

**Enrolled Minutes of the Fifteenth Regular or Special Meeting
For the Twenty-Seventh Highland Town Council
Regular Meeting
Monday, July 23, 2012 START**

Study Session. The Twenty-Seventh Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, July 23, 2012 at 6:45 o'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Brian Novak and Konnie Kuiper were present. Councilor Dan Vassar was absent owing to a work commitment. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the agenda of the imminent regular meeting.
2. The Town Council discussed the proposed Ordinance No. 1513 regarding amendments to the Compensation and Benefits Ordinance bringing it into compliance with the provisions of IC 36-1-20.2 regarding nepotism.
3. The Town Council discussed the Lake County Solid Waste Management District Interlocal Cooperation Agreement associated with the Trash to Ethanol Initiative, the Powers Facility.

The study session ended at 7:04 O'clock p.m.

Regular meeting. The Twenty Seventh Town Council of the Town of Highland, Lake County, Indiana met in its regular (rescheduled) session on Monday, July 23, 2012 at 7:07 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Council President Bernie Zemen presided and the Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings.

Councilor Konnie Kuiper recited the Pledge of Allegiance to the Flag of the United States of America and offered a prayer.

Roll Call: Present on roll call were Councilors Bernie Zemen, Mark Herak, Konnie Kuiper and Brian Novak. Councilor Dan Vassar was absent owing to a work commitment. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Town Attorney; John M. Bach, Public Works Director; Bob Johnsen, Assistant Public Works Director; Peter T. Hojnicky, Metropolitan Police Chief; Kenneth J. Mika, Building Commissioner; Alex M. Brown, CPRP, Parks and Recreation Superintendent; William R. Timmer, CFOD, and Cecile Petro, Redevelopment Director were present.

Also present: Ed Dabrowski IT Director (Contract); Bob Johnsen Assistant Public Works Director; and Lisa Gauthier, Community Events Commission were also present.

Minutes of the Previous Meetings

The minutes of the regular meeting of July 09, 2012 were approved by general consent.

Special Orders:

1. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2012 Budget **Safe Neighborhoods Grant Fund in the amount of \$133,661.00.**
 - (a) Attorney verification of Proofs of Publication: (The TIMES 10 July 2012)
 - (b) **Public Hearing.**
 - (c) Action on **Appropriation Enactment No. 2012-32:** An Enactment Appropriating Additional Moneys in in Excess of the 2012 Budget **Safe Neighborhoods Grant Fund in the amount of \$133,661.00.**
2. **Special Recognition and Presentation.** Representatives of the Indiana Patriot Guards Riders seek to commend and recognize Metropolitan Police Chief *Peter T. Hojnicky* and Assistant Metropolitan Police Chief *Patrick Vassar*.

Unfinished Business and General Orders:

1. **Resolution No. 2012-31:** An Exigent Resolution Providing For The Transfer Of Appropriation Balances From The Services And Works Board Department To The Metropolitan Police Department Of The Corporation General Fund As Requested By The Proper Officer And Forwarded To The Town Council For Its Action Pursuant To IC 6-1.1-18-6.
2. **Proposed Ordinance No. 1515:** An Ordinance to Amend Sections of Chapter Seventy-One of the Highland Municipal Code, Particularly Amending the Subchapter styled as Parades, Pursuant to IC 36-1-3 et seq. and other relevant Statutes.
3. **Proposed Ordinance No. 1516:** An Ordinance to Further Amend the Highland Municipal Code By Modifying provisions related to the Special Public Safety Fund and the Special Sanitary District Public Safety Fund, pursuant to IC 36-1-3 et seq.
4. **Action to authorize and approve the Town Council to execute member signatures on Town Board of Metropolitan Police Commissioner letters commending Sergeant John Banasiak, Acting Sergeant Randall Stewart, Corporal Shawn Anderson, Acting Corporal Erich Swisher, and Officer Michael Grasch for their work in the *Field Training Program*.**
5. **Action to approve *compensatory time off* for Exempt Salaried Personnel, pursuant to Section §4.03.01 of the Compensation and Benefits Ordinance. This waives the provisions of Section § 2.01 of the Compensation and Benefits Ordinance, occurring April through June 2012.**

Peter T. Hojnicky	37 hours	Approved to date: 62.5 hours
Patrick L. Vassar	20 hours	Approved to date: 80 hours
George Georgeff	4.5 hours	Approved to date: 29 hours
Ralph Potesta	6.5 hours	Approved to date: 40.5 hours

Comments from the Town Council Members
(For the Good of the Order)

- **Councilor Mark Herak:** • *Budget and Finance Chair • Liaison to the Board of Sanitary Commissioners • Liaison to the Community Events Commission • Park and Recreation Board Liaison.*

Councilor Herak recognized the Parks and Recreation Superintendent who reported on the purchase of new electronic signs, and a student film project involving the parks and “green” awareness.

Councilor Herak recognized the Public Works Director who offered a cursory report regarding matters before the Board of Sanitary Commissioners.

Councilor Herak recognized the Building Commissioner who reported on matters before the Plan Commission. The Building Commissioner also offered an update regarding Unsafe Building enforcement in Town.

- **Councilor Dan Vassar:** • *Redevelopment Commission Liaison.*

Councilor Vassar was absent owing to a work commitment.

- **Councilor Konnie Kuiper:** • *Fire Department, Liaison • Town Board of Metropolitan Police Commissioners Liaison • Chamber of Commerce Liaison.*

Councilor Kuiper recognized the Fire Chief who offered cautions about Fireworks and encouraged those in attendance to observe safety if using legal fireworks.

