

ST. JOHN TOWN COUNCIL REGULAR MEETING
St. John Municipal Building Main Meeting Room
10955 W. 93rd Avenue, St. John, IN
December 16, 2010

Mr. Barenie called the meeting to order at 7:22 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; Ken Gembala, Member; David Austgen, Attorney; Steve Kil, Town Manager and Sherry Sury, Clerk-Treasurer. Also in attendance was Fred Frego, Police Chief and Fred Willman, Fire Chief. Absent were Michael Fryzel, Member and Chip Sobek, Parks Superintendent.

New Business

Ordinance #1527, for D.A.R.E. Program, special revenue non-reverting fund - Mr. Forbes motioned to consider Ordinance #1527 on first reading. Seconded by Mr. Gembala. Motion passed with a vote of 4 - 0.

Mr. Gembala motioned to adopt Ordinance #1527. Seconded by Mr. Forbes. Motion passed with a vote of 4 - 0.

Ordinance #1528, prohibiting Synthetic Cannabinoid and providing penalties for same – Chief Frego stated that they have not had any in the town as yet but it is a very good idea to adopt the Ordinance. Mr. Austgen stated that the synthetic materials and substances that are prohibited by this proposed ordinance are found to be somewhat and significantly deleterious to public health and safety. The Federal Drug Administration is presently in the process of evaluating although the test results have not been concluded. The history by the FDA on these substances - we know there is an emergency order or notice prohibiting such sale and possession and use. We also know this will be an initiative of the Indiana General Assembly in the upcoming session starting in January for regulation.

The ordinance presented to the Council provides for home rule legislation of prohibition subject to the jurisdiction of preemption that may or may not exist. It is fine, they do not think there is preemption but in the event it becomes preemption than your law becomes subject to or secondary to / subsequent to the Federal law or State law that is specific, this gives you coverage in the interim and your officers can enforce this ordinance by adoption.

Mr. Barenie stated that in **The Action Lines**, December issue, there was an article regarding this on page 14. Mr. Austgen stated that there is an open item on this ordinance that the Council needs to consider and that is the penal allowance on the third page for individuals as well as businesses. Mr. Forbes stated that this is in line with other communities in section 4, this deals with a person which ranges from \$250.00 to \$7,500.00 and for businesses in section 5 it's a little higher with \$750.00 being the low and \$7,500.00 being the high which is consistent with other communities that have accepted this ordinance. **Mr. Forbes motioned to consider Ordinance #1528 on first reading. Seconded by Mr. Volk. Motion passed with a vote of 4 - 0.**

Mr. Forbes amended the motion to include the dollar amounts for sections 4 and 5 discussed above. Seconded by Mr. Volk. Motion passed with a vote of 4 - 0.

Ordinance #1529, 2011 Salary Ordinance for Municipal Employees - Mr. Gembala motioned to consider Ordinance #1529 on first reading. Seconded by Mr. Volk. Motion passed with a vote of 4 - 0.

Mr. Forbes motioned to adopt Ordinance #1529. Seconded by Mr. Gembala. Motion passed with a vote of 4 - 0.

Consider “Drop Benefit” for Police Pension matters – Mrs. Sury stated that once these checks are approved and distributed, the retirees would receive their monthly check. Mr. Kil stated that the drop amount would be \$90,600 each. Their final paychecks will not be issued tomorrow; they will be issued the normal payday next week. Tomorrow’s check will be the drop benefit. **Mr. Gembala** motioned to authorize the Drop Pension Benefit Payment as applied for. Seconded by Mr. Forbes. Motion passed with a vote of 4 - 0.

Consider Total Patcher Emulsion Purchase Agreement with the Town of Cedar Lake - Mr. Forbes motioned to approve the agreement and authorize the Town Council President to sign. Seconded by Mr. Gembala. Motion passed with a vote of 4 - 0.

Resolution #10-12-16, a resolution for a Transfer of Appropriations (General Fund) – Mr. Barenie said they have a significant amount of resolutions for transfers and he has not had enough time to review the year end transfers. He would like to defer all items except Resolution #10-12-16H. Mr. Barenie stated that the transfers are usually done the second meeting of the month and asked why they are being done this meeting. Mrs. Sury explained the process the Clerk’s office must follow and complete before the year-end close, which is why the transfer of appropriations were being done at this time. Discussion ensued. **Mr. Forbes** motioned to defer the transfer of Appropriation Resolutions (except #10-12-16H), to open the dockets and pay any outstanding invoices for the Corporation and to move the second meeting up from December 30th to December 29th and to pass Resolution #10-12-16H. Seconded by Mr. Volk. Motion passed with a vote of 4 - 0.

