

New Carlisle Town Council
124 E. Michigan Street, New Carlisle, Indiana
General Meeting, July 7, 2020, 6:30 PM

The meeting was opened with the Pledge of Allegiance

President Kauffman called the meeting to order with Council Member Rush, Council Member Colanese, Council Member Doll and Clerk-Treasurer Susan Moffitt present. Vice President Budreau was absent.

Also in attendance were Andrea Halpin, Jared Huss, Perry Hinton, Jill Doll, Dan Caruso, Amy Radcliff and Robert Humbarger.

Approval of Minutes

A motion to approve minutes of the June 16 Public Hearing and General Meeting, June 17 Executive Session, June 19 Executive Session, June 25 Executive Session, June 29 Executive Session, June 30 Executive Session and July 1, 2020 Executive Session, as written was made by Council Member Doll and seconded by Council Member Colanese. Council Member Rush abstained from the June 19 through July 1 meetings. The motion passed 4-0.

Visitor Comments

- John Gelow

John expressed his concerns about two items seen when entering town from the east. The first being the old trailer park, and he questioned why St. Joseph County isn't taking care of it when they purchased it using our tax dollars. He additionally expressed concern about the way the viaduct looks and stated that it needs to be taken care of. Mr. Gelow suggested that the town hire a professional company to come in and power wash the wall and then paint it afterward. Dan Caruso suggested that possibly high school kids could help with the painting. Sue stated that there was a group that offered to paint the wall last year if the town would purchase the paint and perhaps they would still be interested.

- Bob Humbarger

Mr. Humbarger expressed thanks for the opportunity to address the Council. He stated that there has been good news these last few weeks but that the main powers-that-be seem to be ignoring it. They have learned that a first right of refusal was given in regards to the petitioners for rezoning. He was here to address three things: 1. Dangers of the current petition for rezoning. 2. What those in power seem to be up to now. 3. What they and the Council can do about it. Regarding the rezoning, the current petition is to change 1144 acres which is far more menacing to western SJC than the IEC plan itself. Landowners have the right to see to anyone and to petition for rezoning, but just like COVID 19, their rights end where others are violated. Approving the rezoning without a description is comparable to giving developers a blank check. Once rezoning to industrial is approved, we could have another shredder or Tondou. Zoning is the biggest protection to what type of development gets approved. 2. They are not going to stop because of publicity. 1144 acres may not be enough. Bill Schalliol has informed members of OSAA that they are going to

post an area management plan to their website this week and he urges that everyone check it out and see how marginalized they made public input. They are considering a zoom meeting next week. Bill has been promising a meeting for years and reporting that there has been an uptick in development activity, bringing out that Trojan horse over and over for the last few years and hopes he actually has some this time. Mr. Humbarger feels that the most important thing is to get the Council to officially turn down the rezoning to protect against onerous development. If the time comes that it needs to be rezoned because of a prospective company, it can be done when we know what that is. If the land use committee has the second reading on July 28th it will go to full council at their next meeting in August. He stated that we must get them to deny rezoning of the 1144 acres from agricultural to industrial or all is lost.

Mr. Humbarger stated that what we can do is strike while the iron is hot. Council officials that have control over expansion are ignoring everyone. They have had a lot of bad publicity regarding the rezoning recently and received an unfavorable recommendation from the APC. The former APC Director wrote an eight page letter and one article made SBT front page. He feels that it would put a big nail in their coffin if the Town Council and the township could hold a joint press conference, inviting South Bend Tribune, LP Herald Argus, NC Gazette and TV and they would probably all come because it is big news. Things are going well with the APC 's unfavorable recommendation and Larry Magliozzi's letter and they would be glad to help. He is not opposed to economic development and back in 80s was in favor regrettably of Tek coming in here but feels that whatever development comes should be good for all.

