr. Fryzel extended his condolences to the Schilling family on the passing of Estelle Schilling on Wednesday.

Mr. Barenie thanked the entire staff and the volunteer committee members for a job well done this year, he stated that it was a tough year, very challenging, and appreciates all the time and work they gave.

Clerk-Treasurer

Ms. Sury stated that they collected \$2,180.70 for Sammy the Swan. She asked permission to issue and release a check in the amount of \$200 to pay for room and board for one year for Sammy. **Mr. Forbes motioned to pay \$200 for Sammy the Swan's first year room and board. Seconded by Ms. Teibel. Motion unanimously passed.**

Ms. Sury stated that the revenue for Christmas in the Park was around \$4,631.04 and they disbursed \$6,329.00, the cost was minimal but it was a success. She stated that there is one more bill to come in for the cookies for around \$600.

Ms. Sury asked permission to issue and release a check for Comfort Catering in the amount of \$450.00 to pay for the food for the Christmas Party. **Mr. Fryzel motioned to release the check for Comfort Catering for \$450.00. Seconded by Ms. Teibel. Motion unanimously passed.**

Ms. Sury asked if the meeting schedule for 2010 would be the same so that she can notify the media in letterform prior to the beginning of the year. Discussion ensued; scheduling will be addressed at the meeting on the 30th.

Staff

Mr. Kil stated that they have prepared a balanced budget for 2010 and referenced the newly completed Form 1's that will be distributed. Mr. Fryzel complimented everyone for all the hard work and effort they put into the budget, citing department heads and the staff.

Public Comment

Mr. Adrian Bugariu, 11747 West 90th Avenue – referenced (inaudible) about attempted murder. Mr. Austgen asked Mr. Barenie to ask the Police Chief to escort Mr. Bugariu out of the meeting, as he was being disruptive.

Ms. Cheryl Cribari, 9338 Olcott – stated that she wanted to follow up on the situation of the mechanic fixing cars (inaudible) and asked if anything can be done to change the policy. (Inaudible) Mr. Barenie stated that he was not clear on any theft that was discussed. (Inaudible) Mr. Kil stated that she misunderstands the issue. He stated that there was no abuse of tax

dollars, there was no abuse of work time hours, this is a personnel issue and that it should not be addressed here. (Inaudible) Discussion ensued regarding the request of the identity of the mechanic and the employee whose car was getting worked on that was previously answered. Mr. Forbes stated that the name of the employee who was getting his car worked on was a personnel matter and is completely different. Discussion ensued. Mr. Kil stated that he would not discuss a personnel issue in this forum. Ms. Cribari stated said she would file a Freedom of Information request. Discussion ensued. Mr. Kil stated that if a request is received that he would review it; Mr. Austgen stated that the entire discussion is personnel and should be stopped. Ms. Cribari stated that the policy does need to be looked at.

Mr. Steven Hastings, 8740 Patterson – referenced the area of Patterson & Oakwood that has been constantly fighting power outages. He wants to advise the Council that they need to stay on NIPSCO to trim the trees and that will stop the power outages.

Mr. Bugariu asked if it is a conflict of interest to have two positions in the Town of St. John. Mr. Barenie stated that it is not, it happens in many towns.

Adjournment – Ms. Teibel motioned to adjourn the meeting. Seconded by Mr. Fryzel. Motion unanimously passed. Meeting adjourned at 7:48 P.M.

ATTEST:

/s/ Sherry P. Sury, Clerk-Treasurer