Resolution #10-12-16A, a resolution for a Transfer of Appropriations (MVH) – Resolution #10-12-16 above

Resolution #10-12-16B, a resolution for a Transfer of Appropriations (EDC) –Resolution #10-12-16 above

Resolution #10-12-16C, a resolution for a Transfer of Appropriations (Solid Waste) – Resolution #10-12-16 above

Resolution #10-12-16D, a resolution for a Transfer of Appropriations (CATV) –Resolution #10-12-16 above

Resolution #10-12-16E, a resolution for a Transfer of Appropriations (CCI) –Resolution #10-12-16 above

Resolution #10-12-16F, a resolution for a Transfer of Appropriations (AMB Capital) – Resolution #10-12-16 above

Resolution #10-12-16G, a resolution for a Transfer of Appropriations (PD Special) – Resolution #10-12-16 above

Resolution #10-12-16H, a resolution for a Temporary Transfer and Loan of Funds (Cum Sewer to Metro Police Pension and General Fund) – Motion passed; see Resolution #10-12-16 above.

Ordinance #1530, an ordinance amending the 2010 Salary Ordinance for Special Compensation – Mr. Austgen stated that this is a special compensation to the 2010 Salary Ordinance recognizing the two long-term retiring police officers who have 34 and 35 years, respectively, of service. This is a recognition benefit on a one-time basis. **Mr. Gembala motioned to consider Ordinance #1530 on first reading. Seconded by Mr. Forbes. Motion passed with a vote of 4 – 0.**

Mr. Forbes motioned to adopt Ordinance #1530. Seconded by Mr. Gembala. Motion passed with a vote of 4 - 0.

Ordinance #1531, 2010 Indiana Bond Bank Roll-over Funding Ordinance - Mr. Forbes motioned to consider Ordinance #1531 on first reading. Seconded by Mr. Volk. Motion passed with a vote of 4 - 0.

Mr. Gembala motioned to adopt Ordinance #1531. Seconded by Mr. Forbes. Motion passed with a vote 4 - 0.

Ordinance #1532, 2011 Indiana Bond Bank Advance Funding Ordinance - Mr. Forbes motioned to consider Ordinance #1532 on first reading. Seconded by Mr. Gembala. Motion passed with a vote 4 - 0.

Mr. Forbes motioned to adopt Ordinance #1532. Seconded by Mr. Gembala. Motion passed with a vote 4 - 0.

Reports & Correspondence

Town Council

Mr. Forbes congratulated the two officers on their retirement. The other council members commented on their service as well. Chief Frego thanked the officers for their years of service with the town.

Mr. Barenie stated that they received a thank you letter from the Highland Fire Department for assistance St. John gave them to a fire in Highland. He also received a thank you letter from the Cedar Lake Town Manager for one of Chief Willman's employees helping out in Cedar Lake.

Mr. Forbes referenced the request from Jean Shepherd to continue the fire contract. Chief Willman stated that one of the stipulations last year; was that they would not have to add any staff or equipment and they did not have to. Mr. Austgen stated that since the contract is in the same form and a similar fashion as last year, the contract amount is the same along with the same service territory identified; he recommended that the Council consider action. **Mr. Forbes motioned to accept the contract with the Trustee based upon verification of the service area and the fee schedule. Seconded by Mr. Gembala. Motion passed with a vote 4 - 0.**

Clerk-Treasurer – None

Staff

Chief Willman added the Fire Department's congratulations to the two retirees.

Public Comment

Mr. Adrian Bugariu, 11747 West 90th Avenue – stated that he is not discussing items under litigation. He has new item regarding Bernie Johnson's demotion from Captain to Sergeant and asked for clarification.

Lt. Kouder thanked the Council for taking good care of the Police and Fire Departments and the citizens for feeding his family for 35 years.

Adjournment – Mr. Forbes motioned to adjourn the meeting. Seconded by Mr. Volk. Motion passed with a vote 4 - 0. Meeting adjourned at 7:59 P.M.

ATTEST:

/s/ Sherry P. Sury, Clerk-Treasurer