- Amy Radcliff

Amy wanted to continue with what Mr. Humbarger was discussing and thanked the Council for the resolution adopted in March. The APC gave an unfavorable recommendation for all three parcels of the rezoning. On Thursday, the Tribune had an excellent article including the eight page letter from former APC director, Larry Magliozzi. She quoted a portion of the letter including that the Redevelopment Commission plan does not require Area Plan Commission approval but that a comprehensive plan does. She expressed that Bill Schalliol contracted with Lehman and Lehman to draft a comprehensive plan for New Carlisle and Larry, as APC director, was not even consulted and feels that the plan could have been updated at a much less cost. Amy stated that citizens of New Carlisle and leaders hopefully see that it is time for a press conference. OSAA could join in and assist. She and Bob would assist as well and feel that the county needs to hear from the town and township. She stated that it is wrong to spend upwards of seven million dollars for all the pieces including the trailer park that was previously mentioned this evening. It seems foolish for St. Joseph County to continue to throw money after bad and it is time for us to come together again and say that we want to be included and this is the land, the farmland that makes New Carlisle a nice place to live.

Employee Reports

- Dan Caruso, Council Representative to the APC

Dan reported that St. Joe County Surveyor, John McNamara, said that the meeting for the rezoning of the three parcels was a record for attendance. After debate on the first petition everyone saw how it was going and it was easy to say this is a bad idea and also had an unfavorable recommendation.

Dan stated that what the interview with Larry Magliozzi pointed out was that the Department of Infrastructure, Planning and Growth excluded the planning part as he was not invited to meetings and they were leaving the planning out of the entire process. He feels there must be involvement of everyone. Dan spoke with the commissioners today and let them know it starts with them and after the recent press, we need to do this right. There may be some development but we don't want our town to look like the development, we want the development to blend in with our town. A majority of the plan commission is made up of small towns and they seem to agree with him and he feels that we are on pretty strong ground at this point.

- Town Crew Supervisor Perry Hinton

Perry reports that he met with the track supervisor from the Norfolk Southern Railroad on July 1st. The supervisor was in agreement that there is a problem with the drainage between the tracks and tentatively scheduled to clean the ditch on Norfolk Southern's side sometime between August and September. Perry was given a contact for the South Shore and will reach out to them to see if we can get them on board to clean their side of the ditch and then maybe we can get the water to flow freely down the Niespodziany Ditch.

Perry attended the joint meeting with Selge Construction on Zigler Street and reports that they may begin work on Zigler Street first because of a gas line holdup from NIPSCO that affects the Filbert Street project as Zigler Street is ready for them to begin. They are meeting Thursday morning to go over tree removal that will be necessary and asked if Council Member Doll would attend the walk through with him. Perry will have hardhats in the truck.

In response to John Gelow's concern regarding the trailer park, Perry reported that the County was down there beginning to mow the grass earlier today although he is unsure of how much was completed. Council Member Doll asked if there was any effort made to clean up the viaduct in the past. Perry responded that not since he has been here but they did clean up the vines and fallen trees to do the nice thing, although it is state right-of-way. President Kauffman asked how we can get the vines off now and Perry responded that he will make contact with the state and see if they will do it as there is a lot of poison ivy and we have no way to do it.

- Attorney Andrea Halpin

She has been working on a number of things including preparing the Contract for Consulting Services and job descriptions, addressing employment issues, reviewing the proposed revision to the cell phone policy and attending multiple meetings.

- Engineer Jared Huss

He and President Kauffman recently met with a representative of I/N Tek and Kote to engage them in the water treatment plant discussion. We owe them a one page whitepaper regarding our funding source, SRF, that will lay out a time frame of specific components to be completed. It is important to note that we will have to do rate increases prior to receiving funds for the project. Donohue is putting together the information and then we will forward that to Bakertilly for financial analysis prior to forwarding it to I/N Tek so that they are aware.

Jared reported that Donohue performed some additional analysis work as part of the previous agreement and we will need to get this approved. DLZ continues to work on the wastewater study and would like to meet.

CCMG documents have been submitted.

Jared has prepared a statement for the website for Selge regarding the Zigler and Filbert Street projects. He feels that there may be some value for Selge to start on Zigler first as the water is low at this time.

Planning a meeting with Council Member Doll, Perry and John to talk about future roadway projects. Perry may already have ideas for next year's CCMG application.