- **Councilor Brian Novak:** • *Advisory Board of Zoning Appeals, Liaison • Traffic Safety Commission Member • Northwestern Indiana Regional Planning Commission member • Lake County Solid Waste Management District Board Member.*

Councilor Novak recognized the Building Commissioner who offered a brief survey regarding matters before the Advisory Board of Zoning Appeals.

Councilor Novak also recognized the Metropolitan Police Chief who offered a cursory survey of matters before the Traffic Safety Commission.

With leave from the Town Council, Councilor Herak reported a complaint he had received regarding parking signs and signage near the Lake County Public Library, Highland Branch on Jewett Street regarding the duration of patron parking. Councilor Herak suggested that the situation should be monitored and enforcement measures taken if necessary.

- **Councilor Bernie Zemen:** *Town Executive • Chamber of Commerce Liaison • Police Pension Board Chairman • Plan Commission member • Liaison to the Board of Waterworks Directors*

Council President Zemen offered his wished for a wonderful Independence Day to all.

Comments from the Public or Visitors

1. Mr. Ted Oberc, 2904 Lincoln Street, Highland, requested that the Town workforce or the proper authority be encouraged to remove the growth that is visible in the fissures in the sidewalks and curbs along portions of Indianapolis Boulevard, particularly along the area of the retail commercial development. Mr. Oberc further opined that

unattended, the weeds growing through the sidewalks and curbs presents an unfortunate image to persons coming in to town.

Mr. Oberc inquired further about the dry conditions around the area in which the Town sponsored fireworks show was staged, and whether there was a concern regarding a heightened fire hazard owing to the near drought conditions of recent weeks.

Payment of Accounts Payable Vouchers. There being no further comments from the public, Councilor Novak moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period June 12, 2012 through July 23, 2012 as well as the Payroll Docket for the payday of May 4 of 2012. Councilor Kuiper seconded. Upon a roll call vote, there were three affirmatives and no negatives. The motion passed. The accounts payable vouchers for vendors as well as the payroll dockets were allowed and the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$216,742.45; Motor Vehicle Highway and Street (MVH) Fund, \$16,993.65; Law Enforcement Cont. Education and Supply Fund, \$1,645.41; Information and Communications Technology Fund, \$4,222.51; Corporation Donation Fund, \$1,178.30; Special Events Non Reverting Fund, \$1,852.25; Special Select Centennial Fund, \$508.00; Municipal Cumulative Capital Development Fund, \$3,969.48; Traffic Violations and Law Enforcement Agency Fund, \$5,412.00; Sexual Predator Grant Fund, \$8,660.95; Corporation Capital Fund, \$2,270.80; Payroll Fund, \$412.53. Total: \$263,868.33.

Payroll Docket, payday of May 43, 2012:

Council Boards and Commissions, \$0.00; Office of the Clerk-Treasurer, \$12,168.48; Building and Inspection Department, \$6,210.92; Metropolitan Police Department, \$89,643.49; Fire Department, \$2,800.29; Public Works Department (Agency), \$54,233.20; and Police Pension Trust Fund (1925 Act), \$0.00; Total: \$165,056.38.

Adjournment. Councilor Kuiper moved that the plenary meeting be adjourned. Councilor Novak seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, July 23, 2012 was adjourned at 7:50 O'clock p.m.

Study Session. The Twenty Seventh Town Council of the Town of Highland, Lake County, Indiana met in a study session immediately following the regular meeting on Monday, July 23, 2012 at 7:56 O'clock P.M. in the regular place, but the upper meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Konnie Kuiper and Brian Novak were present. Councilor Vassar was absent owing to a work commitment. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Also Present: Rhett L. Tauber, Town Attorney; John M. Bach, Public Works Director; and Bob Johnsen, Assistant Public Works Director, were also present.

General Substance of Matters Discussed.

1. The Town Council, the Town Attorney, the Public Works Director and the Assistant Public Works Director discussed an incident involving employees in his department (agency), in particular an episode between a veteran full-time worker, and some female summer workers. The Public Works Director reported that the matter involved inappropriate

remarks believed to have been made by the worker of a sexual explicit nature, in the audible and proximate to some female summer workers. The incident it was suggested, raised concerns about the creation of a hostile work place and related concerns regarding harassment.

In the course of the discussion, the Town Council, the Town Attorney, the Public Works Director and the Assistant Public Works Director dilated upon issues such as manner and consistency of documentation, the record of the full-time worker's previous documented disciplinary responses, the nature of the particular incident - one deemed in the Compensation and Benefits ordinance (Municipal Employee Handbook) as a major infraction, (Section 8.02 (P)) which could subject the offending worker to enforced separation (discharge) from employment. The discussion further noted that Compensation and Benefits ordinance (Municipal Employee Handbook) also prescribed a Sexual Harassment Policy, located in Section § 9.03, in which the conduct discussed was proscribed.

During discussion, there was some exploration whether the disciplinary response should be enforced separation. It was noted that the Public Works Director was the responsible officer tasked with taking the step he deemed necessary and appropriate and that it may include enforced separation or discharge of the offending worker.

2. The Town Council and the Public Works Director discussed the condition of sidewalks at 3004 Garfield Street in which the property owner represented his belief that the poor condition of approximately 25 feet of sidewalk near the address was caused by contractors doing work associated with a Sanitary District improvement project. An underground asset was repaired and five feet of sidewalk at the address was replaced in consequence of the underground work. The Public Works Director reported that he had reviewed the sidewalk and the property owner's claim. The Public Works Director did not share the opinion of the property holder regarding the cause of the sidewalk condition.

The Public Works Director indicated that a Works Board Order could be adopted by the Town Council if it was its desire to remedy the sidewalk.

There being no further matters to discuss, the Study Session following the plenary business meeting of Highland Town Council of Monday, July 23, 2012 was adjourned at _____ p.m. O'clock.

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer