

ST. JOHN TOWN COUNCIL REGULAR MEETING  
St. John Municipal Building Main Meeting Room  
10955 W. 93<sup>rd</sup> Avenue, St. John, IN  
May 12, 2011

Mr. Forbes 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: Michael Forbes, President; Gregory Volk, Member; Ken Gembala, 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: Mark Barenie, Vice-President; Michael Fryzel, Member and Chip Sobek, Parks Superintendent.

**Public Hearing – 2011 Community Development Block Grant Project**

**Proofs of Publication** – Mr. Austgen stated he has reviewed two Proofs of Publication of Notice of this Public Hearing. The two Proofs are in evidence, timely publication has been made, the public hearing and proceedings may be conducted.

Mr. Kil read the **Opening Remarks** for the CDBG Public Hearing and asked that the Opening Remarks, Affirmative Action Plan Adoption, Section 3 Understanding Form and Resolution #11-05-12 be incorporated into the record.

**OPENING REMARKS FOR CDBG PUBLIC HEARING**

Each spring, the Lake County Community Economic Development Department applies to the U.S. Department of Housing and Urban Development (HUD) for new funding through the Community Development Block Grant program (CDBG).

One of the application requirements is to hold public hearings in the communities where CDBG funding is allocated in order to obtain input from the local citizens on the proposed use(s) of the new funding. For FY2011, the Town of St. John CDBG allocation is \$50,010.00.

The most common use of CDBG funds is for infrastructure, including street reconstructions, sanitary sewers, water line extensions, storm drainage improvements, sidewalks, and projects to remove architectural barriers (handicapped access), such as curb cuts and wheelchair ramps. CDBG funds may also be used to eliminate slums and blight through demolition of unsafe buildings or other clearance activities.

CDBG funded infrastructure projects may only be done in areas where the neighborhood is at least 51% low/moderate income according to HUD guidelines. In most cases, an income survey must be done to qualify the area for funding eligibility. The income information taken by the survey is strictly confidential, and is used solely for the purpose of determining the area's eligibility for CDBG funding.

Handicapped access projects and demolition may be done anywhere in a community, without the need for area income determinations.

The public hearing is just the start of the application process for Lake County. There are a series of legal advertisements and comment periods that take place during the summer, prior to

final grant approval from HUD in late August. New CDBG funding is released to the County and its entitlement communities on or around September 1<sup>st</sup> and needs to be expended by June 18<sup>th</sup> of the following year.

After public comment tonight, three documents need to be read and adopted: the Affirmative Action Program, Section 3 Understanding, and a Resolution authorizing the City/Town Executive to submit a project proposal for CDBG funding.

Finally, Project Applications, and supporting documentation, need to be submitted no later than May 19, 2011 for review by Lake County.

The floor is open for comments.

**AFFIRMATIVE ACTION PROGRAM  
IMPLEMENTING SECTION 3 OF THE  
HOUSING AND URBAN DEVELOPMENT ACT OF 1968**

**SPECIFIC AFFIRMATIVE ACTION STEPS**

TOWN OF ST. JOHN agrees to implement the following specific affirmative action steps directed at increasing the utilization of lower income residents and project area businesses.

- A. To ascertain from the HUD Area Office, Director the exact boundaries of the Section 3 covered project area and where advantageous, seek the assistance of local officials of the department in preparing and implementing the affirmative action plan.
- B. To attempt to recruit from the appropriate areas the necessary number of lower income residents through: local advertising media, signs placed at the proposed site for the project, and community organizations and public or private institutions operating within or serving the project area such as Service Employment and Redevelopment (SER), Opportunities Industrialization Center (OIC), Urban League, Concentrated Employment Program, Hometown Plan or the U.S. Employment Service.
- C. To maintain a list of all lower income area residents who have applied either on their own or on referral from any source and to employ such persons, if otherwise eligible and if a vacancy exists.
- D. To insert this affirmative action plan in all bid documents, and to require all bidders to submit a Section 3 affirmative action plan including utilization goals and the specific steps planned to accomplish the goals.
- E. To insure that contracts which are typically let on a negotiated rather than a bid basis in areas other than Section 3 covered project area, are also let on a negotiated basis, where ever feasible when let in a Section 3 covered project area.

- F. To formally contact unions, subcontractors and trade associations, to secure their cooperation for this program.
- G. To insure that all appropriate project area business concerns are notified of pending contractual opportunities.
- H. To maintain records including copies of correspondence, memoranda, etc., which document that all of the above affirmative action steps have been taken.
- I. To appoint or recruit an executive official of the company or agency as Equal Opportunity Officer to coordinate the implementation of this Section 3 affirmative action plan.

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Signature

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TOWN COUNCIL PRESIDENT

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Title

**CITIZEN PARTICIPATION PLAN**

The following is a detailed citizen participation plan which:

1. Provides for and encourages citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blighted areas and of areas in which funds are proposed to be used, and provides participation of residents in low and moderate income neighborhoods as defined by the local jurisdiction;
2. Provides citizens with reasonable and timely access to local meetings, information, and records relating to the grantee's proposed use of funds, as required by the regulations of the Secretary, and relation to the actual use of funds under the Act;
3. Provides for technical assistance to groups representative of persons of low and moderate income that request such assistance to be determined by the grantee;

4. Provides for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program, including at least the development of needs, the review of proposed activities, and review of program performance, which hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries, and with accommodation for the handicapped;
5. Provides for a timely written answer to written complaints and grievances, within fifteen (15) working days where practicable; and
6. Identifies how the needs of non-English speaking residents will be in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate.

### **LAKE COUNTY, INDIANA Section 3 Understanding**

The U.S. Department of Housing and Urban Development (HUD) issued regulation that provide the directive to creative job opportunities for low-income persons when HUD funds are expended on a construction project. These regulations are known as Section 3 policy. The purpose of the Section 3 policy is to ensure that the employment and other economic opportunities generated by Federal financial assistance for housing and community development programs shall, to the greatest extent feasible, be directed toward low and very low-income persons.

Section 3 covered projects are construction, reconstruction, conversion, or rehabilitation of housing, including reduction and abatement of lead based paint hazards, or other public construction which includes building and improvements assisted with HUD housing and community development assistance. Section 3 covered contracts do not include contracts for purchase of supplies and materials. However whenever a contract for materials includes the installation of the materials, the contract constitutes a Section 3 covered contract.

Fund recipients and contractors must show compliance with the numerical goals set forth by the regulations. The numerical goals for new hires apply only to the number of new hires generated because of the financial assistance of the HUD programs. The numerical goals are not absolute numerical requirements. They are goals that each recipient and contractor should try to reach. The goals, if not met, do not trigger sanctions against the recipient or contractor. However, if challenged on the issue of compliance with Section 3, the recipient or contractor should be ready to demonstrate that they tried to reach these goals. The goals are as follows:

- . 30% of all covered new hires for the year FY 2011

In addition, recipients and contractors are required to show compliance with the goal that at least 10% of any building trade activity, which is subcontracted, and 3% of non building trade activity (construction management, etc.), is awarded to eligible Section 3 business concerns.

Further information regarding these requirements may be found in the Federal Regulations at 24 CFR 135 and the Lake County Section 3 Plan.

***I certify that I Have read the information above and understand the Section 3 requirements and numerical goals.***

**Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**RESOLUTION NUMBER 11-05-12**

**A RESOLUTION AUTHORIZING AND DIRECTING  
THE TOWN COUNCIL PRESIDENT OF THE TOWN ST. JOHN TO SUBMIT  
A PROJECT PROPOSAL FOR COMMUNITY DEVELOPMENT BLOCK  
GRANT FUNDS FOR FEDERAL FISCAL YEAR 2011**

WHEREAS, under the provisions of Title 1 of the Housing and Community Development Act of 1974, as amended to date, Lake County, Indiana is authorized to provide financial assistance to units of general local government for undertaking and carrying out Community Development activities; and

WHEREAS, it is provided in such Act that the unit of general local government shall provide a satisfactory assurance prior to submission of its Application, that it has held one public hearing to obtain the views of citizens of Community Development needs; and

WHEREAS, the Town of St. John is proposing a product for assistance under the Housing and Community Development Act of 1974, as amended to date, and proposes to undertake and make available a total project cost of Twenty Nine Thousand and Fifty Dollars (\$50,010.00); and

WHEREAS, the Town of St. John has held one formal public hearing on the proposed program and has made available to the general public, through the mass media and other sources, information concerning the program; and

WHEREAS, the Town of St. John has general knowledge of the proposed uses of such funds and is cognizant of the conditions that are imposed in the undertaking and carrying out of Community Development activities and undertaking with Federal financial assistance under Title 1, including those prohibiting discrimination because of race, color, creed, sex or national origin;

NOW THEREFORE, BE IT RESOLVED, by the Town of St. John, Indiana:

Section 1: That the Town Council President of the Town of St. John, IN is hereby authorized to file a Project proposal for funds under Title 1 of the Housing and Community Development Act of 1974, as amended to date, with Lake County, Indiana and provide all information and assurances as may be necessary under the Act.

ST. JOHN TOWN COUNCIL

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Town Council President

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ATTEST:

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Sherry P. Sury, Clerk-Treasurer

**Affirmative Action Plan Adoption** – see below

**Open to the Floor for Public Comment** – Mr. Forbes opened the floor for public comment.

Mr. Austgen stated that Mr. Mitch King from the Lake County Community Economic Development Department was present. He is the County Representative for the program financing the initiative that is before the Council that they are conducting the public hearing on. He is there to answer any questions and to monitor the program.

Mr. Forbes stated that they are doing a drainage project with the CDGB money in the Watt's subdivision, a flood relief project. It is phase two of a project previously started. Overall, the project will provide flood and drainage relief by installing 333 feet of 12 inch pipe with 4 catch basins, re-grade approximately 450 linear feet of parkway in order to provide proper drainage. The project will also involve minor road patching as a result of placing the pipe through the existing streets – Schneider Court and Bailey Street. This project is a continuation of a CDBG project that took place in 2010.

**Closed to the Floor** – Mr. Forbes closed the floor for Public Comment.

**Affirmative Action Plan Adoption** – Mr. Forbes referenced the Affirmative Action Plan Implementing Section 3 of the Housing and Urban Redevelopment Act of 1968. The Affirmative Action Program Lake County Indiana Section 3 Understanding and the Citizen Participation Plan. **Mr. Volk motioned to accept the three documents that Mr. Forbes just presented. Seconded by Mr. Gembala. Motion passed with a vote of 3-0.**

**Reading of Section 3 Understanding Form** – See above

**Resolution #11-05-12, A Resolution authorizing the 2011 CDBG project and directing the Town Council President to submit a project proposal** - Mr. Gembala motioned to adopt Resolution #11-05-12. Seconded by Mr. Volk. Motion passed with a vote of 3-0.

### **New Business**

**Consider Indiana Department of Revenue Y2010-Y2011 UST Financial Responsibility Settlement Agreement, and consider Phase II Work Plan of Superior Environmental Remediation for submission to Indiana Department of Environmental Management** – Mr. Austgen stated that this is an item that involves and effects the insurance coverage of the Town related to the underground storage tanks.

There is a process, by which payment of an annual fee qualifies the Town as a participant in the protections of the Environmental Liability Fund. In the event of a liability exposure, release, unpermitted discharge, or a cleanup, it is an environmental coverage. There was a time period during the construction and/or transition of the Towns Public Works facilities from the former facility, which are now gone to the new facility when these payments did not get made. The consequence of that is there was a gap in coverage has some fatal consequences to it.

At the Council's direction, Mr. Austgen made a resolution to bridge the gap but that requires notification to IDEM that the site conditions and the tank conditions are acceptable. They are not only sound but there are no issues that would require an Environmental Phase 2 Assessment. That is what is contemplated by this agreement; in the event the Environmental Phase 2 Assessment is completed and accepted the fines or penalties for non-payment are waived and the coverage is bridged. **Mr. Volk motioned to authorize entry into proposed settlement with IDOR (Indiana Department of Revenue). Seconded by Mr. Gembala. Motion passed with a vote of 3-0.**

Mr. Austgen mentioned that this is a single sourced proposal for the remediation environmental services.

**Mr. Volk motioned to authorize entry into the agreement with Superior Environmental Remediation for the Phase 2 Assessment not to exceed \$19,567.76. Seconded by Mr. Gembala. Motion passed with a vote of 3-0.**

**Consider approval of the 2011 Road Project** – Mr. Forbes referenced a new copy of the road project; they have added a few roads. They now have a total of 233,835.0 square feet of roadwork to do. **Mr. Gembala motioned to authorize bidding on the 2011 road project based on the revised road list. Seconded by Mr. Volk. Motion passed with a vote of 3-0.**

**Consider donation of retired air packs to the DHS – District 1 Training Division** – Chief Willman stated that they have replaced their air packs with new ones (through grant money). They have five air packs set aside. They have a surplus of 30 spare cylinders, 29 masks and 15 air packs with cylinders and he is requesting they donate the surplus to the Department of Homeland Security District 1 Division. He added they have become partners with them in a lot of ways. In the last three years 21 of the Town's firefighters have gone to classes there at no charge to the Town. The masks are not made anymore. **Mr. Volk motioned to authorize the donation of the air packs, bottles and masks. Seconded by Mr. Gembala. Motion passed with a vote of 3-0.**

## Reports & Correspondence

### Town Council

Mr. Forbes stated that they are still waiting on Hanover Schools for the Ethics Board. He asked Mr. Kil to send them a letter asking if they want to participate and if so, to get them a name.

### Clerk-Treasurer

Ms. Sury stated that the conference call with PayGOV is tentatively set for Tuesday to go over everything and hopefully be online in the afternoon.

### Staff

Mr. Kil presented the completed Safety Manual. Mr. Austgen suggested there be discussion on how the manual is be used and recommended that it be broken down into smaller pieces and integrated into the ongoing training. Discussion ensued and referred to next meeting for adoption.

Chief Frego stated that he received correspondence from Attorney Austgen suggesting a joint meeting of the Town Council and Police Commission regarding the proposed 911 Consolidation Dispatch Ordinance. The Police Commissioners agree a meeting should be held. Discussion ensued. Mr. Austgen added that this is not a Joint Interlocal Cooperation Agreement. The Town Council will work with them to schedule a meeting.

## Public Comment

Mr. Adrian Bugariu, 11747 West 90<sup>th</sup> – Referenced his recent requests and demanded that his requests be met.

**Adjournment – Mr. Volk motioned to adjourn the meeting. Seconded by Mr. Gembala. Motion passed with a vote of 3-0. Meeting adjourned at 7:29 P.M.**

ATTEST:

/s/ Sherry P. Sury, Clerk-Treasurer