He did a very preliminary look at the ground water items discussed at the last meeting and we would need much more analysis of the stormwater lift station as we have an agreement with INDOT in place. If we were to impact their recent work we would hold potential liability. A survey and engineering valuation would be necessary to determine what the impact on the capacity of the lift station could be. President Kauffman asked how we move forward. Jared replied that assessments would be necessary and also that the Council would need to take into consideration the policy and precedence components. He suggests that we understand our side and could we do this without negative impact and then have a conversation with INDOT because we need to cross US 20 and connect to our structure. He is unsure of what to expect in terms of response but this should only happen after we collect information and clearly understand any impacts. That info could preclude us from moving forward so we need to do so prior to talking with INDOT. Jared suggested that Andrea review the viaduct agreement prior to make sure we are not violating any conditions of that. The Council would like Jared to put together an engineering assessment. Council Member Doll questioned whether it would be helpful to get the county to dredge the ditch along Race down to the Taylor Ditch. Jared explained that there is not enough depth to take it from the homes to discharge into that ditch without collecting into some type of chamber to then discharge into that ditch. The drainage board would have a release rate and the chamber would have to be huge. We have no restriction on flow between the tracks. The Taylor Ditch is almost always at its banks because of the lake overflow going into it. Jared stated that there are many components to look at beyond the precedence that is already set.

New Business

- Contract for Consulting Services

A motion to accept the Contract for Consulting Services was made by Council Member Colanese and seconded by Council Member Rush. The motion passed 4-0.

- WTP Supervisor Job Description

A motion to adopt the Water Treatment Plants Supervisor Job Description as written was made by Council Member Doll and seconded by Council Member Rush. Motion passed 4-0.

- Handbook Change – Cell Phone Policy

Andrea feels that we should include an exception to the cell phone anti-recording policy during employment as there are times when employees may experience intimidation by the public and in those instances she feels it would be appropriate to allow recording by employees in the event they feel threatened. She will draft the exception to be included in the policy for final approval at the next meeting.

- Bakertilly Agreement

The Bakertilly Agreement for a Cost of Service Study was presented. A motion to accept the agreement with a not-to-exceed amount of \$50,000 was made by Council Member Rush. The motion was seconded by Council Member Doll and passed 4-0.

Ordinances and Resolutions

- Ordinance #1392 – an ordinance regarding disconnection capabilities and wiring practices

President Kauffman read Ordinance #1392 in entirety for the second reading.

Council Reports

Council Member Rush

There is no update to report from the Parks Dept. but they would still like to get together with the Council. Council Member Rush will try to get something set up for everyone.

Council Member Colanese

Council Member Colanese reports a conundrum regarding the territory. They have a 1.2 million dollar renovation estimate and decided to change that but don't know what it is now because they are not professional estimators. The territory has to borrow money but will have to pay for the maximum as soon as they take out the loan. He stated that the problem is, what do we take out the loan for and we can't get help. If we knew of someone who could walk around the station and give us an estimate it would be good and he is thinking about asking Jay Senif who has a lot of capabilities. President Kauffman stated that there are a lot of people in our area who could give us an estimate and questioned if there were funds available to get an estimate. Council Member

Colanese replied that Core is done working with us and they were the only company that was interested at all. Council Member Rush asked if there are stations in the area that have had renovations that are similar that we could look at. Council Member Colanese stated that they did look at a recent reno in South Bend but it was a seven million dollar project. He reports that they do have an estimate for the EVAC system and will contact Jay and see if he can give us an estimate that would come within \$100,000 or so to have something to go by.

Council Member Doll

Council Member Doll attended the pre-construction meeting for Zigler Street and Jared did an amazing job, covering all of the bases. He feels that Selge seems like a very good company as well.

President Kauffman

President Kauffman thanked Council Member Rush for the update report she gave to the NCBCA.

Clerk-Treasurer's Report

We haven't received the Ancon estimate yet and so no update on office renovations to report.

Bills to be Paid

Council Member Doll moved to pay all bills as presented on the Claim Docket. The motion as seconded by Council Member Rush and passed 4-0.

Adjournment

Upon a motion by Council Member Rush and second by Council Member Doll the meeting adjourned at 7:31 PM.

Marcy Kauffman, Council President

Attest:

Susan I. Moffitt, Clerk-Treasurer